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### Draft report of the Working Group on the Universal Periodic Review\*

### Peru

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–4	3
I. Summary of the proceedings of the review process .....	1–115	3
A. Presentation by the State under review .....	5–42	3
B. Interactive dialogue and responses by the State under review .....	43–115	7
II. Conclusions and/or recommendations.....	116–120	15
Annex .....		25

## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Peru was held at the 15<sup>th</sup> meeting on 1 November 2012. The delegation of Peru was headed by Dr. Henry José Ávila Herrera, Deputy Minister of Human Rights and Access to Justice of the Ministry of Justice and Human Rights. At its 18th meeting held on 5 November 2012, the Working Group adopted the report on Peru.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Peru: Republic of Moldova, Maldives and Mexico.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Peru:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/PER/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/14/PER/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/PER/3).
4. A list of questions prepared in advance by Germany, Mexico, Netherlands, Norway, Slovenia, and United Kingdom of Great Britain and Northern Ireland was transmitted to Peru through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Dr. Henry José Ávila Herrera, Deputy Minister of Human Rights and Access to Justice introduced Peru's report to the Human Rights Council. Peru highlighted that the policies implemented by the present government are aimed at consolidating democracy and the rule of law to ensure a climate of stability and political cooperation. Peru reaffirmed State's commitment to the international human rights protection systems and the country's openness to scrutiny both at the international level and from civil society.
6. Peru informed the Human Rights Council that its national report was the result of a broad consultation process which included the National Human Rights Council made up of government institutions and representatives of civil society.
7. Peru then provided information regarding to legal and institutional developments concerning human rights. It was highlighted that in Peru, the international human rights treaties are at the same hierarchical level as the Constitution and that the country had recently ratified important international instruments, notably the International Convention for the Protection of All Persons from Forced Disappearance and the Convention on Cluster Munitions.
8. Peru also informed the Human Rights Council of the creation of various institutions which should help to ensure various human rights. These included: the Ministry of

Development and Social Inclusion; the Ministry of Culture, and its Vice-Ministry of Interculturality; the Ministry of the Environment; and the Office of Management of Social Conflict which now functions under a new title “Office of the High Commissioner for Dialogue and Sustainability.”

9. Peru expressed its confidence that the creation of these institutions will result in the provision of more efficient and inclusive services and contribute to a more just and coherent society.

10. Peru then provided information regarding the implementation of the recommendations received during the first UPR.

11. On the protection and promotion of the human rights of vulnerable persons, Peru highlighted developments in protecting the rights of indigenous peoples, persons with disabilities and the elderly.

12. With regards to indigenous peoples, it underscored the adoption in 2011 of the Law on Prior Consultation of Indigenous Peoples as well as the corresponding regulations both of which were carried out with the participation of representatives of indigenous peoples.

13. Peru also informed the Council that a plan for equal opportunities for persons with disabilities, 2009–2018 has been approved and that the Congress is also debating a new “Law on Persons with Disabilities” inspired by the UN Convention.

14. Peru noted that a national policy on older persons has been adopted to strengthen policies for the social protection of this population group. A national assistance and solidarity programme, “Pension 65”, was set up with the objective of giving economic subsidies and medical aid to people over 65 living in extreme poverty.

15. Peru provided information on measures adopted to combat discrimination and stated that since 2000 the offence of discrimination was included in the Peruvian Penal Code.

16. With regards to the de facto moratorium on the death penalty, Peru highlighted that the Constitution establishes the death penalty solely for especially grave offences (terrorism and betrayal of the nation in time of war). It was recalled that the death penalty was last pronounced and carried out in 1979 and that in this sense the country is de facto an abolitionist State.

17. Regarding the investigation of cases of human rights violations, Peru stated, that since 2004, the Public Prosecution Service and the judicial power have been using specialized human rights machinery with competence to investigate, prosecute and penalize the crimes of genocide, forced disappearance and torture. From 2005 to 2011, 81 sentences were handed down by the National Criminal Court.

18. Additionally, major progress has been made in recovering, identifying and restoring to family members the bodies of victims of forced disappearance and extrajudicial execution. From 2002 to 2012, the remains of 2,109 individuals were recovered, of which 1,074 were identified, and returned to family members.

19. Peru also underscored that the Supreme Court has found that former President Alberto Fujimori bore criminal responsibility for the killings in Barrios Altos and La Cantuta, and sentenced him to 25 years of deprivation of liberty in a procedure which respected all rules of due process. This sentence was a landmark decision in the protection of human rights and the fight against impunity, as it is the first time in Peru or Latin America that a former president, democratically elected was found guilty of human rights violations under the domestic judicial system.

20. With regards to the issue of military justice, Peru explained that the military criminal justice system has jurisdiction solely over members of the Armed Forces and the national

police force with respect to the legal property of the military, and this excludes ordinary offences, including offences against human rights that are of exclusive jurisdiction of ordinary courts.

21. On recommendations regarding women's rights, Peru indicated that under the National Plan for Equal Opportunities of Men and Women, 2006–2010, regional equal opportunity plans are being developed. With regard to the involvement of women in politics, it was indicated that for the purpose of ensuring sufficient representation of women in parliament, in addition to the Quotas Act, the National Electoral Board has submitted a draft law that aims to introduce an electoral quota for women.

22. Regarding protection of women from violence, Peru noted that the country now has a total of 148 women's emergency centres, which constitute specialized public services for the provision, free of charge, of care and protection against domestic and sexual violence. The establishment of "Línea 100", the national telephone helpline and of women's police units, which now numbered 28 nationwide, was also noted. Peru also highlighted the adoption of the Second National Plan to Combat Violence against Women, 2009–2015. Additionally, Peru noted the incorporation of the crime of femicide in the Criminal Code, which constitutes the State's firm and clear response to concerns about the increase in murders of women at the hands of their spouses.

23. Regarding trafficking in persons, Peru referred to the adoption of the Act to Combat Trafficking in Persons and Illegal Smuggling of Migrants in conformity with the definition set out in the Palermo Protocols. The adoption of the National Plan of Action to Combat Trafficking in Persons 2011–2016 was also noted.

24. Peru informed the Council that, in order to address child labour, in September 2012 a law had been published through which a national strategy for the prevention and eradication of child labour 2012–2021 was approved. This strategy contains objectives such as the eradication of the worst forms of child labour of those below the minimum legal age for work, which is 14 years.

25. Peru stated, regarding cooperation of public entities with the Ombudsman, that the reports of that institution indicated that though there did not seem to be a great variation between 2009 and 2010, there had been an increase of 9 % in 2011 with respect to 2010.

26. With relation to the issue of reparations to the victims of the violence from 1980 to 2000, Peru informed the Council that it is complying with the Integral Reparations Plan which has several areas. Economic reparations are being made to a group of over 10 000 victims of violence. At the end of the year, two new lists will be compiled and should include some additional 10 000 victims. In addition to these, collective reparations are also being made to those communities that were the most affected by the violence. Moreover, reparations in the area of health, education and symbolic reparations are also envisaged.

27. With regard to the penitentiary system, the Government has approved a plan which has three main components: improving the infrastructure, improving security in penitentiaries and eliminating corruption and developing a treatment policy that is adequate and respectful. To this end, the Government is allocating funds to build new penitentiaries and improve living conditions. Measures to improve the quantity and quality prison staff were also referred to. It was added that though there were still concerns regarding overcrowding, the Government has been making serious efforts and adopted measures to improve the system.

28. Peru indicated, regarding measures to protect victims and witnesses of human rights violations and human rights defenders, that a national programme for assistance to victims and witnesses now exists in support of the work of the prosecution services and that this system includes victims and witnesses of human rights violations.

29. On the environment, mining and human rights, Peru noted that with the establishment of the Ministry of the Environment (MINAM) the State has re-organized its environmental policy. In 2009, after public consultations, the National Policy on the Environment and the National Plan for Environmental Action, 2011–2021, was approved. In the past several years, 19 million hectares of forest, 15 per cent of the national territory, have been protected.

30. On the right to personal identity, it was highlighted that by June 2012, 91.6 per cent of minors had been provided with an identification document. As for adults, 99.2 per cent of all those over 18 have an identification document. However, registration of adults in forested rural areas has still not been achieved which was the reason for a strategic alliance between UNICEF and National Registry of Identification and Civil Status (RENIEC) to intervene in 69 communities so as to identify and register all persons in those areas.

31. With regards to gender perspective, the delegation indicated that the Government continues to implement affirmative measures to benefit women. The National Plan for Gender Equality 2012-2017 will be the strategic axis of the programmes for equality and equity implemented by the Executive.

32. On participation of civil society in domestic human rights policies, it was noted that civil society has been actively participating in Peru's domestic human rights policy, in particular in the National Human Rights Council and the elaboration of the National Human Rights Plan.

33. Peru then provided information on the follow-up to the commitments undertaken in the first cycle of the Universal Periodic Review.

34. With regards to the National Preventive Mechanism against Torture (NPM), Peru explained that there were currently two Bills to create this mechanism. The State will endeavour to find a consensus in order to propose a law to Congress and ensure the allocation of the necessary funds so as to be able to comply with this international obligation within the next year.

35. Peru then highlighted measures for the eradication of poverty and social inequality. It was indicated that notwithstanding the sustained growth in the economy, there is still a need to fight against poverty and extreme poverty. Nonetheless it was noted that between 2004 and 2011 the poverty rate was reduced from 58.7% to 27.8% and extreme poverty fell from 16.4% in 2004 to 6.3% in 2011. Peru provided details on improvements achieved in access to basic services, drinking water and sanitation. It was also noted that as part of its commitment to combat poverty and reduce existing gaps, the Peruvian the Government set up the Ministry of Development and Social Inclusion (MIDIS).

36. Peru then noted the significant budget increase provided in the area of health, and stated that following the implementation of the Universal Health Insurance Act of 2009, the proportion of people enjoying health insurance coverage had risen from 53.7 per cent in 2008 to 64.5 per cent by 2011.

37. Peru then referred to statistics provided in its national report indicating improvements in the areas of neonatal mortality maternal mortality rate, infant mortality and the level of chronic child malnutrition among children under 5.

38. Peru indicated, regarding the right to education that the budget for education has been increasing significantly. The literacy rate has improved and in 2011 was at 92.9%. Additionally, the gross school attendance rate has markedly improved between 2004 and 2011. On the specific issue of the right to education of vulnerable groups, Peru noted the implementation of 461 special basic education centres (CEBE) designed to cater for students with special educational needs.

39. Regarding forced labour, Peru informed the Council that the National Committee against Forced Labour has been making efforts to draw up and implement — with the assistance of ILO — the second National Plan to Combat Forced Labour, covering the period 2012–2016.

40. As for the right to adequate housing, it was noted that in the period between August 2006 and May 2012, some 308,000 housing units had been either built or improved.

41. On access to justice and due process, Peru indicated that the justice system has been significantly overhauled and that Peru is witnessing a new way of approaching the criminal justice system. Peru has a new Criminal Procedure Code which is already implemented in 24 judicial districts out of the 31 existing districts.

42. Peru concluded that these significant achievements are part of efforts demanded by the United Nations to all States. Peru added that it believes that stability and progress will only be achieved in the context of respect for human rights.

## **B. Interactive dialogue and responses by the State under review**

43. During the interactive dialogue, 52 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

44. Sri Lanka welcomed legislative and institutional developments and measures to alleviate poverty, increase health and education budgets, promote gender equality and protect women against violence. Noting that over 80 per cent of trafficking victims were women and almost 60 per cent minors, it welcomed initiatives to combat human trafficking and assist victims. It commended efforts to help Peruvians regain normalcy after the 20-year internal conflict. Sri Lanka made a recommendation

45. Thailand expressed appreciation for Peru's efforts to develop legal frameworks to improve human rights in many areas. It supported the objective to provide universal health insurance for all. It commended endeavours to improve prison conditions and establishment of the national prison policy council in accordance with the UN Bangkok Declaration of 2005. Thailand made recommendations.

46. Trinidad and Tobago noted with satisfaction Peru's re-organized legal and institutional frameworks to ensure the promotion and preservation of fundamental human rights. It acknowledged the introduction of a series of social programmes to prevent and eradicate child labour and efforts to address racism and racial discrimination against indigenous peoples and the Afro-Peruvian community. It made a recommendation.

47. Tunisia noted the ratification of key international human rights instruments, institutional reforms and implementation of the recommendations from the first UPR, including measures to combat discrimination against women and protect children. It welcomed progress made towards peace, collective reparation and national reconciliation. It encouraged Peru to speed up the process to create a national torture prevention mechanism. Tunisia made recommendations.

48. United Kingdom of Great Britain and Northern Ireland encouraged Peru to expedite the appointment of the Ombudsman. It was concerned by the deaths of protesters and urged Peru to ensure that security forces dealing with social protests acted appropriately, in line with international standards. It also urged Peru to prioritize improving prison conditions. It welcomed the abolition of the death penalty for ordinary crimes. It made recommendations.

49. United States of America remained concerned about violence against women and girls and insensitivity by law enforcement and judicial authorities towards female victims and welcomed the inclusion of femicide in Peru's Criminal Code. It applauded measures to

combat human trafficking, but lamented low conviction rates. It was concerned about high levels of child labour, especially among indigenous children, and anti-union discrimination. It made recommendations.

50. Uruguay welcomed legislative and institutional advances, particularly in the areas of the rights of indigenous peoples, persons with disabilities, social inclusion, economic, social and cultural rights and protection from enforced disappearances. It was concerned at the continued high number of unregistered births and undocumented women, resulting in their inability to claim nationality or social benefits. Uruguay made recommendations.

51. Venezuela (Bolivarian Republic of) commended government efforts to fulfil the recommendations from the first UPR and to overcome challenges. It highlighted achievements by Peru in human rights, particularly its endeavours to ensure those in most need were able to enjoy their economic, social and cultural rights. Venezuela made recommendations.

52. Algeria, noted with satisfaction the various institutional and legislative reforms undertaken by Peru and its commitment to promoting and protecting economic, social and cultural rights, as reflected in its establishment of ministries responsible for social inclusion, culture and the environment and its adherence to its international human rights obligations, including cooperation with the United Nations treaty bodies. Algeria made recommendations.

53. Argentina congratulated Peru on ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and adopting the Plan for Equal Opportunities for Persons with Disabilities 2009-2018. As a fellow nation with similar viewpoints on human rights, Peru's endeavour to ensure equality for all through a social inclusion policy was a further symbol of the two countries shared visions on human rights. Argentina made recommendations.

54. Australia welcomed the establishment of the Ministry of Social Development and Social Inclusion and noted Peru's efforts to protect women from violence. It was concerned at high levels of child labour and chronic malnutrition among the under-fives. Australia urged Peru to investigate attacks on journalists and human rights defenders. It commended Peru for addressing problems in the prison system by declaring the penitentiary system to be in a state of emergency. Australia made recommendations.

55. Bangladesh noted the serious strides made by Peru in promoting and protecting its people, particularly in combating human trafficking and violence against women. Despite some progress, many challenges remained, which was also noted by the UN treaty bodies. Bangladesh expressed concern about reports of a large section of the rural population still living in poverty and the wide gender pay gap. Bangladesh made recommendations.

56. Belarus welcomed the adoption of action plans to combat human trafficking. It noted, however, reports of systemic human rights violations in Peru, including widespread forced labour; domestic violence; discrimination against indigenous peoples, migrants and refugees; trafficking in children, corporal punishment of children, child labour and the sexual exploitation of children and over 3,000 cases of enforced disappearances. Belarus made recommendations.

57. Belgium welcomed the National Plan for Gender Equality 2012-2017. It noted, however, that a number of areas of concern remained regarding women's rights, including violence against women. It asked what specific steps Peru intended to take to raise the awareness of all stakeholders, including public employees and law enforcement officials, about the issue of violence against women. Belgium made recommendations.

58. Bolivia (Plurinational State of) congratulated Peru on the series of measures and legislation it had adopted to eradicate child labour and ensure the rights of indigenous



peoples, not least their right to prior consultation on measures affecting, inter alia, their identity, culture and collective rights. It made recommendations.

59. Brazil noted the significant progress made by Peru in reducing poverty and extreme poverty. It welcomed steps taken to promote gender equality and protect women such as the inclusion of femicide in the Criminal Code. It also welcomed institutional developments to promote and protect human rights and the ratification of the CPED. Brazil made recommendations.

60. Canada requested information on the status of the prosecution of outstanding human rights cases by the National Criminal Court. It welcomed measures adopted under National Action Plan to Combat Violence against Women 2009-2015, recognition of the severe crisis of the penitentiary system and steps taken to address prison overcrowding, reform the prison system and develop a national crime policy. Canada made recommendations.

61. Chile welcomed Peru's commitment to human rights and fundamental freedoms, including institutional reforms, particularly the granting of more powers to the Ministry of Justice, the establishment of the Ministry of Development and Social Inclusion, measures adopted to combat social discrimination, the adoption of the CPED and efforts to implement public policies including a gender perspective. Chile made recommendations.

62. China welcomed measures adopted to promote and protect human rights, especially in the areas of poverty reduction, health, education, women's rights and combating violence against women, the rights of the elderly and persons with disabilities. As a developing country, Peru still faced many challenges, but China looked forward to the publication of Peru's National Plan 2012-2016. China made recommendations.

63. Spain congratulated the Peruvian Government on enacting Decree Law on Prior Consultation of Indigenous Communities and regulations, in accordance with ILO Convention No. 169, and its accession to the International Convention for the Protection of All Persons from Enforced Disappearance. Spain made recommendations.

64. Cuba commended Peru on plans and policies developed to ensure the human rights and equal opportunities of vulnerable groups, including persons with disabilities and the elderly, and to promote gender equality. It welcomed steps taken to combat domestic violence, violence and discrimination against women and to raise literacy levels among the population aged 15 years and over. Cuba made recommendations.

65. Cyprus, welcoming Peru's accession to the CPED, recalled that its Truth and Reconciliation Commission had estimated that almost 70,000 people had died, or had been subjected to enforced disappearances during the internal armed conflict. It commended efforts to address the concerns of victims and their families and asked what steps would be taken to ensure the timely prosecution of pending human rights cases that had been identified by the Truth and Reconciliation Commission.

66. Ecuador welcomed legislative and institutional measures adopted to guarantee equal rights for persons with disabilities, protect the elderly, combat discrimination, and guarantee and promote women's rights, including protection against violence. It welcomed advances made in prosecuting and punishing the crimes of genocide, enforced disappearance and torture. Ecuador made recommendations.

67. Peru replied to questions received in advance and raised during the dialogue.

68. On trafficking in persons, it was recalled that Peru has met with its international obligations and that the country has adopted a law and a plan and numerous measures to combat trafficking. Peru provided details in this regard. With regards to corruption, Peru informed the Council that it has created an inter-sectoral commission that is designing measures to fight against corruption in all areas of the government. This programme

involves the judiciary. With regards to questions on the penitentiary system, Peru reiterated information provided regarding the numerous measures taken to review the system and address this issue and the current measures for the reform of the system.

69. On questions concerning identity documentation for women in rural areas, Peru indicated that the strategic programme for access of identification has provided documentation to over 7 000 persons, 51% of whom were women in rural areas. In response to questions regarding domestic violence, Peru indicated that the Penal Code contains provisions on certain types of domestic violence, as assault and battery in the family context is an aggravated offence. Additionally, the Executive has presented a Bill to broaden the definition of femicide.

70. On measures that have been adopted to comply with recommendations of the Truth Commission, Peru provided information on the plan on forensic anthropology which is an important element for the identification of the remains of victims of disappearances and reiterated information provided in its opening statement in this regard. On the fight against impunity, it recalled the existence of a specialised system within the judiciary and the existence of public prosecution offices in various localities to investigate such cases as well as the National Criminal Court which has jurisdiction over the whole territory regarding violations of human rights.

71. With regard to questions on the high incidence of child labour, Peru stated that the Government has approved a national strategy for the prevention and eradication of child labour 2012-2021 which has as its objectives: the urgent elimination of the worst forms of child labour and the progressive elimination child labour for those under the minimum employment age. This strategy has an integrated approach and is being implemented in rural and urban areas. It should benefit some 30 000 children. Regarding the issue of forced labour, it was indicated that a national multi-sectoral commission to combat forced labour exists which is currently preparing a second plan for the eradication of forced labour.

72. On measures taken to ensure the right to drinking water, Peru stated that in 2012 a special budgetary programme has been implemented and that between 2006 and 2012 the provision of water was increased from 72% to 80%. On questions regarding human rights education, Peru explained that a Law 27741 has been adopted which sets as a State policy the teaching of human rights and the Constitution in all of the teaching syllabuses ranging from those on primary education to police and army training.

73. With regards to questions on legislative measures to combat discrimination against LGBTs, it was stated that, in general terms, domestic law including the Constitution prohibits discrimination of any kind. Moreover, Peru's Constitutional Procedure Code explicit provides that persons discriminated against because of their sexual option can lodge a writ of "amparo" for their protection.

74. On the question regarding protection measures for person in a context of social conflict, Peru clarified that the law obliges the army and security forces to use proportional and reasonable force and stated that this is part of the institutional culture of police and security forces. All armed forces are developing a strong strategy to give on-going training to their personnel on human rights.

75. Regarding the situation of the Ombudsman, Peru explained that an Ombudsman has not yet been appointed as there is still no consensus on this issue by Congress. It was also noted that Congress has approved an increase in the wages of the Ombudsman, a measure which is still pending the adoption of a decree.

76. In relation to recommendations regarding the death penalty, Peru announced that the Vice-Ministry for Human Rights would submit the issue to the National Human Rights Council for an evaluation regarding the possibility of its elimination.

77. Finland asked what measures had been adopted to address disparities in maternal mortality because women in poor and marginalized communities were unable to access sexual and reproductive health services. It asked whether steps were being taken to decriminalize abortion in cases of pregnancy resulting from rape or sexual abuse. It asked what measures were being adopted to address concerns relating to Legislative Decrees Nos. 1094 and 1095 and to ensure that the protesters' rights to freedom of expression, association and assembly were protected. Finland made recommendations.

78. France requested more information on the implementation of the Truth and Reconciliation Commission's recommendations. It was concerned about reports of the excessive use of force during protests, obstacles to the enjoyment of sexual and reproductive rights and prison overcrowding. It requested details of reforms planned to reduce prisoner numbers and improve prison conditions. It made recommendations.

79. Germany remained concerned about overcrowding in prison and that persons in pre-trial detention were held alongside convicted prisoners. While welcoming the government's plans to tackle the issue, Germany asked what Peru's strategy was on reducing the number of persons in pre-trial detention and how it would ensure timely court proceedings. Germany made recommendations.

80. Greece welcomed the adoption of the recent legislation including the incorporation of the crime of femicide in the Criminal Code. It recognised Peru's efforts regarding indigenous peoples' rights including the recent Law on Prior Consultation. It highlighted the existence of the de facto moratorium on the death penalty. Greece congratulated Peru for measures to combat poverty and social inequality. It made recommendations.

81. The Holy See congratulated Peru for protecting human life from conception and the family institution. It welcomed the adoption of the "Right to prior consent of indigenous peoples" Law. It paid tribute to the rights given to trade unions and their participation in the National Labour Council. It encouraged Peru to take measures that promote transparency and access to Public Information. It made recommendations.

82. Honduras recognised the progress made by Peru with regards to the protection of children and particularly to child labour. It commended the service of street educators providing support to children at risk. It noted the amendment of the general inspector labour law imposing fines on employers who do not respect the legislation relating to child labour and the Adoption of the social strategy for the eradication of child labour. It made recommendations.

83. Hungary commended Peru for its increased cooperation with the OHCHR and the Special Procedures of the Human Rights Council, in particular by extending a standing invitation to mandate holders. It commended the enactment of the 2011 Act on the Right of Indigenous Peoples to Prior Consultation. Hungary encouraged Peru to strengthen its efforts to address the high dropout rates and the high illiteracy rate among indigenous peoples. It asked Peru to elaborate on how it intended to plan that teaching staff is adequately trained to ensure bi-lingual education in all parts of the country. Hungary made recommendations.

84. Indonesia welcomed the enactment of the Plan for Equal Opportunities with Disabilities 2009-2018 and the strategy for the integration of persons with disabilities as well as the enactment of the National Plan of Action to Combat Trafficking in Persons 2011-2016. Indonesia commended the Government for its efforts to ensure the right to education, including measures taken to increase the literacy rate through the National Mobilization for Literacy Programme. It made recommendations.

85. Iraq highly appreciated the adoption of the Equal Opportunities Act and the National Plan to Combat Trafficking in Persons. It valued the legislative and institutional reforms,

including special measures to combat child labour and the government's efforts to compensate victims of violence and members of their families. It welcomed the establishment of the Anti-Corruption Commission. It made recommendations.

86. Italy expressed concern at reports on abuses committed by security forces members and trusted Peru to improve the problematic situation of detention centres. It noted the adoption of the Law on Prior Consultation of Indigenous Peoples and asked how Peru intends to implement this legislation to guarantee the involvement of the indigenous communities in decisions affecting them. It welcomed the new National Strategy for the Prevention and Eradication of Child Labour. It made recommendations.

87. Jordan commended Peru for the measures taken to eradicate child labour, including the establishment of the National Steering Committee on the Prevention of Child Labour and to strengthen its institutional framework. Jordan also noted with satisfaction the adoption of the National Policy Plan on Older Persons and the National Programme to Combat Domestic and Sexual Violence. It made recommendations.

88. Kyrgyzstan noted with appreciation progress made in improving the protection of human rights of vulnerable groups. While noting the enactment of the Law on prior consultation of indigenous peoples, it encouraged Peru to achieve full implementation of the legal standards established by the Inter-American Human Rights system on the rights to free and informed consultation and consent. Kyrgyzstan noted the positive measures to decrease child mortality rates, tackle child domestic labour and to combat violence against women. It made recommendations.

89. Liechtenstein welcomed the incorporation of the crime of femicide in the Criminal Code but referred to the expressed concern at the obstacles in accessing justice for victims of domestic violence. It commended Peru for setting emergency centres to provide care and protection to victims of domestic and sexual violence. It noted that despite repeated recommendations of the Committee on the Rights of the Child, corporal punishment of children remained lawful. Liechtenstein made recommendations.

90. Malaysia commended Peru's efforts to adopt the plan for equal opportunities for persons with disabilities and the official recognition of the Peruvian sign language. It further applauded Peru's adoption of a national policy providing economic subsidies and medical aid to people over 65 years of age living in extreme poverty. It noted the adequate measures taken to protect women against violence and to eradicate child labour. It made recommendations.

91. Mexico recognized the progress made to tackle the recent history of sufferings and serious human rights violations. It recognized the efforts to eradicate forced disappearances through the ratification of the CPED and expressed the hope this will soon be fully implemented. It made recommendations.

92. Morocco congratulated Peru on the establishment of departments for development and social integration for intercultural questions and human rights, and access to justice. It also praised the Government for the planned establishment of a Mechanism against Torture. It commended the ratification of the International Convention to protect all Persons from Forced Disappearance and the inclusion of the "femicide" element in its Criminal Code. It made recommendations.

93. Netherlands commended Peru for the establishment of the reparation programme for victims of human rights violations during the 1980-2000 period outlining that more efforts are needed. It expressed hope that Peru would take measures to combat discriminations against LGBT persons. Netherlands made recommendations.

94. Nicaragua highlighted the creation of the Ministry of Development and Social Inclusion. It noted that the formulation of the National Plan of Human Rights 2012-2016,

an essential tool to meet the Peruvians' needs. It recognized the Government's efforts to adopt measures moving to an eradication of child labour. It made recommendations.

95. Norway noted progress achieved regarding the protection of social and economic rights for marginalized groups and the poverty reduction. It commended the steps taken to ensure prior consultations with the indigenous communities. Norway expressed concern about reports of torture cases in pre-trial detention and prisons and overcrowding and lack of medical personnel in prison system. It made recommendations.

96. Palestine commended Peru for ratifying the International Convention for the Protection of All Persons from Forced Disappearance and adopting the Law on Equal Opportunities for Men and Women. It also noted the adoption of measures aimed at eradicating child labour. It made a recommendation.

97. Philippines noted Peru's ratification of CPED and the Convention on Combating Racism. It observed that Peru redefined the competencies of the Ministry of Justice, transformed into the Ministry of Justice and Human Rights. It praised Peru for adopting the National Action Plan to Combat Trafficking in Persons. It made recommendations.

98. Poland expressed appreciation for the positive institutional and legislative changes in Peru, including considerable achievements in fighting poverty. It noted the lack of consultative mechanisms prior to the adoption of a new legislation in Peru, especially regarding mining projects. It stressed the need to refrain from applying unnecessary police force during public demonstrations. It made recommendations.

99. Portugal commended the recent ratification of human rights instruments and the creation of the Vice-Ministry of Human Rights. It welcomed the fact that corporal punishment is unlawful in schools but observed it is still not prohibited at home, in penal institutions and care settings. It therefore enquired about the status of the Bill on corporal punishment currently under consideration. It made recommendations.

100. The Republic of Moldova congratulated the Government's efforts to combat discrimination against women and their clear commitment to mainstreaming gender in their public policies. It praised the Government for including a gender perspective in the implementation of its public policies. It recognised Peru's efforts to combat violence against children and all other forms of humiliating treatments against adolescents. It made recommendations.

101. Romania commended Peru for actions taken to address a number of human rights issues, including crimes committed during the period from 1980 to 2000, rights of indigenous people, women, children and persons with disabilities. It noted with satisfaction the Government's decision to extend a standing invitation to the Special Procedures and the adoption of the CPED. Romania encouraged Peru to further advance in the ratification of human rights treaties. Romania made a recommendation.

102. Singapore noted the Government's emphasis in protecting women and the adoption of the Second National Plan to Combat Violence against Women and incorporated femicide concept in the Criminal Code. It commended the steady decrease in child labour in Peru and the establishment of the National Steering Committee on the Prevention and the Eradication of Child Labour (CPETI). It made recommendations.

103. Slovakia welcomed the adoption of the Equal Opportunities for Men and Women Act as well as the ratification of CRPD and its Optional Protocol. It welcomed the National Plan to Combat Trafficking in Persons and the preparation of a new human rights plan. It noted Peru's signature of OP-CRC-IC. It made recommendations.

104. Slovenia welcomed the government's commitment to combat discrimination against women and implement affirmative measures benefiting women. It outlined the significant

progress achieved in providing citizens with identification documents. It welcomed improvements in timely reporting to treaty bodies but regretted that since 2008 Peru only provided answers to 8 out of 20 communications by Special Procedures. Slovenia made recommendations.

105. Costa Rica highlighted the important steps regarding protection of the environment, combating poverty and trafficking of persons, such as the adoption of the related law, and the National Plan of Action 2011-2016. It acknowledged Peru's cooperation with treaty bodies and the progress in establishing the national preventive mechanism. It urged Peru to appoint that body shortly. Costa Rica requested more information about the coordination function carried out by the National Human Rights Council. It made recommendations.

106. Dr. Avila Herrera stated that in accordance with Peru's standing invitation, he would like to extend an invitation on behalf of the State to all thematic special procedures of the Human Rights Council to visit Peru. The Council was also informed that a Bill already exists to ensure the harmonization of domestic law with the Rome Statute and which also contemplates the Kampala agreements.

107. With regards to reprisals against journalists, it was indicated that the Government has scrupulously respected freedom of expression, and of the press. Peru already has numerous legal and other guarantees for the unrestricted exercise of freedom of the press.

108. Regarding the issue of access of women to sexual and reproductive health services, Peru provided detailed information on progress achieved. It was noted that a strategy has been developed to reduce maternal mortality. Peru provided details regarding the budgetary programme called 'neonatal women health' as well as programmes created to give advice to adolescents in sexual health.

109. It was added that measures to combat maternal mortality, which had targeted poor and vulnerable women, including strategies to reduce unplanned pregnancies, complications during pregnancies and increase deliveries in institutions, had resulted in a decrease of 49% in the number of deaths between 1993 and 2011. However, reduction of maternal mortality remains one of the State's major challenges, especially in mountain, rainforest, and rural areas.

110. On the question regarding the criminalization of consensual sex of adolescents, it was stated that the judicial branch had decided that consensual sex between adolescents shall not be criminalized. A Bill is currently before Congress to decriminalize consensual sex of adolescent aged of 14 to 17.

111. With regard to therapeutic abortion it was explained that it can be practiced by a doctor with consent of the pregnant woman when this is the only way to save her life or avoid a grave and permanent harm to her health. Following recommendations of HR Committee, a draft technical guide regarding its application was developed and is under consultation. It was stressed that therapeutic abortion is not a crime in Peru. The Maternal Perinatal Institute, the main body on this issue has a clinical protocol which addresses the issue of when an abortion can be carried out which is currently used as reference in such cases.

112. Regarding corporal punishment, Peru stated that a child's physical integrity is protected by the Penal Code through various provisions as the prohibition of ill-treatment and assault and battery. Nonetheless, Peru has, in response to the recommendation by CRC submitted a bill to prohibit all forms of corrective measures that violate the integrity of boys and girls.

113. On awareness raising of law enforcement personnel regarding the rights of women, Peru provided information on recent training programmes and capacity building for these

personnel. Training is also carried out of the judiciary and the office of public prosecutor in particular with regard to family violence and victims and witnesses support.

114. Concerning equal pay for equal work it was indicated that since 2007, Peru has a law which prohibits all labour discrimination between men and women in work and wage. Measures taken to address this issue included a national plan for gender equality 2012-2017 and the development of a methodological guide on -non sexist valuation of job offers to promote equal pay for equal work.

115. In conclusion, Peru stated that it believed replies had been provided to the almost totality of the questions raised. Peru conveyed the greetings from the President of the Republic and stated that it would fully follow up on recommendations received

## II. Conclusions and/or recommendations

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

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

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

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<sup>1</sup> (Uruguay);**

116.4. **Continue with the de facto moratorium on the death penalty (Argentina)<sup>2</sup>;**

116.5. **Consider abolishing the death penalty (Greece);**

116.6. **Consider abolishing the death penalty (Honduras)<sup>3</sup>;**

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

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);**

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

<sup>1</sup> 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).

<sup>2</sup> The recommendation as read during the interactive dialogue: "Continue with the moratorium on the application of the death penalty" (Argentina).

<sup>3</sup> The recommendation as read during the interactive dialogue: "Consider formally abolishing the death penalty (Honduras)".

- 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);
- 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);
- 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);
- 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);
- 116.14. Repeal penal sanctions on homosexuality in the police force (Slovenia);
- 116.15. Consider enacting legislation that addresses crimes based on sexual orientation (Canada)<sup>4</sup>;
- 116.16. Continue its efforts to set up the National Preventive Mechanism against Torture (Morocco);
- 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);
- 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);
- 116.19. Provide the Ministry of Social Development and Inclusion with the necessary resources for it to successfully carry out its functions (Nicaragua);
- 116.20. Continue developing the institutional framework with respect to the promotion and protection of human rights (Jordan);
- 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);
- 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);
- 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);
- 116.24. Continue to work in the area of defence and protection of boys and girls (Bolivia (Plurinational State of));

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<sup>4</sup> 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)".



- 116.25. Create the necessary educational structures in order that all citizens have easy access to education and improve prison conditions (Holy See);
- 116.26. Reply to all outstanding communications sent to Peru by OHCHR (Hungary);
- 116.27. Continue working to eradicate the dissemination of stereotypes that may encourage racial discrimination (Argentina);
- 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));
- 116.29. Implement specific and concrete measures in order to increase participation of women in the political and corporate life of the country (Brazil);
- 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);
- 116.31. Eliminate effectively gender-based discrimination in accessing education and health care, particularly in rural areas and among indigenous communities (Slovakia);
- 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);
- 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);
- 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);
- 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);
- 116.36. Continue to address violence against women, particularly in regional and local areas (Australia);
- 116.37. Enhance efforts in order to better address the issue of domestic violence (Greece);
- 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);
- 116.39. Continue to implement legal and administrative measures to protect women from domestic and sexual violence (Singapore);
- 116.40. Step up its efforts to prevent and combat domestic violence and to ensure that the perpetrators are promptly brought to justice (Liechtenstein);
- 116.41. Undertake further measures to protect women and children, particularly from violence and exploitation (Australia);

- 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);**
- 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);**
- 116.44. **Continue its efforts to apply legislation that protects children from economic exploitation and from exposure to hazardous or abusive labour (Palestine);**
- 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);**
- 116.46. **Continue its efforts, in cooperation with UNICEF and relevant international organizations, to eradicate child labour (Singapore);**
- 116.47. **Properly disseminate the National Strategy for the Prevention and Eradication of Child Labour among all central, local institutions and civil society (Italy);**
- 116.48. **Eliminate the practice of forced labour, and criminalise the liability for the labour exploitation (Belarus);**
- 116.49. **Reinforce the judicial system, by strengthening the bodies responsible for ensuring the defence of victims of human rights abuses (Spain);**
- 116.50. **Establish mechanisms for dealing with cases of corporal punishment of children with a view to effective law enforcement (Liechtenstein);**
- 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);**
- 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);**
- 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);**
- 116.54. **Strengthen training on human rights for State security forces and bodies (Spain);**
- 116.55. **That all security forces personnel, including the penitentiary police, receive adequate and mandatory training on international human rights standards (Italy);**
- 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);

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);

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

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

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);

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

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 (The Netherlands);

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);

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

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

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

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);

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);

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);

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

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));**

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

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

116.74. **Engage constructively with human rights defenders in seeking solutions to address human rights problems (The Netherlands)<sup>5</sup>;**

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

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

116.77. **Ensure the effective implementation of national law and policy relevant to domestic workers, including the Domestic Workers Act (Kyrgyzstan);**

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);**

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

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

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

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

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

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

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);<sup>6</sup>**

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));**

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<sup>5</sup> 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)";

<sup>6</sup> 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);

- 116.87. Step up efforts to combat poverty in rural areas, particularly among indigenous communities (Bangladesh);
- 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));
- 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);
- 116.90. Include homeless children, especially from the vulnerable groups as priority beneficiaries into poverty reduction strategy (Kyrgyzstan);
- 116.91. Continue its efforts for the full implementation of the rural housing support programme (Algeria);
- 116.92. Continue to increase input in health sector and provide health services to its poor population (China);
- 116.93. Continue action to reduce maternal and infant mortality (Sri Lanka);
- 116.94. Ensure health care for women and improve reproductive health care services (Iraq);
- 116.95. Ensure access to sexual and reproductive health services for adolescences (Slovenia);
- 116.96. Adopt the WHO Strategic Approach to strengthen sexual and reproductive health policies and programmes (Portugal);
- 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);
- 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);
- 116.99. Continue to develop measures and programmes allowing universal access to education (Cuba);
- 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);
- 116.101. Increase further the education budget to allow for the establishment of intercultural bi-lingual schools in all three educational cycles and the roll-out of remedial academic programs (Hungary);
- 116.102. Continue giving priority to the funding for education so as to attain inclusive education for all Peruvian children (Malaysia);
- 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);

- 116.104. Ensure that the educational system is accessible and responds to the specific needs of child workers, including child domestic workers (Honduras);
- 116.105. Ensure that the provisions of the Convention on the rights of persons with disabilities (CRPD) are duly implemented (Italy);
- 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);
- 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);
- 116.108. Systematically continue its efforts in the area of rights of indigenous peoples (Greece);
- 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);
- 116.110. Continue working to reduce existing inequality gaps regarding indigenous peoples (Bolivia (Plurinational Republic of));
- 116.111. Ensure that the new legislation of ‘Consulta Previa’ is effectively implemented in order to protect the rights of the indigenous population (Germany);
- 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);
- 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.
- 117.1. Accede and ratify to the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Iraq);
- 117.2. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (The Philippines);
- 117.3. Increase criminal liability for sexual exploitation of children (Belarus);
- 117.4. Implement mechanisms that permit the prevention of social conflicts, particularly through integrating human rights in training for police forces (France);
- 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.

- 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);**
- 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 country Peru which will provide responses in due time, but no later than the 22nd session of the Human Rights Council in March 2013.**
- 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 ICCPR-OP 2 (Costa Rica); Abolish the death penalty (Slovenia);**
- 119.2. **Ratify the Optional Protocol to International Covenant on Economic Social and Cultural Rights (ICESCR-OP) (Spain);**
- 119.3. **Amend article 140 of the Constitution and continue to protect the institution of the natural family (Holy See);**
- 119.4. **Prohibit child labour under the age of 15, and of those who have not yet completed compulsory education (Honduras);**
- 119.5. **Repeal criminal defamation laws in order to combat reprisals against the journalists and human rights defenders (Netherlands)<sup>7</sup>;**
- 119.6. **Guarantee the full recognition of sexual and reproductive rights (France);**
- 119.7. **Ensure the promotion and protection of reproductive rights of women in agreement with international standards (Portugal);**
- 119.8. **Review its restrictive interpretation of therapeutic abortion and decriminalisation of abortion in cases of rape, as recommended by CEDAW (Slovenia);**
- 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);**
120. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

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<sup>7</sup> 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)".

## Annex

### Composition of the delegation

The delegation of Peru was headed by Dr. Henry José Ávila Herrera, Deputy Minister of Human Rights and Access to Justice of the Ministry of Justice and Human Rights and composed of the following members:

- Ministerio de Justicia y Derechos Humanos;
- Dr. José Antonio Burneo Labrín, Director (e) de la Dirección General de Derechos Humanos del Ministerio de Justicia y Derechos Humanos;
- Ministerio Público;
- Dr. Víctor Manuel Cubas Villanueva, Fiscal Superior;
- Ministerio de Relaciones Exteriores;
- Embajador Luis E. Chávez Basagoitia, Director General de Asuntos Multilaterales y;
- Globales.Ministerio de Defensa;
- Dr. Manuel Gustavo Mesones Castelo, Secretario General; y;
- Crl. EP Eduardo Hurtado Riquelme, Director del Centro de Derecho Internacional Humanitario y; Derechos Humanos;
- Ministerio del Interior;
- Sr. Alejandro Delgado Gutiérrez, Director de la Dirección de Protección de los Derechos Fundamentales para la Gobernabilidad; y;
- Dr. Walter Chiara Bellido, Asesor;
- Ministerio de Salud;
- Dra. Dalia Suarez Salazar, Directora General de la Oficina de Asesoría Jurídica;
- Ministerio de Trabajo y Promoción del Empleo;
- Dr. Edgardo Balbín Torres, Director General de Derechos Fundamentales, Seguridad y Salud en el Trabajo; y,
- Dr. José Antonio Aróstegui Girano, Jefe de la Oficina General de Cooperación y Asuntos Internacionales;
- Ministerio de la Mujer y Poblaciones Vulnerables;
- Dra. Marcela Huaita Alegre, Viceministra de la Mujer;
- Ministerio de Desarrollo e Inclusión Social;
- Sr. Eynard Inti Zevallos Aguilar, Jefe de la Oficina de Defensa Nacional del Ministerio de Desarrollo e Inclusión Social;
- Representación Permanente del Perú ante la ONUG;
- Ministra Consejera Luz Betty Caballero de Clulow, Representante Permanente Alterna y Encargada de Negocios a.i.;
- Ministro Consejero Hubert Wieland Conroy, Representante Permanente Alternativo;



- Consejero Carlos Jesús Rossi Covarrubias;
- Consejero Luis Enrique Mayaute Vargas;
- Consejera Katia Mercedes Ángeles Vargas;
- Segundo Secretario Carlos Augusto Sibille Rivera;
- Segunda Secretaria Magaly Yolanda Traverso Zegarra;
- Segunda Secretaria Sara Isela Alvarado Salamanca;
- Sr. Gustavo Adolfo Luyo Javier; y;
- Sr. Hernán Pompeyo Mejía Delgado.

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