



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

PERU

Second Review Session 14

Review in the Working Group: 1 November 2012
Adoption in the Plenary: 15 March 2013

Peru’s responses to recommendations (as of 21.05.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
120 accepted (5 of which were considered as implemented and 2 in the process of implementation) and 9 pending	Out of the 9 pending, 1 rec was accepted partially (underlined in blue) and 9 were commented but without giving any clear position ¹	No additional information provided	Accepted: 121 Rejected: 0 No clear position: 9 Pending: 0 Total: 130

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/22/15:

116. The recommendations formulated during the interactive dialogue/listed below enjoy the support of Peru:

A - 116.1. Consider ratifying the ILO Convention No. 189 concerning Decent Work for Domestic Workers (Philippines);

A - 116.2. Ratify the Kampala amendments to the Rome Statute of the International Criminal Court as soon as possible (Liechtenstein);

¹ The total number of recommendations is now 130 as one was split into two.

A - 116.3. Consider recognizing the competence of the Committee on Enforced Disappearances to receive and examine communications from or on behalf of victims and other State parties, regarding violations of the International Convention for the Protection of All Persons from Forced Disappearance's (CPED) provisions (Uruguay); 1

A - 116.4. Continue with the de facto moratorium on the death penalty (Argentina); 2

A - 116.5. Consider abolishing the death penalty (Greece);

A - 116.6. Consider abolishing the death penalty (Honduras); 3

A - 116.7. Redouble its efforts to complete the process of aligning the Penal Code with the Rome Statute of the International Criminal Court (Tunisia);

A - 116.8. Complete the process of full alignment of its national legislation with all obligations under the Rome Statute of the International Criminal Court, including the ratification of its Agreement on Privileges and Immunities (Slovakia);

A - 116.9. Introduce a legal ban on the use of corporal punishment of children (Belarus);

A - 116.10. Complete its review of the Code on Children and Adolescents to draw up legislation to prohibit corporal punishment and humiliating treatment of children and adolescents (Jordan);

A - 116.11. Ensure that the draft amendments to the Code on Children and Adolescents explicitly prohibit corporal punishment of children in all settings, including in the home, and that they are enacted as a matter of priority (Liechtenstein);

A - 116.12. That the Bill on corporal punishment of children currently under consideration, explicitly prohibit all forms of corporal punishment in all settings, and enact this Bill as a matter of priority (Portugal);

A - 116.13. Complete the review of the Children and Adolescents Code, and develop the law prohibiting corporal punishment and humiliating treatment towards boys, girls and adolescents (Republic of Moldova);

A - 116.14. Repeal penal sanctions on homosexuality in the police force (Slovenia);

A - 116.15. Consider enacting legislation that addresses crimes based on sexual orientation (Canada); 4

A - 116.16. Continue its efforts to set up the National Preventive Mechanism against Torture (Morocco);

A - 116.17. Ensure that the ombudsman's office (Defensoría del Pueblo) is independent and has the necessary human, material and financial resources to comply with its mandate as the National Mechanism to Prevent torture (Mexico);

A - 116.18. Reform the office of the ombudsman (Defensoría del Pueblo) so that it can assume its function as national mechanism to prevent torture (Spain);

A - 116.19. Provide the Ministry of Social Development and Inclusion with the necessary resources for it to successfully carry out its functions (Nicaragua);

A - 116.20. Continue developing the institutional framework with respect to the promotion and protection of human rights (Jordan);

A - 116.21. Continue to allocate appropriate budget and resources to address challenges such as trafficking in persons, sexual exploitation of children and extreme poverty in rural areas and establish a targeted timeframe for implementing related plans and programs (Thailand);

A - 116.22. Focus the National Human Rights Plan (2012-2016) on the most vulnerable sectors of the

society, including women, children, persons with disabilities and elderly persons (Nicaragua);

A - 116.23. Intensify its efforts in the area of social, economic and cultural rights and give a more important role to gender and inter-culturality in public policies, in particular in education, health and justice (Tunisia);

A - 116.24. Continue to work in the area of defence and protection of boys and girls (Bolivia (Plurinational State of));

A - 116.25. Create the necessary educational structures in order that all citizens have easy access to education and improve prison conditions (Holy See);

A - 116.26. Reply to all outstanding communications sent to Peru by OHCHR (Hungary);

A - 116.27. Continue working to eradicate the dissemination of stereotypes that may encourage racial discrimination (Argentina);

A - 116.28. Continue to advance in the regional equal opportunities plans, as specific measures aimed at comprehensively meeting the needs of women, and redouble its efforts to increase their participation in all spheres of national life (Venezuela (Bolivarian Republic of));

A - 116.29. Implement specific and concrete measures in order to increase participation of women in the political and corporate life of the country (Brazil);

A - 116.30. Redouble its efforts aimed at combating violence against women and girls, illiteracy and at ensuring greater representation of women in decision- making, both in the government and in the private sector (Romania);

A - 116.31. Eliminate effectively gender-based discrimination in accessing education and health care, particularly in rural areas and among indigenous communities (Slovakia);

A - 116.32. Consider applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in policy development (Slovenia);

A - 116.33. Take necessary steps to ensure and safeguard the human rights of the civilian population living in areas where armed forces and national police personnel perform operations against illegal trafficking activities (Canada);

A - 116.34. Establish mechanisms, such as additional training and guidelines for police forces, aimed at preventing security forces from using force in any excessive or unjustified manner (Poland);

A - 116.35. Take effective steps to ensure that the Peruvian National Police, armed forces, municipal security officers, and prison guards refrain from all cruel and inhuman treatment of citizens and prisoners (Norway);

A - 116.36. Continue to address violence against women, particularly in regional and local areas (Australia);

A - 116.37. Enhance efforts in order to better address the issue of domestic violence (Greece);

A - 116.38. Continue with the efforts to end violence against women through, inter alia, the implementation of the Second National Plan on Violence against Women and by supporting international initiatives (Spain);

A - 116.39. Continue to implement legal and administrative measures to protect women from domestic and sexual violence (Singapore);

A - 116.40. Step up its efforts to prevent and combat domestic violence and to ensure that the perpetrators are promptly brought to justice (Liechtenstein);

A - 116.41. Undertake further measures to protect women and children, particularly from violence and exploitation (Australia);

A - 116.42. Improve coordination on trafficking in persons (TIP) investigations, increase funding for TIP victim services, implement programs to combat the worst forms of child labour and forced labour, and effectively enforce national labour laws, including laws related to freedom of association (United States of America);

A - 116.43. Produce and publish a plan to eliminate child and forced labour, with clear and specific objectives, milestones and timelines (United Kingdom of Great Britain and Northern Ireland);

A - 116.44. Continue its efforts to apply legislation that protects children from economic exploitation and from exposure to hazardous or abusive labour (Palestine);

A - 116.45. Implement appropriate, efficient measures to protect children from economic exploitation, in particular, the worst forms of child labour in line with the ILO Conventions No. 182 and No. 138, focusing especially on the mining sector as well as child domestic workers (Slovakia);

A - 116.46. Continue its efforts, in cooperation with UNICEF and relevant international organizations, to eradicate child labour (Singapore);

A - 116.47. Properly disseminate the National Strategy for the Prevention and Eradication of Child Labour among all central, local institutions and civil society (Italy);

A - 116.48. Eliminate the practice of forced labour, and criminalise the liability for the labour exploitation (Belarus);

A - 116.49. Reinforce the judicial system, by strengthening the bodies responsible for ensuring the defence of victims of human rights abuses (Spain);

A - 116.50. Establish mechanisms for dealing with cases of corporal punishment of children with a view to effective law enforcement (Liechtenstein);

A - 116.51. Sensitize law enforcement and judicial authorities towards gender- based violence and increase protection and support services, including prescribing protective measures, for female victims of violence (United States of America);

A - 116.52. Take concrete measures, including legislative measures, in order to improve access to justice for women who are victims of gender-based violence (Belgium);

A - 116.53. Take measures to avoid human rights abuses by the armed forces and national police personnel during conflicts, including by complying with international norms on the use of lethal force, ensuring that enforcement personnel receive relevant training, and by investigating acts of violence in a timely manner (Canada);

A - 116.54. Strengthen training on human rights for State security forces and bodies (Spain);

A - 116.55. That all security forces personnel, including the penitentiary police, receive adequate and mandatory training on international human rights standards (Italy);

A - 116.56. Carry out a thorough and independent investigation on the policy of forced sterilization undertaken by the authorities in the 1990s, so as to ensure that those persons responsible do not enjoy impunity and that victims can obtain reparation (Belgium);

A - 116.57. Ensure timely prosecution of human rights cases before the National Criminal Court and that all alleged violations of human rights, including labour rights, are investigated and prosecuted by the civilian justice system (United States of America);

A - 116.58. Continue its efforts to fight against impunity regarding human rights violations perpetrated in the past (Argentina);

A - 116.59. Continue to investigate cases of enforced and involuntary disappearances in cooperation with the Working Group (Belarus);

A - 116.60. Continue to develop the necessary efforts to fully guarantee the rights to legal, social and economic reparation to victims of violence perpetrated in Peru, between 1980 and 2000 (Ecuador);

A - 116.61. Implement the recommendations of the Truth and Reconciliation Commission, in particular with regard to victim's compensation and institutional reforms (Germany);

A - 116.62. Take all necessary legal and other measures to effectively implement reparation programmes for victims of past human rights violations during the 1980-2000 period and report back about the results to the Human Rights Council (Netherlands);

A - 116.63. Continue its efforts to implement its Comprehensive Reparations Plan in order to fully ensure the rights of victims of acts of violence (Tunisia);

A - 116.64. Improve conditions in all prisons and detention centres to comply with its international standards (Australia);

A - 116.65. Reform the penitentiary system and resolve the problems of prison overcrowding (Iraq);

A - 116.66. Continue with the reform to the penitentiary system, with a focus on fighting overcrowding and the reintegration of prisoners (Spain);

A - 116.67. Continue to develop appropriate prison facilities for women, in accordance with the UN's Standard Minimum Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (Thailand);

A - 116.68. Facilitate the registration of all births and promote, in line with article 7 of the Convention on the Rights of the Child, birth registration of those children who were not registered at birth, in particular in the rural and remote areas of the country. Simultaneously, provide training to personnel in charge of birth registration (Uruguay);

A - 116.69. Speed up the birth registration process of women who are not in possession of birth certificates and identity documents, in particular in the rural and remote areas of the country (Uruguay);

A - 116.70. Continue to increase the coverage of identification and birth registration services, including in the rural jungle areas (Chile);

A - 116.71. Continue to drive forward the Programme on Access of the Population to Identity, with a focus on women and children, in particular in the jungle area, through measures such as free National Identity Document (DNI) for the vulnerable population, and continue enabling them to travel to obtain DNIs (Venezuela (Bolivarian republic of));

A - 116.72. Continue efforts to protect human rights defenders from threats and intimidation to ensure they can perform their functions properly (Australia);

A - 116.73. Consider taking the necessary steps to eliminate any legal provisions that may be viewed as limiting freedom of expression (Poland);

A - 116.74. Engage constructively with human rights defenders in seeking solutions to address human rights problems (Netherlands); 5

A - 116.75. Strengthen its efforts to eliminate wage gap between men and women in the labour market (Bangladesh);

A - 116.76. Guarantee equal remuneration for men and women for work of equal value (Republic of Moldova);

A - 116.77. Ensure the effective implementation of national law and policy relevant to domestic

workers, including the Domestic Workers Act (Kyrgyzstan);

A - 116.78. Continue to engage in poverty elimination to narrow the gap between its cities and rural areas and raise people's living standards (China);

A - 116.79. Continue to implement policies and programmes aimed at reducing poverty, in particular extreme poverty (Cuba);

A - 116.80. Continue its efforts in order to eliminate poverty and extreme poverty (Algeria);

A - 116.81. Deepen and extend its social policies in order to eradicate extreme poverty, in particular in the rural area (Brazil);

A - 116.82. Continue with its efforts aimed at eradicating poverty and extreme poverty, in particular in the rural areas (Chile);

A - 116.83. Continue its efforts to eradicate poverty and extreme poverty particularly in rural areas (Greece);

A - 116.84. Continue its efforts aimed at eradicating poverty and extreme poverty, with a special attention to rural areas (Morocco);

A - 116.85. Continue to develop and strengthen actions aimed at eradicating poverty and public policies to guarantee access to economic and social welfare to all the population (Ecuador); 6

A - 116.86. Continue to strengthen its social assistance and job creation programmes and policies, which are essential to combat poverty and social inequality, in particular in the rural areas of the country (Venezuela (Bolivarian Republic of));

A - 116.87. Step up efforts to combat poverty in rural areas, particularly among indigenous communities (Bangladesh);

A - 116.88. Continue adopting the necessary measures to provide access to basic services to its population, with a particular focus on the most vulnerable groups, in order to move towards the realization of a life with dignity for its people (Venezuela (Bolivarian Republic of));

A - 116.89. Adopt a complex strategy to combat the poverty in the rural regions and implement measures to expand the access of the population in those regions to drinking water and sanitation (Belarus);

A - 116.90. Include homeless children, especially from the vulnerable groups as priority beneficiaries into poverty reduction strategy (Kyrgyzstan);

A - 116.91. Continue its efforts for the full implementation of the rural housing support programme (Algeria);

A - 116.92. Continue to increase input in health sector and provide health services to its poor population (China);

A - 116.93. Continue action to reduce maternal and infant mortality (Sri Lanka);

A - 116.94. Ensure health care for women and improve reproductive health care services (Iraq);

A - 116.95. Ensure access to sexual and reproductive health services for adolescences (Slovenia);

A - 116.96. Adopt the WHO Strategic Approach to strengthen sexual and reproductive health policies and programmes (Portugal);

A - 116.97. Adopt and implement a national protocol to guarantee equal access to therapeutic abortion for women and girls as part of sexual and reproductive health services (Finland);

A - 116.98. Adopt the necessary measures to inform women and girls about their rights related to access to sexual and reproductive health services, including the possibility of abortion, as established by domestic legislation (Mexico);

A - 116.99. Continue to develop measures and programmes allowing universal access to education (Cuba);

A - 116.100. Prioritize its efforts on the situation in the rural area, where the number of literacy rate is still relatively lower than those in the urban area (Indonesia);

A - 116.101. Increase further the education budget to allow for the establishment of intercultural bilingual schools in all three educational cycles and the roll-out of remedial academic programs (Hungary);

A - 116.102. Continue giving priority to the funding for education so as to attain inclusive education for all Peruvian children (Malaysia);

A - 116.103. Continue the efforts to provide high quality education to all children and adolescents in the Peruvian territory, particularly to those belonging to groups in situations of vulnerability, such as indigenous peoples, Peruvian afro- descents, Afro-Peruvian communities and persons with disabilities (Costa Rica);

A - 116.104. Ensure that the educational system is accessible and responds to the specific needs of child workers, including child domestic workers (Honduras);

A - 116.105. Ensure that the provisions of the Convention on the Rights of Persons with Disabilities (CRPD) are duly implemented (Italy);

A - 116.106. Accelerate the full implementation of the Plan for Equal Opportunities for Persons with Disabilities 2009-2018 and the strategy for the integration of persons with disabilities (Indonesia);

A - 116.107. Further enhance its efforts in implementing its international human rights obligations, particularly in relation to the protection and promotion of the rights of persons with disabilities (Malaysia);

A - 116.108. Systematically continue its efforts in the area of rights of indigenous peoples (Greece);

A - 116.109. Intensify its efforts to ensure that Indigenous Peoples and the Afro- Peruvian community fully enjoy economic, social and cultural rights, as enshrined in the Universal Declaration on Human Rights (Trinidad and Tobago);

A - 116.110. Continue working to reduce existing inequality gaps regarding indigenous peoples (Bolivia (Plurinational Republic of));

A - 116.111. Ensure that the new legislation of 'Consulta Previa' is effectively implemented in order to protect the rights of the indigenous population (Germany);

A - 116.112. Take the necessary steps in cooperation with the ILO to ensure an inclusive consultation process with indigenous peoples aiming at a more effective implementation of the relevant legislation (Hungary);

A - 116.113. Involve indigenous peoples and peasant communities in the implementation and planning of projects related to the extractive sector (Mexico);

117. The following recommendations enjoy the support of Peru which considers that they are already implemented.

A - 117.1. Accede and ratify to the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Iraq);

A - 117.2. Consider ratifying the International Convention on the Protection of the Rights of All

Migrant Workers and Members of Their Families (ICRMW) (Philippines);

A - 117.3. Increase criminal liability for sexual exploitation of children (Belarus);

A - 117.4. Implement mechanisms that permit the prevention of social conflicts, particularly through integrating human rights in training for police forces (France);

A - 117.5. Organise visits of the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs on torture; freedom of peaceful assembly and association; and sale of children, child prostitution and child pornography (Belarus);

118. The following recommendations enjoy the support of Peru which considers that they are in the process of implementation.

A - 118.1. Rescue and protect the children held by terrorist groups, develop a programme for the disarmament, demobilisation and reintegration of these children into society, and sanction the recruitment of child soldiers by the Peruvian Armed Forces (Hungary);

A - 118.2. Review the Legislative Decrees No. 1094 and No. 1095 to ensure that they are in line with international human rights standards (Finland);

119. The following recommendations will be examined by Peru, which will provide responses in due time, but no later than the twenty-second session of the Human Rights Council:

NC - 119.1. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2) (Spain); Formalise the political engagement with relation to the death penalty by signing and ratifying ICCPR- OP 2, aimed at abolishing the death penalty (Belgium); Abolish the death penalty completely and ratify the ICCPR-OP 2 (United Kingdom of Great Britain and Northern Ireland); Abolish the death penalty in all circumstances and ratify ICCPR-OP 2 (France); Abolish the death penalty for all crimes, and ratify ICCPR-OP 2 (Portugal); Abolish de jure the death penalty and ratify ICCPR-OP 2 (Costa Rica); Abolish the death penalty (Slovenia);

NC - 119.2. Ratify the Optional Protocol to International Covenant on Economic Social and Cultural Rights (ICESCR-OP) (Spain);

NC - 119.3. Amend article 140 of the Constitution and [A - continue to protect the institution of the natural family \(Holy See\)](#);

NC - 119.4. Prohibit child labour under the age of 15, and of those who have not yet completed compulsory education (Honduras);

NC - 119.5. Repeal criminal defamation laws in order to combat reprisals against the journalists and human rights defenders (Netherlands); 7

NC - 119.6. Guarantee the full recognition of sexual and reproductive rights (France);

NC - 119.7. Ensure the promotion and protection of reproductive rights of women in agreement with international standards (Portugal);

NC - 119.8. Review its restrictive interpretation of therapeutic abortion and decriminalisation of abortion in cases of rape, as recommended by CEDAW (Slovenia);

NC - 119.9. Establish national protocols for abortion in accordance with the conclusion of the UN Human Rights Committee in 2005, as a measure to improve women's sexual and reproductive rights (Norway);

Endnotes

1 The recommendation as read during the interactive dialogue: “Recognize the competence of the Committee on Enforced Disappearances to receive and examine communications from or on behalf of victims and other State parties, regarding violations of the CPED’s provisions” (Uruguay).

2 The recommendation as read during the interactive dialogue: “Continue with the moratorium on the application of the death penalty” (Argentina).

3 The recommendation as read during the interactive dialogue: “Consider formally abolishing the death penalty (Honduras)”.

4 The recommendation as read during the interactive dialogue: “Enact legislation that addresses crimes based on sexual orientation to ensure that rights are protected and enforced (Canada)”.

5 The recommendation as read during the interactive dialogue: “Repeal criminal defamation laws in order to combat reprisals against the journalists and human rights defenders; and to engage constructively with human rights defenders in seeking solutions to address human rights problems (Netherlands)”;

6 The recommendation as read during the interactive dialogue: “Continue to develop and strengthen actions aimed at eradicating poverty and public policies to guarantee equal wealth distribution for all the population” (Ecuador);

7 The recommendation as read during the interactive dialogue: “Repeal criminal defamation laws in order to combat reprisals against the journalists and human rights defenders; and to engage constructively with human rights defenders in seeking solutions to address human rights problems (Netherlands)”.

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