



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Sixth periodic report submitted by Peru under
article 40 of the Covenant pursuant to the optional
reporting procedure, due in 2018***

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* The present document is being issued without formal editing.



Introduction

1. Aware of its international commitments, the State of Peru hereby submits to the Human Rights Committee its sixth periodic report under article 40 of the International Covenant on Civil and Political Rights.
2. The report was circulated, on two separate occasions, to the full members and observers of the National Human Rights Council, the body responsible for issuing opinions and providing advice to the executive branch on the development of public policies, programmes, projects, strategies and action plans related to human rights. The Council's composition includes representatives of the Ombudsman's Office and civil society, among others.
3. The present report, which covers the period from July 2011 to November 2019, was approved at a meeting of the Council on 4 December 2019. The information it contains has been organized in keeping with the list of issues (CCPR/C/PER/QPR/6).
4. The common core document, which provides all the United Nations treaty bodies with general information about Peru and its legal system, should be considered an integral part of the present report.

I. Constitutional and legal framework within which the Covenant is implemented

1.1 Application of the Covenant

5. The Constitution of Peru recognizes that treaties which are entered into by the State and which are in force form part of domestic law¹ and that the rules governing the rights and freedoms recognized in the Constitution must be interpreted in accordance with the Universal Declaration of Human Rights and the international human rights treaties and agreements ratified by Peru, including the Covenant.² In addition, human rights treaties are recognized as having the status of constitutional provisions.³

1.2 Implementation of the Committee's Views

6. Regarding the case of *Ángela Poma Poma v. Peru* (CCPR/C/95/D/1457/2006), the Office of the Special Counsel General for Supranational Affairs reports that criminal proceedings were initiated against Luis Alberto Orbegoso Rejas for the alleged commission of the offences of abandonment and acts of cruelty to domestic and wild animals. The case is currently with the second pretrial investigation office of the Tacna provincial criminal prosecutor's office, under prosecution file No. 5956-2016.⁴
7. Regarding the case of *Karen Noelia Llantoy Huamán v. Peru* (CCPR/C/85/D/1153/2003), in 2014 the authorities adopted a national technical handbook on the standardization of comprehensive care procedures for women who, with their informed consent and in the framework of article 119 of the Criminal Code, are undergoing a voluntary therapeutic termination of pregnancy before the twenty-second week of pregnancy.⁵

¹ Democratic Constituent Congress (1993). Constitution, art. 55.

² Constitution, fourth final and transitional provision.

³ In its judgments Nos. 00025-2005-PI/TC and 00026-2005-PI/TC (joined), the Constitutional Court clearly establishes that the status enjoyed by international human rights treaties "means that they have the same active and passive legal force as any other source of law with constitutional rank; (...) that is, they cannot be modified or overridden by subconstitutional rules" (paras. 25–34).

⁴ Ministry of Justice and Human Rights, official communication No. 2214-2019/CDJE-PPES, 14 November 2019, p. 1.

⁵ Ministry of Health, Ministerial Decision No. 486-2014/MINSA. Adopted on 27 June 2014.

8. In 2015, a settlement agreement was signed between the Government and the representatives of Karen Llantoy, the compensation agreed upon was paid in full and the Committee's Views were published in the Official Gazette (*El Peruano*).⁶

9. In addition, in 2019 a ceremony of public apology was held for Karen Llantoy, who was in attendance with members of her family and representatives of civil society organizations, among other stakeholders, at the premises of the Ministry of Justice and Human Rights, during which the State's responsibility for the harm sustained was recognized, as was its obligation to take measures to ensure that similar violations do not occur in future.⁷

10. In accordance with the requirements of the Committee, its Views in the aforementioned cases have been published on the official website of the Ministry of Justice and Human Rights, in the section on decisions issued by international human rights bodies (<https://www.minjus.gob.pe/resoluciones-internacionales/>).⁸

1.3 National Human Rights Plan

11. The National Human Rights Plan 2014–2016⁹ contributed significantly to the continued fulfilment of the country's human rights obligations through four areas of action, which are maintained in the National Human Rights Plan 2018–2021 adopted by Supreme Decree No. 002-2018-JUS.¹⁰

12. The drafting of the Plan involved the participation and coordinated efforts of representatives of the State, civil society organizations and United Nations agencies. The General Directorate of Human Rights within the Ministry of Justice and Human Rights is responsible for overseeing and monitoring the Plan.

13. The Plan was drafted using the results-based management approach, with performance indicators and multi-year targets that facilitate monitoring and follow-up of the commitments made. The Sustainable Development Goals were taken into account, and a specific area of action was included to protect the rights of the following 13 vulnerable groups: (a) older persons; (b) the Afro-Peruvian population; (c) persons with disabilities; (d) women; (e) children and adolescents; (f) persons deprived of their liberty; (g) persons with HIV/AIDS or tuberculosis; (h) domestic workers; (i) lesbian, gay, bisexual, transgender or intersex persons; (j) human rights defenders; (k) indigenous peoples; (l) migrants; and (m) victims of the violence that took place in Peru between 1980 and 2000.¹¹

14. In the first year of the Plan's implementation, the Government achieved or exceeded the 49-per-cent target relating to its 137 human-rights-related commitments, primarily in favour of the aforementioned groups.¹²

15. In addition, the Plan's fifth area of action, on business and human rights, establishes as a goal the development of a national action plan on business and human rights.¹³ As of November 2019, a methodology for that process has been adopted.¹⁴

⁶ United Nations, Views on communication No. 1153/2003. Published in *El Peruano* on 10 December 2015.

⁷ Ministry of Justice and Human Rights, report No. 012-2019-JUS/DGDH-DAIPAN, 25 March 2019, p. 3.

⁸ Ministry of Justice and Human Rights, decisions issued by international human rights bodies. Accessed on 19 September 2019.

⁹ Ministry of Justice and Human Rights, Supreme Decree No. 005-2014-JUS. Published in *El Peruano* on 5 July 2014.

¹⁰ Ministry of Justice and Human Rights, Supreme Decree No. 002-2018-JUS. Published in *El Peruano* on 1 February 2018.

¹¹ Ministry of Justice and Human Rights, *Informe sobre los avances del primer año de implementación del Plan Nacional de Derechos Humanos* (Progress report on the first year of implementation of the National Human Rights Plan), 2019, p. 3. Available at <https://observatorioderechoshumanos.minjus.gob.pe/wp-content/uploads/2019/09/Informe-de-avances-primer-an%CC%83o-de-implementacio%CC%81n-del-PNDH-2018-2021-18092019-1.pdf>.

¹² *Ibid.*, p. 4.

¹³ *Ibid.*, p. 70.

¹⁴ Ministry of Justice and Human Rights, Deputy Ministerial Decision No. 001-2019-JUS. Adopted on 6 September 2019.

1.4 Ombudsman's Office

16. In order to fulfil its constitutional and legal mandate, the Ombudsman's Office has eight specialized units covering the following areas: (a) human rights and persons with disabilities; (b) women's rights; (c) the environment, public services and indigenous peoples; (d) constitutional affairs; (e) public administration; (f) children and adolescents; (g) social conflict prevention and good governance; and (h) anti-corruption efforts and State transparency and efficiency (created in 2017). It also has 38 branches around the country.

17. In 2017, the national mechanism for the prevention of torture was established as a function of the Ombudsman's Office.¹⁵ As a safeguard for ensuring the performance of its duties, the national preventive mechanism enjoys structural and functional independence from the Office and is also independent from the executive, legislative and judicial branches.¹⁶

18. Pursuant to Act No. 30394,¹⁷ the national preventive mechanism must submit annual reports to Congress. Between 2017 and 2019, it submitted three annual reports¹⁸ and a report on the situation of women in police and military training centres.¹⁹

19. In September 2016, the Congress elected Walter Francisco Gutiérrez Camacho, a lawyer, as the new Ombudsman for the period 2016–2021.²⁰ The Ombudsman is elected or removed by a two-thirds majority vote of the entire membership of Congress and enjoys the same immunities and privileges as do members of Congress.²¹

20. For the 2012 financial year, the Ombudsman's Office requested an institutional budget of 48,217,253 Peruvian soles (S/.) and was allocated S/. 41,359,000;²² for 2013, it requested S/. 43,579,800 and was allocated S/. 41,689,800;²³ for 2014, it requested S/. 59,647,043 and was allocated S/. 49,952,000;²⁴ for 2015, it requested S/. 70,766,297 and was allocated S/. 56,802,000;²⁵ for 2016, it was allocated S/. 55,137,788;²⁶ for 2017, it was allocated S/. 59,764,968;²⁷ for 2018, it was allocated S/. 65,145,000²⁸ (equivalent to US\$ 19,428,869.66, or S/. 3.353 per United States dollar, according to the Central Reserve Bank average exchange rate for December 2019);²⁹ and, for 2019, it was allocated S/. 68,438,863.00, or US\$ 20,411,232.62.³⁰

¹⁵ Office of the Ombudsman, official communication No. 207-2018-DP/ADHPD, 5 October 2018, p. 3.

¹⁶ Congress, Act No. 30394. Published in *El Peruano* on 22 December 2015.

¹⁷ Congress, Act No. 30394. Published in *El Peruano* on 22 December 2015.

¹⁸ National mechanism for the prevention of torture, first annual report, Lima, May 2017.

Available at

https://www.defensoria.gob.pe/modules/Downloads/informes/anales/Informe_tortura_2016.1.pdf

National mechanism for the prevention of torture, second annual report, Lima, June 2018.

Available at https://www.defensoria.gob.pe/wp-content/uploads/2018/09/Informe_tortura_2018.pdf

National mechanism for the prevention of torture, third annual report, Lima, May 2019.

Available at <https://www.defensoria.gob.pe/wp-content/uploads/2019/07/Tercer-InformeAnual-MNPT.pdf>.

¹⁹ National mechanism for the prevention of torture, *Informe sobre las condiciones de las mujeres en los centros de formación policial y militar* (Report on the situation of women in police and military training centres).

Available at <https://www.defensoria.gob.pe/wp-content/uploads/2019/06/Serie-de-informes-especiales-CONDICIONES-DE-LAS-MUJERES-EN-LOS-CENTROS-DE-FORMACI%C3%93N-POLICIAL-Y-MILITAR-DMNPT.pdf>.

²⁰ Congress, Legislative Decision No. 005-2016-2017-CR. Published in *El Peruano* on 6 September 2016.

²¹ Constitution, art. 161.

²² Ministry of Justice and Human Rights, seventh periodic report of Peru to the Committee against Torture. Date submitted: 13 June 2017. Annex II.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Office of the Ombudsman, twenty-first annual report (2017), p. 299. Published on 2 July 2018.

²⁸ Office of the Ombudsman, twenty-second annual report (2018), p. 268. Published on 31 May 2019.

²⁹ Central Reserve Bank, average monthly exchange rate for December 2019, bank buying rate for soles in United States dollars. Accessed on 22 January 2020. Available at

21. For its part, the national preventive mechanism was allocated a total budget of S/. 56,175.00 (US\$ 16,753.65) in 2017;³¹ S/. 168,358.00 (US\$ 50,211.15) in 2018;³² and S/. 205,219.00 (US\$ 61,204.59) in 2019.³³

II. States of emergency

2. Declaration of states of emergency and restriction of rights

22. Pursuant to the Constitution³⁴ and the Organic Act on the executive branch,³⁵ the President is authorized to order states of emergency, of which there are two types: those declared owing to a disturbance of the peace or of public order, and those declared in response to disasters or serious circumstances threatening the life of the nation.

23. States of emergency of the first type are technically based on reports issued by the Ministry of the Interior, in particular those of the General Directorate of the National Police, through which the high degree of danger posed to the rights and freedoms of the populations living in the geographical areas under such states of emergency is analysed.³⁶

24. It is worth noting that presidential decisions to declare a state of emergency are only arrived at following assessment and approval by the Council of Ministers and endorsement by the Minister of the Interior, Minister of Defence and Minister of Justice and Human Rights, insofar as such decisions concern matters within their spheres of competence.³⁷

25. Notwithstanding the foregoing, the Government considered it necessary to incorporate rules governing police operations into the country's legislation. For example, Legislative Decree No. 1186³⁸ regulates the use of force by the National Police in the exercise of its functions, and Legislative Decree No. 1095³⁹ governs the use of force by the armed forces within the national territory.

26. States of emergency of the second type, for which the National Institute for Civil Defence is the body with overall responsibility, do not involve any suspension of rights.⁴⁰ The Act creating the National Disaster Risk Management System⁴¹ establishes that the purpose of declaring a state of emergency is to execute immediate and necessary emergency measures in response to an imminent danger or large-scale disaster or when regional government response capacities are overwhelmed, with the aim of protecting people's lives and physical integrity, safeguarding public and private property and restoring essential basic services. States of emergency of this type are declared on the basis of a technical report prepared by the Response Directorate of the National Institute for Civil Defence, which determines whether such a declaration is warranted. These declarations do not establish emergency zones in which the rights set forth in the Covenant may be restricted.⁴²

<https://estadisticas.bcrp.gob.pe/estadisticas/series/mensuales/resultados/PN01208PM/html/2019-12/2020-1/>.

³⁰ Office of the Ombudsman, Administrative Decision No. 050-2018/DP. Adopted on 27 December 2018. Central Reserve Bank exchange rate for December 2019, as before.

³¹ Ibid.

³² Ibid.

³³ Office of the Ombudsman, third annual report of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, May 2019, pp. 10–11. Accessed on 7 November 2019. Available at <https://www.defensoria.gob.pe/wp-content/uploads/2019/07/Tercer-InformeAnual-MNPT.pdf>.

³⁴ Constitution, art. 137.

³⁵ Congress, Act No. 29158. Published in *El Peruano* on 18 December 2007.

³⁶ President of the Council of Ministers, official communication No. D000296-2018-PCM-DG, 27 September 2018, p. 7.

³⁷ Ibid.

³⁸ Executive branch, Legislative Decree No. 1186. Published in *El Peruano* on 15 August 2015.

³⁹ Executive branch, Legislative Decree No. 1095. Published in *El Peruano* on 1 September 2010.

⁴⁰ National Institute for Civil Defence, official communication No. 0093-2019-INDECI/11.0.

⁴¹ Congress, Act No. 29664. Published in *El Peruano* on 19 February 2011.

⁴² Official communication No. 0093-2019-INDECI/11.0, 11 January 2019, p. 1.

27. In 2018, Act No. 30787 was enacted, incorporating a rights-based approach into measures for dealing with victims and other persons affected by disasters⁴³ through the response, rehabilitation and reconstruction of public services and infrastructure affected by disasters. This involves, among other aspects, the recognition of all victims and other persons affected as rights holders and the duty of the State to promote, respect and protect their human rights.

III. Equality and non-discrimination

3.1 Measures to eliminate discrimination

28. In 2013, the National Commission against Discrimination,⁴⁴ a multisectoral standing body attached to the Ministry of Justice and Human Rights and composed of representatives of eight ministries, was established with a mandate to ensure equality and non-discrimination. The Commission carries out monitoring and oversight, issues opinions and provides technical advice to the executive branch with regard to equality and non-discrimination.⁴⁵

29. In 2019, the Commission adopted two reports on promoting equality and non-discrimination: a report on discrimination in the Peruvian media, with special emphasis on ethnic and racial discrimination,⁴⁶ and a report on the situation regarding the gender identity of transgender persons in Peru.⁴⁷

30. For its part, the Directorate for Cultural Diversity and the Elimination of Racial Discrimination⁴⁸ within the Ministry of Culture is responsible for formulating, implementing and monitoring programmes aimed at eliminating ethnic and racial discrimination and promoting intercultural citizenship. It has organized six consecutive editions of the “Diversity is Our Business: Intercultural Good Practices in Public Administration” contest,⁴⁹ receiving 366 applications in total. Some 180 intercultural good practices have been recognized, with 22 judged award-winning.⁵⁰

31. In November 2018, the First Court of Mixed Jurisdiction of Wanchaq granted an application for the remedy of *amparo* against the chair of the board of directors of the broadcaster Compañía Latinoamericana de Radiodifusión S.A. “Frecuencia Latina”, ordering that the programmes *Paisana Jacinta* and *Circo la Paisana Jacinta* no longer be broadcast on open-signal or cable television and that videos of both programmes be removed from the defendant’s YouTube channel. The programmes depict Andean indigenous women as dirty, violent and lacking in intellectual capacity, thereby creating a stereotype that promotes and reinforces discrimination on the basis of ethnic and cultural origin.⁵¹ In May 2019, the Civil Chamber of the Cusco High Court struck down that

⁴³ Congress, Act No. 30787. Published in *El Peruano* on 9 June 2018.

⁴⁴ Ministry of Justice and Human Rights, Supreme Decree No. 015-2013-JUS. Published in *El Peruano* on 6 December 2013.

⁴⁵ The members of the National Commission against Discrimination are the Ministry of Justice and Human Rights, the Ministry of Culture, the Ministry for Women and Vulnerable Groups, the Ministry of Labour and Employment Promotion, the Ministry of Transport and Communications, the Ministry of Education, the Ministry of Health and the Ministry of Foreign Affairs.

⁴⁶ Ministry of Justice and Human Rights, thematic report No. 1. Published on 29 January 2019. Accessed on 8 November 2019. Available at https://cdn.www.gob.pe/uploads/document/file/297520/Informe_CONACOD_Discriminaci%C3%B3n_Medios.pdf.

⁴⁷ Ministry of Justice and Human Rights, thematic report No. 2. Published on 29 January 2019. Accessed on 8 November 2019. Available at https://cdn.www.gob.pe/uploads/document/file/297521/Informe_CONACOD_Identidad_de_G%C3%A9nero.pdf.

⁴⁸ Ministry of Culture, Supreme Decree No. 005-2013-MC. Published in *El Peruano* on 20 June 2013.

⁴⁹ Ministry of Culture, official communication No. 900087-2018/DGCI/VMI/MC, 29 October 2018, p. 6.

⁵⁰ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

⁵¹ Judicial branch, First Court of Mixed Jurisdiction, Wanchaq, case No. 00798-2014, decision No. 76, 5 November 2018.

decision (contained in decision No. 76 of 5 November 2018), ordering that it be amended.⁵² In November 2019, the aforementioned court reaffirmed the 2018 ruling, confirming that the programmes should not be broadcast and should be removed from the platforms indicated.⁵³ In December 2019, the Counsel General's Office was granted a request to file an appeal with suspensive effect against the November 2019 decision. As of January 2020, the case remains pending; a hearing is due to be scheduled before the High Court, where the proceedings will be brought to a close.⁵⁴

32. In addition, the Ministry of Culture has a "Racism Alert" Platform for Action to Combat Ethnic and/or Racial Discrimination,⁵⁵ the aim of which is to receive reports of cases of discrimination and to foster an informed citizenry that is engaged in the fight against ethnic and racial discrimination. From its establishment to November 2019, 542 reports of ethnic or racial discrimination were registered.⁵⁶ Complainants receive individual guidance on how to proceed and where to seek redress.⁵⁷

33. Regarding public awareness-raising activities, a programme called *Videoteca de las Culturas* (Video Library of Cultures) is intended to ensure that persons – children and adolescents, first and foremost – value, respect and learn about their own culture and the other cultures that coexist in the country, through audiovisual training sessions.⁵⁸

34. The programme is being implemented in 18 departments in partnership with various entities, in particular the Ministry of Development and Social Inclusion, which supports the initiative through its Social Inclusion Platforms for Action Programme and, specifically, its fixed platforms, or *tambos*. From its establishment to October 2019, 1,541 awareness-raising sessions on cultural diversity and ethnic and racial discrimination were held, reaching a total of 54,653 participants.⁵⁹

35. In addition, the Ministry for Women and Vulnerable Groups chairs five working groups that focus, respectively, on promoting and guaranteeing (i) Afro-Peruvian women's rights; (ii) lesbian rights; (iii) women's political participation; (iv) gay, bisexual, transgender and intersex persons' rights; and (v) original and indigenous women's rights. These working groups are composed of representatives of civil society organizations and State agencies and are tasked with carrying out activities to promote human rights. The Ministry is also implementing the National Gender Equality Policy, adopted by Supreme Decree No. 008-2019-MIMP, which seeks to eradicate structural discrimination against women in all their diversity.⁶⁰

36. There is also a national policy for mainstreaming the intercultural approach,⁶¹ which is intended to guarantee the right to equality and non-discrimination, prevent racism and promote citizenship-building by means of an intercultural approach. The situation regarding discrimination in Peru will be assessed on the basis of the first national survey on perceptions and attitudes towards cultural diversity and ethnic and racial discrimination, conducted in 2018.⁶²

37. The National Development Plan for the Afro-Peruvian Population 2016–2021⁶³ is also being implemented, with the aim, among other objectives, of guaranteeing the Afro-Peruvian population's right to equality and non-discrimination.

⁵² Judicial branch, Cusco High Court, case No. 00798-2014, decision No. 98, 22 May 2019.

⁵³ Judicial branch, Cusco High Court, case No. 00798-2014, decision No. 109, 15 November 2019.

⁵⁴ Judicial branch, Cusco High Court, case No. 00798-2014, decision No. 110, 2 December 2019.

⁵⁵ Ministry of Culture, Ministerial Decision No. 431-2015-MC. Published in *El Peruano* on 23 November 2015.

⁵⁶ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

⁵⁷ Official communication No. 900087-2018/DGCI/VMI/MC, p. 3.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Information provided by the representative of the Ministry for Women and Vulnerable Groups to the National Human Rights Council, 5 December 2019.

⁶¹ Ministry of Culture, Supreme Decree No. 003-2015-MC. Published in *El Peruano* on 27 October 2015.

⁶² Official communication No. 900087-2018/DGCI/VMI/MC, p. 9.

⁶³ Ministry of Culture, Supreme Decree No. 003-2016-MC. Published in *El Peruano* on 15 July 2016.

3.2 Investigation and punishment of discrimination

38. The Constitution enshrines the right of all persons to equality before the law, meaning that no one may be discriminated against on the basis of origin, race, sex, language, religion, opinion, property or any other status.⁶⁴ If this right is violated, the constitutional process of *amparo* is applicable as an effective judicial remedy.⁶⁵

39. Following the enactment of Act No. 27270 in 2000, the offence of discrimination was introduced into the Criminal Code under article 323, under which acts of discrimination are punishable by a minimum of 2 and a maximum of 4 years' imprisonment and disqualification from public service.⁶⁶

40. In 2017, sexual orientation and gender identity were introduced as prohibited grounds in the definition of the offence of discrimination,⁶⁷ and were also added to the list of grounds considered to be aggravating circumstances (Criminal Code, art. 46).

41. Regarding discrimination in the private sector, the National Institute for the Defence of Competition and the Protection of Intellectual Property is the body responsible for preventing discrimination in consumer relations.⁶⁸ For this purpose, it applies the Consumer Defence and Protection Code,⁶⁹ which regulates commercial relations and establishes the right of consumers not to be discriminated against and the obligation not to discriminate.

42. In this respect, the Institute has identified and spoken out against discriminatory practices against consumers and has imposed sanctions on a number of companies. Between 2011 and October 2019, a total of 131 administrative sanction proceedings were processed in the various offices of the Institute – it has three in Lima, two in Áncash and one each in Arequipa, Cajamarca, Ica, Junín, La Libertad and Piura – as a result of consumer complaints of discrimination.⁷⁰

43. In addition, the Special Chamber for Consumer Protection, a court of second instance that hears appeals, heard 152 appeals in the same time period, of which 36 were upheld.⁷¹

44. In the same period, the Institute's Monitoring and Oversight Department conducted 11 consumer protection inspections for the purpose of verifying compliance with the prohibition on discrimination.

45. The Institute's public service division received 371 complaints of discrimination, 6 of which concerned discrimination on the grounds of race or sexual orientation,⁷² and provided advice and guidance sessions on non-discrimination at the national level, conducting 71 in 2017 and 267 in 2018.⁷³

46. Between 2011 and 2018, the Institute's Advocacy and Awareness-raising Department carried out 50 awareness-raising campaigns relating to non-discrimination against consumers. Of those activities, 10 were disseminated through Radio INDECOPI, the Institute's radio station, which was set up in 2013; 16 through postings on social networks; 18 through press releases; and 6 through radio dramas or radio spots.⁷⁴

3.3 Ending the dissemination of discriminatory stereotypes in the media

47. The Radio and Television Act (No. 28278)⁷⁵ and its implementing regulations⁷⁶ establish the legal requirement for a code of ethics, with the aim of ensuring the provision

⁶⁴ Constitution, art. 2 (2).

⁶⁵ Constitution, art. 200 (2).

⁶⁶ Congress, Act No. 27270. Published in *El Peruano* on 12 May 2000.

⁶⁷ Executive branch, Legislative Decree No. 1323, art. 1. Published in *El Peruano* on 6 January 2017.

⁶⁸ Executive branch, Legislative Decree No. 1033. Published in *El Peruano* on 25 June 2008.

⁶⁹ Congress, Act No. 29571. Published in *El Peruano* on 1 September 2010.

⁷⁰ National Institute for the Defence of Competition and the Protection of Intellectual Property, communication No. 974-2019/PRE-INDECOPI, 13 February 2019, pp. 2–14.

⁷¹ *Ibid.*

⁷² Communication No. 055-2019/PRE-INDECOPI, pp. 9–12.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ Congress, Act No. 28278. Published in *El Peruano* on 23 June 2004.

of broadcasting services that are respectful of the human person, human dignity and cultural pluralism and that promote national values and identity.

48. In coordination with the Radio and Television Advisory Board, a body attached to the Ministry of Transport and Communications,⁷⁷ the Ministry of Culture designed and implemented the Radio and Television Observatory: Media for the People web platform⁷⁸ as a forum for disseminating content that promotes positive recognition and knowledge of the country's cultural diversity, while identifying and condemning racist stereotypes and prejudices in radio and television.⁷⁹

49. In addition, a handbook for communicators on communication without discrimination⁸⁰ and a series of workbooks on ethnic and racial discrimination have been published. Based on the results of a situational analysis of ethnic and racial discrimination in the media,⁸¹ the Ministry of Culture found that indigenous peoples and persons of African descent are the groups most often targeted by widespread discrimination in the media.⁸²

50. In 2018, two round-table discussions were held at the premises of the Ministry of Culture: one on racism and women in the media, and the other on the role of the media and racism in Peru.⁸³

3.4 Eliminating discrimination on the basis of sexual orientation and gender identity

51. It is worth mentioning that, in 2017, the National Institute of Statistics and Information Technology carried out the first online survey of lesbian, gay, bisexual, transgender and intersex persons, to which 12,026 persons in those groups aged 18 or over responded; 72 per cent of the respondents were between the ages of 18 and 29 years. Out of the total number of respondents, 47.8 per cent gave their sex at birth as male and 52.2 per cent as female; 69.1 per cent self-identified as mestizo, followed by 16.4 per cent who identified as white. As regards sexual orientation, 35.2 per cent self-identified as gay, 27.4 per cent as bisexual and 21.4 per cent as lesbian.⁸⁴

52. Regarding the institutional measures adopted, as previously indicated, the Ministry for Women and Vulnerable Groups chairs a working group to promote the rights of lesbian women⁸⁵ and another to promote the rights of gay, bisexual, transgender and intersex persons.⁸⁶ The aim is to encourage proposals for raising awareness of and eliminating the exclusion and discrimination faced by such persons and to undertake activities to promote and protect their rights through inclusive public policies.⁸⁷

53. The Ministry for Women and Vulnerable Groups and the National Elections Board have also taken various measures to combat discrimination on the basis of sexual orientation and gender identity, such as the "Empodera" (Empower) political leadership training school, aimed at lesbian, gay, bisexual, transgender and intersex leaders in 15 cities across the country in order to provide them with the training tools necessary to empower

⁷⁶ Ministry of Transport and Communications, Supreme Decree No. 005-2005-MTC. Adopted on 11 January 2005.

⁷⁷ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

⁷⁸ Available at <http://alertacontraelracismo.pe/observatorio>.

⁷⁹ Radio and Television Advisory Board, communication No. 001-2019-MTC/32, p. 2.

⁸⁰ Official communication No. 900087-2018/DGCI/VMI/MC, p. 10.

⁸¹ Ibid.

⁸² Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

⁸³ Official communication No. 900087-2018/DGCI/VMI/MC, p. 11.

⁸⁴ National Institute of Statistics and Information Technology, first online survey of lesbian, gay, bisexual, transgender and intersex persons, 2017: main results. Accessed on 13 August 2019. Available at <https://www.inei.gob.pe/media/MenuRecursivo/boletines/lgbti.pdf>.

⁸⁵ Ministry for Women and Vulnerable Groups, Ministerial Decision No. 099-2016-MIMP. Published in *El Peruano* on 21 April 2016.

⁸⁶ Ministry for Women and Vulnerable Groups, Ministerial Decision No. 294-2016-MIMP. Published in *El Peruano* on 3 November 2016.

⁸⁷ Ministry for Women and Vulnerable Groups, report No. 10-2018-MIMP/DGTEG, 24 August 2018, pp. 3–4.

and strengthen their involvement in sociopolitical democratic processes at the national, regional and local levels. In addition, a book entitled *Igualdad para construir democracia: Análisis de las candidaturas LGBTI en el Perú 2006–2016* (Equality for Democracy-Building: Analysis of Lesbian, Gay, Bisexual, Transgender and Intersex Candidates in Peru, 2006–2016) has been published.⁸⁸

54. The Ministry is also implementing guidelines for supporting lesbian, gay, bisexual, transgender and intersex persons in the services provided under its National Plan for Combating Domestic and Sexual Violence and has developed two training programmes on human rights and non-discrimination against such persons for different sectors of the State and civil society. Both training programmes are being carried out in accordance with the National Human Rights Plan 2018–2021.⁸⁹

55. Moreover, in 2018, the National Police added “discrimination on the basis of gender identity or sexual orientation” to the police complaints system as a category under which complaints can be recorded.⁹⁰

56. Additionally, a human rights handbook for the police, which is used in the planning and execution of police operations and services and in the educational activities and academic programmes of the National Police Training School, includes lesbian, gay, bisexual, transgender and intersex persons as one of the vulnerable groups whose rights to freely enjoy the public space and to freedom of expression, association and assembly, without discrimination of any kind, must be protected by the police.⁹¹

57. For its part, in 2019, the Ministry of Justice and Human Rights amended the rules governing the Public Defence Service in order to recognize lesbian, gay, bisexual, transgender and intersex persons as a group entitled to special protection and to free services in matters involving the rectification of birth certificates, violations of the right to identity, any form of violence, sexual offences or acts of discrimination. This is by no means an exhaustive list of matters for which legal assistance is provided.⁹²

3.5 Preventing violence against lesbian, gay, bisexual, transgender and intersex persons

58. Nationwide, between October 2011 and July 2018, 1,321 cases of discrimination or incitement to discrimination were registered with provincial prosecutors’ offices with criminal or mixed jurisdiction (25 in 2011, 144 in 2012, 166 in 2013, 186 in 2014, 177 in 2015, 218 in 2016, 246 in 2017 and 159 in 2018). The highest incidence of these offences (458 cases) was recorded in the Department of Lima, which includes Lima Centro, Lima Norte and Lima Sur, followed by Arequipa (88 cases) and Huánuco (76 cases). No cases of this type were registered in the Selva Central region.⁹³

59. Furthermore, in the period 2008–2019, 155 cases of discrimination were recorded by the integrated judicial system of the judicial branch, with 8 cases in 2008, 4 in 2009, 10 in 2010, 6 in 2011, 11 in 2012, 18 in 2013, 14 in 2014, 26 in 2015, 7 in 2016, 16 in 2017, 18 in 2018 and 17 in 2019.⁹⁴

⁸⁸ Ministry for Women and Vulnerable Groups, official communication No. 029-2019-MIMP-DGIGND, 16 June 2019.

⁸⁹ Information provided by the representative of the Ministry for Women and Vulnerable Groups to the National Human Rights Council, 5 December 2019.

⁹⁰ Information provided by the alternate representative of the Ministry of the Interior to the National Human Rights Council, 5 December 2019.

⁹¹ Ministry of the Interior, Ministerial Decision No. 952-2018-IN, 13 August 2018.

⁹² Ministry of Justice and Human Rights, Supreme Decree No. 009-2019-JUS. Published in *El Peruano* on 11 March 2019.

⁹³ Public Prosecution Service, executive report, information for the preparation of the sixth periodic report of Peru to the Human Rights Committee in accordance with the list of issues prior to reporting, October 2011–July 2018 (table 1), 15 October 2018, p. 6.

⁹⁴ Judicial branch, official communication No. 011187-2019-SG-CS-PJ, 15 October 2018, pp. 4–14.

IV. Equality between men and women

4.1 Increasing the proportion of decision-making positions occupied by women

60. In order to address structural discrimination against women, promote equality and non-discrimination between men and women, and guarantee that children, adolescents and women are protected from all types of violence, Peru adopted the National Gender Equality Policy.⁹⁵

61. Also, bearing in mind that one of the drivers of inequality in the proportions of decision-making positions occupied by men and women in the public and private sectors is unequal pay, Act No. 30709⁹⁶ and its implementing regulations⁹⁷ were promulgated with the aim of reducing wage gaps by prohibiting pay discrimination on the basis of sex. Subsequently, a manual setting out criteria for use by employers in evaluating jobs and drawing up tables of occupational categories and functions⁹⁸ was adopted, with the aim of promoting objectivity in the determination of pay levels.

62. In addition, Supreme Decree No. 005-2017-MIMP provides for the creation of a gender equality mechanism in national and regional government entities.⁹⁹

63. In 2018, technical guidelines were approved for gender mainstreaming in the management of judicial institutions.¹⁰⁰

64. Recognizing that agricultural activities are among the most important productive activities in the country, the authorities found, through the 2012 national agricultural survey, that 692,000 agricultural units in Peru (31 per cent of the total) were run by women and that there had been an 11-per-cent increase in the proportion of units run by women between 1994 and 2012.¹⁰¹

65. In addition, the National Family Farming Plan was adopted with the objective of boosting the income of family farmers in a sustainable manner by increasing productivity, food security and the efficiency of sustainable resource management.¹⁰²

66. Act No. 30982 was passed, amending article 19 of General Act No. 24656 on Rural Communities, which establishes that both women and men must account for at least 30 per cent of the composition of community councils.¹⁰³

67. It should also be mentioned that, on 2 December 2019, during a plenary session of the Constitutional Court, Judge Marianella Ledesma Narváez became the first woman to be elected as President of the Court after four judges voted in her favour.¹⁰⁴

4.2 Electoral gender quotas

68. Peru has adopted Act No. 30996, which amends the Elections Organization Act and provides for gender parity and alternation between women and men on a progressive basis: 40 per cent in 2021, 45 per cent in 2026 and 50 per cent in 2031. It also affirms the State's

⁹⁵ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2019-MIMP. Adopted on 4 April 2019.

⁹⁶ Congress, Act No. 30709. Published in *El Peruano* on 30 November 2017.

⁹⁷ Ministry of Labour and Employment Promotion, Supreme Decree No. 002-2018-MTPE. Published in *El Peruano* on 7 March 2018.

⁹⁸ Ministry of Labour and Employment Promotion, Ministerial Decision No. 243-2018-TR. Published in *El Peruano* on 24 September 2018.

⁹⁹ Ministry for Women and Vulnerable Groups, Supreme Decree No. 005-2017-MIMP. Published in *El Peruano* on 20 July 2017.

¹⁰⁰ Judicial branch, Administrative Decision No. 007-2018-CE-PJ. Published in *El Peruano* on 19 January 2018.

¹⁰¹ Ministry of Agriculture and Irrigation, report S/N-2018-MINAGRI-DVPA/DGESEP-DSEP, 22 August 2018, p. 2.

¹⁰² Ministry of Agriculture and Irrigation, Supreme Decree No. 007-2019-MINAGRI. Published in *El Peruano* on 19 November 2019.

¹⁰³ Ministry of Justice and Human Rights, Supreme Decree No. 009-2019-JUS. Published in *El Peruano* on 11 March 2019.

¹⁰⁴ Plenary session of the Constitutional Court. Accessed on 2 December 2019. Available at <https://www.tc.gob.pe/institucional/pleno/>.

obligation to establish mechanisms and public policies to foster the education, training and political participation of women on the basis of equal opportunities. In addition, one of the priorities of the National Gender Equality Policy is to guarantee women's access to and participation in decision-making.¹⁰⁵

69. Between 2014 and 2018, electoral training courses and workshops were delivered for members of political and social organizations, and training was provided to departmental heads of the National Elections Board.¹⁰⁶ In 2018, the Board organized a virtual course entitled "Participate on an equal footing: Tools for better policymaking", which drew 275 participants in all regions of the country, of whom 61 per cent represented social organizations and 29 per cent represented political organizations. Some 45 per cent of the participants reported that they belonged to a vulnerable group. In the 2018 regional and municipal elections, 35 of the people trained stood as candidates: 17 women, 14 young people, 11 indigenous people/campesinos, 1 Afro-Peruvian person and 1 member of the lesbian, gay, bisexual, transgender and intersex community.¹⁰⁷

V. Violence against women, including domestic violence

5.1 Prevention, punishment and eradication of sexual and gender-based violence

70. During the reporting period, laws and policies were enacted to eliminate all forms of gender-based violence against women, including Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members,¹⁰⁸ the incorporation of the offence of "femicide" into the Criminal Code¹⁰⁹ and the National Plan against Gender-based Violence 2016–2021,¹¹⁰ an instrument that seeks to improve inter-institutional coordination to address the complex problem of gender-based violence against women.

71. Under Act No. 30364, the Central Register of Victims and Aggressors was created with the aim of establishing an intersectoral database of cases of violence against women and family members, containing data on victims and aggressors and, for each case, the legal classification, causes and consequences of the violence, the existence of prior complaints, and other relevant data, which will be strictly confidential.¹¹¹ In July 2018, the Act's implementing regulations were adopted and the Register was placed under the joint responsibility of the Public Prosecution Service, the Ministry for Women and Vulnerable Groups and the Peruvian National Police.¹¹²

72. In 2018, the Public Prosecution Service adopted a protocol for the investigation of femicide from a gender perspective,¹¹³ and a commission was established to implement and monitor the implementation of a specialized subsystem for the protection of women and family members from violence and the punishment of perpetrators.¹¹⁴

73. In 2018, in response to an increase in cases of sexual and gender-based violence and of rape and femicide, integrated judicial units on violence against women and family members were introduced in the judicial districts of La Libertad, Lima Sur, Lima Norte, Lima Este, Arequipa, Cusco, Junín and Lambayeque.¹¹⁵

¹⁰⁵ Congress, Act No. 30996. Published in *El Peruano* on 27 August 2019.

¹⁰⁶ Ibid.

¹⁰⁷ Official communication No. 2203-2018-DNEF/JNE, p. 5.

¹⁰⁸ Congress, Act No. 30364. Published in *El Peruano* on 23 November 2015.

¹⁰⁹ Congress, Act No. 30068. Published in *El Peruano* on 18 July 2013.

¹¹⁰ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2016-MIMP. Published in *El Peruano* on 26 July 2016.

¹¹¹ Congress, Act No. 30364. Published in *El Peruano* on 22 November 2015.

¹¹² Ministry for Women and Vulnerable Groups, report No. 033-2018-MIMP-DGCVG-DPVLV/CLCG, 22 August 2018, p. 7.

¹¹³ Public Prosecution Service, Decision No. 002765-2018-MP-FN of the Attorney General's Office. Published in *El Peruano* on 3 August 2018.

¹¹⁴ Public Prosecution Service, Decision No. 2888-2018-MP-FN of the Attorney General's Office. Published in *El Peruano* on 15 August 2018.

¹¹⁵ Public Prosecution Service, Administrative Decisions Nos. 046-2018-CE-PJ and 136-2018-CE-PJ. Published in *El Peruano* on 24 January and 12 September 2018, respectively.

74. Jurisprudence has also been developed on the subject, the most notable being the following: Plenary Agreement No. 9-2019/CIJ-116 on violence against women and family members, prosecutorial discretion and out-of-court settlement, and issues related to the punishment of such violence; Plenary Agreement No. 6-2019/CIJ-116 on issues of overlap between human trafficking offences and sexual exploitation offences; Court of Cassation Plenary Judgment No. 2-2018/CIJ-433 on DNA testing in criminal proceedings, particularly in cases involving sex offences; Plenary Agreement No. 1-2016/CIJ-116 on the definitional scope of the offence of femicide; Plenary Agreement No. 2-2016/CIJ-116 on pain and suffering caused by mental injury or psychological trauma; Plenary Agreement No. 1-2015/CIJ-116 on the judicial application of article 15 of the Criminal Code and intercultural proceedings in cases concerning child or adolescent rape offences; and Plenary Agreement No. 1-2012/CIJ-116 on the transfer of the offence of non-consensual sexual abuse involving adolescents between the ages of 14 and 18 years to article 170 of the Criminal Code.¹¹⁶

75. In December 2019, the National Programme for the Prevention and Eradication of Violence against Women and Family Members was created, replacing the National Programme to Combat Domestic and Sexual Violence. The objective of the new programme is to put in place and promote specialized services for the prevention of violence against women and family members and the care and protection of victims.¹¹⁷

76. In terms of measures to prevent sexual and gender-based violence and to provide services to the victims of such violence, women's emergency centres have been operating nationwide since 1999 and the number of centres has increased from 13 in 1999 to 396 in 2018.¹¹⁸ The centres are run by the Ministry for Women and Vulnerable Groups and offer specialized, interdisciplinary and free public services aimed at providing comprehensive assistance to protect persons affected by violence against women and family members and by sexual violence, promote their recovery and facilitate their access to justice. The centres are located in representative places in each locality, such as health centres and police stations, which facilitates their work.¹¹⁹

77. It is also important to note that the State has given priority to the creation of women's emergency centres in police stations, since this is where most women victims seek assistance. Between 2017 and 2019, 150 centres were established in police stations.¹²⁰

78. In 2010, an urgent care service was introduced in metropolitan Lima. The purpose of this free specialized service is to provide immediate care to victims of family or sexual violence. The service focuses mainly on high-risk cases and involves dispatching an interdisciplinary team of professionals to the victim's location. In 2017, the service was extended to the Departments of Madre de Dios and Arequipa, which have rates of physical and sexual violence of 40.1 per cent and 35.7 per cent, respectively, according to the 2017 population and family health survey.¹²¹

79. In 2016, the Ministry for Women and Vulnerable Groups set up a 24-hour helpline called "Línea 100" (Dial 100), through which information, guidance, counselling and emotional support are provided free of charge to people affected by or involved in cases of family or sexual violence. Moreover, complaints from third parties about such cases are received and referred to the competent authority. By 2018, the helpline had 50 channels, which reduces the waiting time for calls and makes it possible to receive more complaints.¹²²

80. In addition, the Ministry of the Interior has established the 1818 central complaints helpline, through which complaints about violence against women and family members are

¹¹⁶ Judicial branch, official communication No. 153-2019-DDHH-PJ, 26 November 2019, p. 1.

¹¹⁷ Ministry for Women and Vulnerable Groups, Supreme Decree No. 018-2019-MIMP. Published in *El Peruano* on 12 December 2019.

¹¹⁸ Information provided by the representative of the Ministry for Women and Vulnerable Groups to the National Human Rights Council, 5 December 2019.

¹¹⁹ Report No. 033-2018-MIMP-DGCVG-DPVLV/CLCG, p. 10.

¹²⁰ Information provided by the representative of the Ministry for Women and Vulnerable Groups to the National Human Rights Council, 5 December 2019.

¹²¹ Report No. 033-2018-MIMP-DGCVG-DPVLV/CLCG, p. 11.

¹²² *Ibid.*, pp. 10–11.

received by telephone and through virtual channels and referred to the Peruvian National Police.¹²³

81. Since most victims of sexual violence and violence against family members are assaulted by those closest to them, in 2016, the Ministry for Women and Vulnerable Groups established temporary shelters to provide protection, shelter, food and specialized multidisciplinary services from a gender perspective, helping to break the cycle of violence and facilitating the provision of assistance to help victims recover fully. By 2018, the Ministry had set up 14 shelters in 14 regions of the country, serving a total of 448,702 people in the period between their establishment and the end of 2018. In addition to these 14 shelters, there are also shelters run by civil society, which are supervised by Ministry staff to ensure compliance with the conditions and standards required for their operation.¹²⁴

82. In 2018, the Inter-Institutional Protocol on Action against Femicide, Attempted Femicide and High-Risk Partner Violence was updated. The Protocol coordinates inter-institutional actions aimed at providing a comprehensive, effective and timely response to cases of femicide, attempted femicide and high-risk partner violence, taking international human rights standards into consideration.¹²⁵

83. Similarly, the Ministry of Culture, in coordination with the Ministry for Women and Vulnerable Groups, has adopted guidelines for incorporating an intercultural approach into the prevention of sexual violence against children, adolescents and indigenous women and the provision of care and protection to victims,¹²⁶ with the aim of establishing technical guidelines for the same purpose while respecting fundamental human rights.¹²⁷

84. During the period under review, a joint action plan to prevent violence against women and provide protection and care to victims of violence, with an emphasis on high-risk cases, was adopted by Supreme Decree No. 008-2018-MIMP. It was implemented in 2018 and 2019 with a budget of S/. 258 million allocated to 12 public entities to combat violence against women. Some of the key actions implemented in the framework of this plan have been the creation of 100 women's emergency centres, the introduction of 8 integrated judicial units to address violence against women and family members and the establishment of 41 community mental health centres nationwide. In addition, guidelines were developed for joint action by women's emergency centres and health facilities for the care of women victims of violence within the framework of Act No. 30364.¹²⁸

85. In addition, Legislative Decree No. 1368 established a specialized national system of justice for the protection of women and family members from violence and the punishment of perpetrators, which seeks to respond to the needs of women victims of gender-based violence.¹²⁹

86. Similarly, with regard to the prevention of violence against children and adolescents, a workplan was adopted in 2018 for the implementation of guidelines for managing school socialization and for preventing and addressing violence against children and adolescents.¹³⁰ In December 2019, updates to the workplan were adopted.¹³¹

5.2 Reporting, investigating and punishing acts of violence

87. The National Police has stations nationwide that are competent to receive, handle and investigate complaints of sexual and gender-based violence and femicide. In addition, it

¹²³ Information provided by the alternate representative of the Ministry of the Interior to the National Human Rights Council, 5 December 2019.

¹²⁴ Report No. 033-2018-MIMP-DGCVG-DPVLV/CLCG, pp. 11–12.

¹²⁵ Ministry for Women and Vulnerable Groups, Supreme Decree No. 004-2018-MIMP. Published in *El Peruano* on 13 July 2018.

¹²⁶ Ministry of Culture, Supreme Decree No. 009-2019-MC. Published in *El Peruano* on 9 August 2019.

¹²⁷ Information provided by the representative of the Ministry for Women and Vulnerable Groups to the National Human Rights Council, 5 December 2019.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Ministry of Education, Ministerial Decision No. 291-2018-MINEDU. Published in *El Peruano* on 12 June 2018.

¹³¹ Ministry of Education, Ministerial Decision No. 603-2019-MINEDU. Published in *El Peruano* on 12 December 2019.

has 37 police stations specializing in family affairs¹³² and one domestic violence prevention squad. These are specialized bodies responsible for receiving, handling and investigating complaints of violence against women and family members.

88. According to the Public Prosecution Service, between 2011 and July 2018, 743 cases of femicide were reported and investigated nationally (24 in 2011, 122 in 2012, 111 in 2013, 100 in 2014, 103 in 2015, 105 in 2016, 116 in 2017 and 62 in 2018), with Lima (including Lima Centro, Lima Norte, Lima Este and Lima Sur) being the department with the highest incidence of this crime (27.6 per cent), followed by Arequipa (6.9 per cent) and Junín (6.1 per cent). The lowest incidence is in the Selva Central region (0.1 per cent).¹³³

89. Over the same period, the Public Prosecution Service received reports of and investigated 147,431 cases of violation of sexual freedom nationally (5,577 in 2011, 21,507 in 2012, 19,441 in 2013, 20,145 in 2014, 20,387 in 2015, 21,614 in 2016, 23,999 in 2017 and 14,761 in 2018), with Lima (including Lima Centro, Lima Norte, Lima Este and Lima Sur) being the department with the highest incidence of this crime (45,686 cases), followed by Arequipa (9,819 cases) and Cusco (7,342 cases). The region with the lowest incidence is Selva Central (201 cases).¹³⁴

90. With regard to cases of violence against women and family members, a total of 123 judgments were recorded in the period 2010–2018, as reported by the judiciary’s Standing Committee on Access to Justice for Vulnerable Persons and Justice in Your Community (16 judgments in 2010, 20 in 2011, 10 in 2012, 25 in 2013, 15 in 2014, 16 in 2015, 10 in 2016, 9 in 2017 and 2 in 2018).¹³⁵

91. The Standing Committee assisted 72,582 vulnerable people in 2018 and 28,897 people up to October 2019 through various activities in 34 high courts nationwide.¹³⁶

5.3 Access to justice for foreign women

92. In this regard, it should be noted that the obligation to provide free, high-quality legal assistance covers all persons living in Peruvian territory, be they nationals or foreigners. The Ministry of Justice and Human Rights is the body responsible for providing legal assistance through the General Directorate of the Public Defence Service and Access to Justice.

93. As of October 2019, the Directorate has 34 district-level offices throughout the country,¹³⁷ 41 free legal aid centres¹³⁸ and 3 large-scale such centres, which are strategically located in peri-urban and rural areas of the country and which offer free legal aid services, mainly to people with limited economic resources or those in situations of vulnerability, in order to resolve their conflicts or obtain reparation for the violation of their rights or for harm that they have suffered.¹³⁹

94. In 2017, the Legislative Decree on Migration¹⁴⁰ and its implementing regulations¹⁴¹ were promulgated, establishing the principle of respect for fundamental human rights in migration management, including the right of access to justice for women, children and

¹³² Information provided by the alternate representative of the Ministry of the Interior to the National Human Rights Council, 5 December 2019.

¹³³ Public Prosecution Service, executive report, information for the preparation of the sixth periodic report of Peru to the Human Rights Committee in accordance with the list of issues prior to reporting, October 2011–July 2018 (table 4), 15 October 2018, p. 8.

¹³⁴ Ibid. (table 5), 15 October 2018, p. 9.

¹³⁵ Judicial branch, official communication No. 153-2019-DDHH-PJ, 26 November 2019, p. 2.

¹³⁶ Judicial branch, official communication No. 153-2019-DDHH-PJ, 26 November 2019, p. 2.

¹³⁷ Ministry of Justice and Human Rights, district-level offices of the General Directorate of the Public Defence Service and Access to Justice. Accessed on 20 November 2019. Available at <https://www.minjus.gob.pe/defensapublica/interna.php?comando=1021>.

¹³⁸ Ministry of Justice and Human Rights, web page on free legal aid centres. Accessed on 20 November 2019. Available at <https://www.minjus.gob.pe/defensapublica/interna.php?comando=1035>.

¹³⁹ Ministry of Justice and Human Rights, official communication No. 072-2019-JUS/DGDPAJ, 15 January 2019, p. 11.

¹⁴⁰ Executive branch, Legislative Decree No. 1350. Published in *El Peruano* on 7 January 2017.

¹⁴¹ Ministry of the Interior, Supreme Decree No. 007-2017-IN. Published in *El Peruano* on 29 March 2017.

adolescents in situations of vulnerability and the principle of family unity for migrants. Article 11 of the Decree governs measures for dealing with foreigners in situations of vulnerability.¹⁴²

VI. Past human rights violations

6.1 Progress in the implementation of national legislation on the search for disappeared persons

95. Following the promulgation of the Act on the Search for Persons Disappeared during the Period of Violence from 1980 to 2000¹⁴³ and the adoption of the National Plan for the Search for Disappeared Persons (1980–2000),¹⁴⁴ the General Directorate for the Search for Disappeared Persons was created under the Office of the Deputy Minister for Human Rights and Access to Justice within the Ministry of Justice and Human Rights¹⁴⁵ and was tasked with designing and implementing the Plan and administering the National Register of Disappeared Persons and Burial Sites. As of 2019, the Directorate has four offices, located in the Departments of Lima, Ayacucho, Huánuco and Junín and staffed by people who speak both Spanish and Quechua.

96. In addition, a directive to regulate the process of searching for disappeared persons with a humanitarian focus¹⁴⁶ was issued, the Genetic Databank for the Search for Disappeared Persons in Peru¹⁴⁷ was created and its implementing regulations¹⁴⁸ were adopted. The Databank will be used to validate and compare genetic profiles in order to determine family relationships and thereby facilitate the identification of disappeared persons.

97. In 2018, the Ministry of Justice and Human Rights presented the basic list of names in the National Register of Disappeared Persons and Burial Sites, which consolidates information from the main State and civil society sources and serves as the official list of persons disappeared in Peru during the period of violence from 1980 to 2000. The Register is fluid, as the number of persons recorded as disappeared may vary as new sources are drawn upon.¹⁴⁹

98. As of 2019, 20,507 people have been recorded as disappeared in the Register. They include 16,280 men (79.39 per cent), 4,219 women (20.57 per cent) and 8 people whose sex could not be identified (0.04 per cent). In terms of age groups, there are 2,675 people aged 0 to 17 years (13.04 per cent), 9,765 people aged 18 to 40 years (47.62 per cent), 3,868 people aged 41 to 64 years (18.86 per cent), 488 people aged 65 or over (2.38 per cent) and 3,711 people whose age could not be identified (18.10 per cent).¹⁵⁰

99. In September 2019, the Chair of the Working Group on Enforced or Involuntary Disappearances sent Peru a report on the follow-up to the recommendations made by the Working Group after its visit to the country in 2015.¹⁵¹ These recommendations have been referred to the sectors concerned for implementation.¹⁵²

¹⁴² Information provided by the representative of the Ministry for Women and Vulnerable Groups to the National Human Rights Council, 5 December 2019.

¹⁴³ Congress, Act No. 30470. Published in *El Peruano* on 22 June 2016.

¹⁴⁴ Ministry of Justice and Human Rights, Ministerial Decision No. 0363-2016-JUS. Published in *El Peruano* on 25 December 2016.

¹⁴⁵ Ministry of Justice and Human Rights, Supreme Decree No. 013-2017-JUS. Published in *El Peruano* on 22 June 2017.

¹⁴⁶ Ministry of Justice and Human Rights, Directorate Decision No. 001-2017-JUS/DGBPD, 27 October 2017.

¹⁴⁷ Executive branch, Legislative Decree No. 1398. Published in *El Peruano* on 8 September 2018.

¹⁴⁸ Ministry of Justice and Human Rights, Supreme Decree No. 014-2018-JUS. Published in *El Peruano* on 1 January 2019.

¹⁴⁹ Ministry of Justice and Human Rights, official communication No. 455-2019-JUS/DGBPD, 17 July 2019.

¹⁵⁰ *Ibid.*

¹⁵¹ Ministry of Foreign Affairs, official communication No. 2-19-B/458, 25 October 2019, p. 2.

¹⁵² Ministry of Justice and Human Rights, official communications Nos. 1211-2019-JUS/DGDH, 1212-2019-JUS/DGDH, 1214-2019-JUS/DGDH, 1215-2019-JUS/DGDH, 1216-2019-JUS/DGDH, 1218-

6.2 Implementation of the Comprehensive Reparations Plan

100. In accordance with the Act¹⁵³ establishing the Comprehensive Reparations Plan and its implementing regulations,¹⁵⁴ there are seven reparations programmes: (a) the Programme to Restore Citizens' Rights; (b) the Educational Reparations Programme; (c) the Health Reparations Programme; (d) the Collective Reparations Programme; (e) the Symbolic Reparations Programme; (f) the Programme to Promote and Facilitate Access to Housing; and (g) other programmes approved by the High-level Multisectoral Commission responsible for monitoring State actions and policies in the areas of peace, collective reparations and national reconciliation.

101. The Reparations Board, a collegial body within the Ministry of Justice and Human Rights whose main task is to identify by name the victims of the violence that occurred between May 1980 and November 2000, currently has 87 functioning special units. In addition, as of 2019, 250,821 people have been included in the Central Register of Victims. They include 228,880 individual victims, 5,712 collective victims, 146 organized groups of non-returning displaced persons and 16,083 people included in the Special Register of Beneficiaries of Educational Reparations. In terms of disaggregation by sex, there are 84,797 individual male victims, 58,048 female victims, 36,666 male relatives of victims and 49,369 female relatives of victims.¹⁵⁵

102. Economic reparations in the amount of S/. 324 million have been granted to a total of 85,954 civilian, military and police victims, who represent 97 per cent of the persons included in 28 lists of beneficiaries,¹⁵⁶ the last of which was approved in May 2019.¹⁵⁷

103. As of 2019, 2,904 communities and 29 organized groups of non-returning displaced persons have received collective reparations. Moreover, some 2,959 infrastructure and development projects have been funded, at an approximate cost of S/. 293 million.¹⁵⁸

104. As of 2019, housing reparations are being provided through the "Techo Propio" (Home of Your Own) programme of the Ministry of Housing, Construction and Sanitation in three ways: the acquisition of new housing (benefiting 631 people, at a cost of S/. 29 million), construction on self-owned property (benefiting 2,855 people, at a cost of S/. 60 million) and home improvements (benefiting 122 people, at a cost of S/. 1 million).¹⁵⁹

105. Health reparations are being granted through the comprehensive health insurance scheme run by the Ministry of Health. As of July 2019, such reparations have been provided to a total of 124,503 victims, of whom 83,000 were given support in the area of mental health, at a cost of S/. 48,452,369.01.¹⁶⁰ In addition, through specialist mental health teams, psychosocial support has been provided to the families of disappeared persons in the Departments of Ayacucho, Huancavelica, Apurímac and Cusco prior to, during and after exhumations, the return or recomposition of remains and the holding of decent burials.¹⁶¹

106. With regard to educational reparations, as of 2019, 1,973 people have received scholarships for victims of violence and 492 have received technical/vocational grants. In 2018, 315 undergraduate scholarships were awarded, with 150 technical/vocational grants remaining on offer. The expenditure totalled S/. 65 million.¹⁶²

2019-JUS/DGDH and 1219-2019-JUS/DGDH, 8 November 2019; and official communications Nos. 1264-2019-JUS/DGDH and 1265-2019-JUS/DGDH, 19 November 2019.

¹⁵³ Congress, Act No. 28592. Published in *El Peruano* on 28 July 2005.

¹⁵⁴ Ministry of Justice and Human Rights, Supreme Decree No. 015-2006-JUS. Published in *El Peruano* on 6 July 2006.

¹⁵⁵ Reparations Board, official communication No. 2548-2019-CR-ST, 18 July 2019, p. 2.

¹⁵⁶ High-level Multisectoral Commission, official communication No. 2752-2019-JUS/CMAN-SE, 22 July 2019, p. 3.

¹⁵⁷ Ministry of Justice and Human Rights, Ministerial Decision No. 0168-2019-JUS. Published in *El Peruano* on 3 May 2019.

¹⁵⁸ Official communication No. 2752-2019-JUS/CMAN-SE, p. 2.

¹⁵⁹ *Ibid.*, p. 4.

¹⁶⁰ *Ibid.*, p. 6.

¹⁶¹ Information provided by the alternate representative of the Ministry of Health to the National Human Rights Council, 5 December 2019.

¹⁶² Official communication No. 2752-2019-JUS/CMAN-SE, p. 5.

107. As of 2018, 1,148 relatives of victims of enforced disappearance and murder have received symbolic reparations in the shape of logistical and psychosocial support and the provision and transport of coffins, among other related services. As of 2019, 66 public acts of remembrance have been held in the Departments of Ayacucho, Apurímac, Áncash, Huánuco, Huancavelica, Junín, Pasco, Puno, Cusco, San Martín and Lima, 8 memorial nature reserves have been established (in Uchuraccay, Province of Huanta; Accomarca, Province of Vilcas Huamán; Cayara, Province of Víctor Fajardo; Soras, Province of Sucre; and Aucayacu, Department of Huánuco), and 6 comic strip competitions on human rights have been organized, at a cost of S/. 2 million.¹⁶³

6.3 Reopening of the process of determining and identifying beneficiaries of the Economic Reparations Programme under the Comprehensive Reparations Plan

108. In 2016, the process of determining and identifying the civilian, military and police beneficiaries of the Economic Reparations Programme who had been included in the Central Register of Victims was reopened¹⁶⁴ and the registration deadline, which had previously been set at 31 December 2011,¹⁶⁵ was thereby extended. In November 2016, lists Nos. 19 and 20 of the Programme were approved, whereby persons who had submitted an application for inclusion in the Central Register of Victims after 1 January 2012 were recognized as beneficiaries of the Programme. No new deadline has been established for such applications.¹⁶⁶

109. Consequently, list No. 28 of civilian, military and police beneficiaries of the Programme under the Comprehensive Reparations Plan was approved in May 2019¹⁶⁷ and list No. 29 was approved in December 2019.¹⁶⁸

6.4 Human rights violations involving sexual violence

110. The National Criminal Court reports that, in 2016, 10 judgments were handed down, of which 5 were convictions, 2 were acquittals and 3 were a mixture of the two. In 2017, 9 judgments were issued, of which 2 were convictions, 5 were acquittals and 2 were a mixture. Lastly, in 2018, there was 1 conviction.¹⁶⁹

111. It should also be noted that, as of July 2019, 4,735 victims of sexual violence and 199 family members have been registered, in addition to 83 victims of sexual violence, in volume I of the Central Register of Victims. As of 2019, 5,017 victims of rape during the period of violence from 1980 to 2000 have received economic reparations.¹⁷⁰

6.5 Provision of legal assistance and translation services

112. As of 2019, the General Directorate of the Public Defence Service and Access to Justice employs 336 public defenders for victims nationwide, whose task is to provide legal assistance to any injured parties in criminal proceedings. More specifically, regarding the provision of legal aid to victims of the violence that occurred in the period from 1980 to 2000, in 2016, the district directors of public defence in the Departments of Ayacucho, Apurímac and Huancavelica were appointed as public defenders of human rights so that, in

¹⁶³ Official communication No. 2752-2019-JUS/CMAN-SE, p. 7.

¹⁶⁴ Ministry of Justice and Human Rights, Supreme Decree No. 012-2016-JUS. Published in *El Peruano* on 7 September 2016.

¹⁶⁵ Office of the President of the Council of Ministers, Supreme Decree No. 051-2011-PCM. Published in *El Peruano* on 16 June 2011.

¹⁶⁶ Ministry of Justice and Human Rights, Ministerial Decision No. 0332-2016-JUS. Published in *El Peruano* on 10 November 2016.

¹⁶⁷ Ministry of Justice and Human Rights, Ministerial Decision No. 0168-2019-JUS. Published in *El Peruano* on 3 May 2019.

¹⁶⁸ Ministry of Justice and Human Rights, Ministerial Decision No. 0462-2019-JUS. Published in *El Peruano* on 11 December 2019.

¹⁶⁹ Judicial branch, official communication No. 129-2018-DDHH-PJ, 16 December 2018, p. 7.

¹⁷⁰ Ministry of Justice and Human Rights, official communication No. 2548-2019-CR-ST, 18 July 2019, p. 6.

addition to their regular functions, they could also provide legal services to victims of serious human rights violations that took place during that period.¹⁷¹

113. Between 2015 and 2018, 337 cases of human rights violations committed during the period of violence were addressed, of which 58 involved murders and/or massacres, 96 involved enforced disappearance, 39 involved judicial declarations of absence by reason of enforced disappearance, 98 involved the correction of certificates for inclusion in the Central Register of Victims and 45 involved the registration of death certificates for inclusion in the Register. It should be noted that the department in which the most cases were handled was Ayacucho (324 cases in total).¹⁷²

114. Since 2014, the judiciary and the Ministry of Culture have provided specialized training to interpreters so that they can be accredited to participate in judicial proceedings. There are currently 102 interpreters of indigenous or original languages, including 7 speakers of Aymara, 4 of Asháninka, 1 of Ashéninka, 13 of Awajún, 1 of Harakbut, 1 of Jaqaru, 53 of Quechua, 2 of Matsigenka, 6 of Shipibo, 1 of Tikuna, 2 of Urarina, 3 of Wampis, 1 of Yánesha, 3 of Kukama, 3 of Shawi and 1 of Shiwilu.¹⁷³

6.6 Forced sterilization

115. In 2015, priority attention for victims of forced sterilization between 1995 and 2001 was declared to be in the national interest and a register of victims of forced sterilization during this period¹⁷⁴ was set up under the responsibility of the Ministry of Justice and Human Rights with the aim of promoting access to justice through the provision of free legal aid, psychological support and other services.

116. In December 2015, the Ministry approved a procedure for the registration of victims in the register.¹⁷⁵ Accordingly, the following ministerial decisions were adopted: No. 0319-2015-JUS,¹⁷⁶ No. 0001-2016-JUS,¹⁷⁷ No. 0161-2016-JUS¹⁷⁸ and No. 0157-2017-JUS.¹⁷⁹ These decisions made it possible to establish timescales for the progressive implementation of the register. The first phase involved the district-level offices of five departments: Cusco, Cajamarca, Piura, Huancavelica and Lima Este. The second phase involved the district-level offices of a further four departments: Ayacucho, Lima Centro, Lima Sur and San Martín. The third phase involved the district-level offices of nine more departments: La Libertad, Huánuco, Junín, Moquegua, Ventanilla, Apurímac, Ucayali, Loreto and Áncash.

117. Between January 2016 and October 2019, 7,563 alleged victims of forced sterilization were entered in the register.¹⁸⁰ In addition, the General Directorate of the Public Defence Service and Access to Justice took on a total of 1,705 cases in Amazonas, Ayacucho, Cajamarca, Cusco, Huancavelica, Lambayeque, Lima Centro, Lima Este, Lima Sur, Moquegua, Piura, San Martín, Sullana and Tumbes.¹⁸¹

118. The Ministry for Women and Vulnerable Groups has adopted a specific directive containing guidelines for the care of victims of forced sterilization in women's emergency centres. The directive establishes criteria for the care of victims of forced sterilization who

¹⁷¹ Ministry of Justice and Human Rights, official communication No. 1773-2019-JUS-DGDP AJ, 12 August 2019, p. 11.

¹⁷² Ibid.

¹⁷³ Judicial branch, official communication No. 12-2018-DDHH-PJ, 26 December 2018, p. 7.

¹⁷⁴ Ministry of Justice and Human Rights, Supreme Decree No. 006-2015-JUS. Published in *El Peruano* on 6 November 2015.

¹⁷⁵ Ministry of Justice and Human Rights, Ministerial Decision No. 0319-2015-JUS. Published in *El Peruano* on 4 December 2015.

¹⁷⁶ Ibid.

¹⁷⁷ Ministry of Justice and Human Rights, Ministerial Decision No. 001-2016-JUS. Published in *El Peruano* on 8 November 2016.

¹⁷⁸ Ministry of Justice and Human Rights, Ministerial Decision No. 0161-2016-JUS. Published in *El Peruano* on 8 July 2016.

¹⁷⁹ Ministry of Justice and Human Rights, Ministerial Decision No. 0157-2017-JUS. Published in *El Peruano* on 26 June 2017.

¹⁸⁰ Ministry of Justice and Human Rights, General Directorate of the Public Defence Service and Access to Justice, official communication No. 2983-2019-JUS/DGDP AJ, 26 December 2019.

¹⁸¹ Ministry of Justice and Human Rights, General Directorate of the Public Defence Service and Access to Justice, aide-memoire on the register of victims of forced sterilization, 2 October 2019.

have been recorded in the register and are being treated at the women's emergency centres under the Ministry's authority.¹⁸²

119. In September 2018, within the framework of the National Human Rights Plan, a working group including representatives of the State and civil society was set up to analyse and address the situation of victims of forced sterilization between 1995 and 2001.¹⁸³

VII. Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment

7.1 Decriminalization of the voluntary termination of pregnancy

120. Since the adoption of the national technical handbook on the standardization of comprehensive care procedures for women who, with their informed consent and in the framework of article 119 of the Criminal Code, are undergoing a voluntary therapeutic termination of pregnancy before the twenty-second week of pregnancy,¹⁸⁴ training sessions have been held to publicize its content and ensure that it is used.

121. In February 2018, the Civil Division of the Lima High Court of Justice declared admissible a public interest lawsuit filed by the Asociación Centro de Estudios Jurídicos Santo Tomás de Aquino (St. Thomas Aquinas Centre for Legal Studies Association) against the Ministerial Decision adopting the aforementioned handbook with a view to quashing it on the grounds of unconstitutionality.¹⁸⁵ However, in December 2019, the Division dismissed the lawsuit as unfounded and reaffirmed that the Decision is in accordance with the Constitution and Peruvian law.¹⁸⁶

122. Moreover, misoprostol, a medication used in abortion care, has been added to the national list of essential medicines.¹⁸⁷

123. The Maternal and Perinatal Institute performed 271 therapeutic abortions (0.68 per cent) between 2009 and August 2018. The year with the most therapeutic abortions was 2018, with 89.¹⁸⁸

124. The Ministry of Health reported that 805 people nationwide underwent therapeutic abortions in State health facilities between 2015 and 2017. The year with the most abortions was 2015, with 453.¹⁸⁹

7.2 Teenage pregnancy and maternal mortality

125. Peru adopted the Multisectoral Adolescent Pregnancy Prevention Plan for 2013–2021 and created a multisectoral commission to follow up on and monitor the Plan¹⁹⁰ in order to gauge the impact of the measures implemented to prevent teenage pregnancy.¹⁹¹

126. It also adopted Technical Health Standard No. 130 for the comprehensive and differentiated care of adolescents during pregnancy, childbirth and the postnatal period,¹⁹²

¹⁸² Ministry of Justice and Human Rights, Ministerial Decision No. 262-2015-MIMP. Published in *El Peruano* on 11 January 2016.

¹⁸³ Ministry of Justice and Human Rights, Directorate of Human Rights Policy and Management, Record No. 1-2018-JUS-DGDH/DPGDH, 28 September 2019.

¹⁸⁴ Ministry of Health, Ministerial Decision No. 486-2014/MINSA. Published in *El Peruano* on 27 June 2014.

¹⁸⁵ Judicial branch, Lima High Court of Justice, case No. 00058-2018, Decision No. 01, 28 February 2018.

¹⁸⁶ Judicial branch, Lima High Court of Justice, case No. 00058-2018, Decision No. 25, 10 December 2019.

¹⁸⁷ Ministry of Health, official communication No. 034-2019-DVMSP/MINSA, 24 January 2019, p. 1.

¹⁸⁸ *Ibid.*, p. 7.

¹⁸⁹ *Ibid.*, pp. 3–5.

¹⁹⁰ Ministry of Health, Supreme Decree No. 012-2013-SA. Published in *El Peruano* on 7 November 2013.

¹⁹¹ Ministry of Health, official communication No. 283-2018-DVMSP/MINSA, 22 August 2018, p. 7.

¹⁹² Ministry of Health, Ministerial Decision No. 007-2017/MINSA. Published in *El Peruano* on 6 January 2017.

the aim of which is to provide comprehensive care to pregnant adolescents, using a risk-based approach.¹⁹³

127. According to the population and family health survey, between 2009 and 2017, the teenage pregnancy rate in Peru fluctuated around 12 to 14 per cent: the rate was 13.7 per cent in 2009, 13.5 per cent in 2010, 12.5 per cent in 2011 (the lowest during the period), 13.2 per cent in 2012, 14 per cent in 2013, 14.6 per cent in 2014 (the highest during the period), 13.6 per cent in 2015, 12.7 per cent in 2016 and 13.4 per cent in 2017.¹⁹⁴

128. Between 2009 and 2017, the teenage pregnancy rate stood at an average of 23.2 per cent in rural areas and 10.7 per cent in urban areas. Between 2014 and 2017, the annual teenage pregnancy rate in rural areas increased by 0.5 per cent. Between 2015 and 2016, the teenage pregnancy rate in urban areas decreased by 1.2 per cent; however, in 2017, the rate increased by 10.7 per cent.¹⁹⁵

129. In 2017, the department with the highest teenage pregnancy rate (women aged 15 to 19 years) was Loreto with 30.4 per cent, followed by Amazonas with 23.8 per cent, Ucayali with 23.1 per cent and San Martín with 20 per cent (the region with the highest teenage pregnancy rate was the Amazonian region). The departments with the lowest teenage pregnancy rate were Arequipa with 6.6 per cent, Moquegua with 8.6 per cent and Tacna with 9 per cent (the region with the lowest teenage pregnancy rate was the southern region).¹⁹⁶

130. Between 2008 and 2018, 103 girls under 10 years of age, 14,000 adolescents aged 11 to 14 years and 602,755 adolescents aged 15 to 19 years gave birth nationwide. The year with the most births among adolescents (ages 0 to 19 years) was 2015, with 68,171, while the year with the fewest births among adolescents (ages 0 to 19 years) was 2008, with 54,055.¹⁹⁷

131. The Ministry of Health has set itself the goal of achieving a maternal mortality ratio of no more than 60 deaths per 100,000 live births by 2021. The ratio fell by approximately 8.5 per cent from 2009 to 2012; it decreased by 12.9 per cent from 2012 to 2013; increased by 7.7 per cent from 2014 to 2015; decreased by 20.7 per cent from 2015 to 2016; increased by 12.9 per cent from 2016 to 2017; and decreased by 13.8 per cent from 2017 to 2018. In 2016, there were 328 maternal deaths, the lowest number recorded in 20 years.¹⁹⁸

7.3 Accessible sexual and reproductive health services and provision of emergency oral contraceptives

132. In 2016, the Technical Health Standard on Family Planning¹⁹⁹ was adopted. The Standard provides for differentiated sexual and reproductive health care for adolescents, the provision of information on the use of contraceptives in general, the use of emergency oral contraceptives (in cases involving unprotected sex, rape or sexually transmitted diseases), the use of intrauterine contraceptive devices (after orientation and counselling) and the issuance of guidance on family planning.²⁰⁰

133. Since July 2016, emergency contraceptives (levonorgestrel) have been distributed continuously in all State health facilities. Contraceptives are also being distributed in the emergency kits for dealing with cases of violence against women, which also include rapid tests for HIV, syphilis and hepatitis B, treatment for sexually transmitted infections, antiretroviral drugs and vaccines against diphtheria and tetanus.²⁰¹

¹⁹³ Ministry of Health, official communication No. 283-2018-DVMSP/MINSA, 22 August 2018, p. 12.

¹⁹⁴ Ministry of Health, official communication No. 283-2018-DVMSP/MINSA, 22 August 2018, p. 3.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid., p. 4.

¹⁹⁷ Ibid., pp. 5–6.

¹⁹⁸ Ibid., p. 6.

¹⁹⁹ Ministry of Health, Ministerial Decision No. 652-2016/MINSA. Published in *El Peruano* on 31 August 2016.

²⁰⁰ Ministry of Health, official communication No. 283-2018-DVMSP/MINSA, 22 August 2018, pp. 12–13.

²⁰¹ Ibid.

134. In 2016, Act No. 30466 was adopted, establishing parameters and procedural safeguards for the primary consideration of the best interests of the child.²⁰² In 2018, its implementing regulations were adopted, governing access to information and the provision of sexual and reproductive health services to children and adolescents.²⁰³

7.4 Implementation of sexual and reproductive education programmes

135. In 2016, the Ministry of Health held technical meetings on capacity-building for the prevention of teenage pregnancy in 24 departments of the country (Tumbes, Piura, La Libertad, Lambayeque, Áncash, Lima, Callao, Ica, Arequipa, Moquegua, Tacna, Amazonas, Cajamarca, Loreto, Madre de Dios, Ucayali, San Martín, Pasco, Huancavelica, Junín, Ayacucho, Apurímac, Puno and Cusco) for a total of 1,195 health professionals.²⁰⁴

136. Subsequently, in 2017, it held training workshops on family planning and contraceptive methods for 72 health professionals nationwide. In 2018, six training workshops were held on family planning.²⁰⁵

7.5 Prevention and elimination of torture and cruel, inhuman or degrading treatment

137. Acts of torture and inhuman or humiliating treatment are prohibited under the Constitution²⁰⁶ and punishable under article 321 of the Criminal Code by imprisonment of 8 to 14 years for an act meeting the basic definition under that article, 15 to 20 years for a serious case or one involving a specially protected group (children and adolescents, persons over 60 years of age, persons with disabilities, pregnant women or persons deprived of their liberty) and 20 to 25 years in the event of the death of the victim. In addition, the judge may increase the maximum sentence established by law by up to 50 per cent (although the sentence may not exceed 35 years' imprisonment) if the perpetrator takes advantage of his or her status as a member of the Peruvian National Police or armed forces, or as an authority, official or public servant, to commit a punishable act or uses weapons for that purpose that have been provided by the State or whose use is authorized on account of his or her status as a public official.²⁰⁷

138. Legislative Decree No. 1186²⁰⁸ and its implementing regulations²⁰⁹ govern the use of force by the Peruvian National Police in the performance of their duties and in other situations, in accordance with relevant international standards. They provide that, in the event of acts of torture or cruel, inhuman or degrading treatment, an administrative inquiry must be initiated and the events must be immediately reported to the competent authorities. The same principles apply to activities carried out by the armed forces to maintain law and order.²¹⁰

139. The human rights handbook for police officers establishes procedures and basic techniques for police intervention in accordance with the above-mentioned principles and, in particular, instructions concerning restrictions on human rights and guarantees relating to deprivation of liberty and the prevention of torture.²¹¹ As part of efforts to disseminate the handbook, the Ministry of the Interior and the Peruvian National Police organized workshops on the use of force and human rights for 4,758 personnel in 2018 and 2,798 in 2019.²¹²

²⁰² Congress, Act No. 30466. Published in *El Peruano* on 17 June 2016.

²⁰³ Ministry for Women and Vulnerable Groups, Supreme Decree No. 002-2018-MIMP. Published in *El Peruano* on 1 June 2018.

²⁰⁴ Official communication No. 283-2018-DVMSP/MINSA, 22 August 2018, p. 13.

²⁰⁵ *Ibid.*

²⁰⁶ Constitution, art. 2 (24) (h).

²⁰⁷ Congress, Act No. 30054. Published in *El Peruano* on 30 June 2013.

²⁰⁸ Executive branch, Legislative Decree No. 1186. Published in *El Peruano* on 16 August 2015.

²⁰⁹ Ministry of the Interior, Supreme Decree No. 012-2016-IN. Published in *El Peruano* on 27 July 2016.

²¹⁰ Executive branch, Legislative Decree No. 1095. Published in *El Peruano* on 1 September 2010.

²¹¹ Executive branch, Ministerial Decision No. 952-2018-IN. Published in *El Peruano* on 14 August 2018.

²¹² Information provided by the alternate representative of the Ministry of the Interior to the National Human Rights Council, 5 December 2019.

140. In 2019, a handbook was adopted for municipal security officers with the aim of establishing basic norms and procedures at the national level for the performance of their duties from a human rights perspective.²¹³

7.6 Complaints, investigations and judgments in cases of torture or cruel, inhuman or degrading treatment

141. The National Criminal Court states that, between 2016 and 2018, four judgments were handed down in cases involving allegations of torture: two convictions in 2016 and two acquittals in 2017. In 2018, as at 30 September, no judgments had been issued in relation to this offence.²¹⁴

142. With regard to the measures adopted in relation to Act No. 30151,²¹⁵ the regulations in force (Legislative Decree No. 1136)²¹⁶ establish that the Chief of the Armed Forces Joint Command is responsible for “ensuring the dissemination of, and compliance with, national and international standards and the agreements signed by Peru in the fields of international human rights law and international humanitarian law”, thus fostering respect for human rights in the activities of law enforcement and preventing situations of impunity.

143. Similarly, concerning the implementation of Act No. 30151, in September 2019 the judges of the Criminal Division of the Supreme Court adopted a plenary agreement on “Police activities and exemption from criminal responsibility”, in which they established that the Act in no way exonerates police and military officials who violate the parameters for the use of force set out in international instruments.²¹⁷

7.7 Human rights education and training programmes

144. In 2017, the Ministry of the Interior and the Peruvian National Police held three seminars on law enforcement and human rights in areas of Lima, Arequipa and Cajamarca prone to social discord,²¹⁸ pursuant to an inter-institutional agreement with the Public Prosecution Service and the International Committee of the Red Cross.

145. The Peruvian National Police, as part of the process of integrating international human rights standards into police training, adopted a new curriculum for the national police academy, according to which the subject of human rights (including the use of force) is taught in 8 of the 10 semesters of the police training programme.²¹⁹

146. In 2018, the Public Prosecution Service adopted General Directive No. 003-2018-MP-FN²²⁰ on the role of prosecutors in cases involving the use of force by the Peruvian National Police. Since the promulgation of the Directive, training workshops on its content have been held in various departments of the country.²²¹

7.8 Launch of the national mechanism for the prevention of torture

147. The relevant information may be found in paragraph 16 above. In addition, pursuant to Act No. 30394,²²² the national preventive mechanism must submit an annual report to Congress. Between 2017 and 2019, three annual reports were submitted on the work of the

²¹³ Ministry of the Interior, Ministerial Decision No. 772-2019-IN. Published in *El Peruano* on 14 June 2019.

²¹⁴ Judicial branch, official communication No. 129-2018-DDHH-PJ, 16 December 2018, p. 13.

²¹⁵ Congress, Act No. 30151. Published in *El Peruano* on 13 January 2014.

²¹⁶ Executive branch, Legislative Decree No. 1136. Published in *El Peruano* on 10 December 2012.

²¹⁷ Judicial branch, Plenary Agreement No. 05-2019/CJ-116 on police activities and exemption from criminal responsibility, holding No. 53. Published in *El Peruano* on 6 November 2019 (offprint on binding precedents).

²¹⁸ Public Prosecution Service, official communication No. 011-2018-MP-FN-RENADESPPLE, 6 September 2018.

²¹⁹ Peruvian National Police, Higher Academic and Disciplinary Council Decision No. 671-2018-ENFPP-PNP-DIVACA.

²²⁰ Public Prosecution Service, Decision No. 1907-2018-MP-FN.

²²¹ Public Prosecution Service, official communication No. 011-2018-MP-FN-RENADESPPLE, 6 September 2018.

²²² Congress, Act No. 30394. Published in *El Peruano* on 22 December 2015.

mechanism²²³ and one report was submitted on the situation of women in police and military training centres.²²⁴

148. Agreements have been signed with entities whose work is related to the prevention of torture, such as the National Centre for Criminological and Prison Studies, the International Committee of the Red Cross and the Centre for Psychosocial Care.²²⁵

7.9 Amendments to Legislative Decrees Nos. 1094 and 1095

149. On 8 July 2015, the Constitutional Court, in its judgment in case No. 00022-2011-PI/TC, ruled on the constitutionality of some of the articles of Legislative Decree No. 1094 (by which the Military and Police Criminal Code was adopted) and Legislative Decree No. 1095 (which establishes rules governing the use of force by the armed forces in the national territory)²²⁶ so as to ensure that these regulatory provisions comply with international human rights standards and the Constitution.

7.10 Deportations and expulsions of foreign nationals

150. In 2017, the Legislative Decree on Migration²²⁷ and its implementing regulations²²⁸ were promulgated, updating provisions concerning the treatment of migrants and eliminating a series of obstacles and gaps in the previous Legislative Decree on Migration,²²⁹ thus protecting the fundamental rights of Peruvian nationals and foreigners.²³⁰ The new Legislative Decree establishes the principles of respect for fundamental human rights in migration management, the integration of migrants, family unity for migrants and non-discrimination, among others.

151. The National Migration Policy,²³¹ which is intended to guarantee respect for, and the protection of, the rights of migrants, was also adopted. It focuses mainly on four target groups: Peruvians wishing to migrate, Peruvians living abroad, Peruvians returning to Peru and foreigners residing in the national territory.²³²

152. In Peru, migration is governed by the Migration Act²³³ and asylum or refugee status is governed by the Refugee Act.²³⁴ Both laws guarantee respect for the fundamental rights of foreigners and the dignity of all persons, in accordance with the Constitution and the international human rights instruments to which Peru is a party.

153. The Refugee Act explicitly recognizes the right to non-refoulement, under which any person claiming refugee status may enter the country and may not be rejected, returned, expelled, extradited or subjected to any measure that might result in his or her return to a country where his or her life, integrity or freedom is threatened. On submitting their application, applicants for refugee status receive an official document allowing them to remain and work legally in the country until their status has been determined by a final

²²³ National mechanism for the prevention of torture, first annual report, Lima, May 2017. Available at https://www.defensoria.gob.pe/modules/Downloads/informes/anauales/Informe_tortura_2016.1.pdf. National mechanism for the prevention of torture, second annual report, Lima, June 2018. Available at https://www.defensoria.gob.pe/wp-content/uploads/2018/09/Informe_tortura_2018.pdf. National mechanism for the prevention of torture, third annual report, Lima, May 2019. Available at <https://www.defensoria.gob.pe/wp-content/uploads/2019/07/Tercer-InformeAnual-MNPT.pdf>.

²²⁴ National mechanism for the prevention of torture, report on the situation of women in police and military training centres. Available at <https://www.defensoria.gob.pe/wp-content/uploads/2019/06/Serie-de-informes-especiales-CONDICIONES-DE-LAS-MUJERES-EN-LOS-CENTROS-DE-FORMACION-POLICIAL-Y-MILITAR-DMNPT.pdf>.

²²⁵ Office of the Ombudsman, official communication No. 207-2018-DP/ADHPD, 5 October 2018.

²²⁶ Constitutional Court, judgment in case No. 00022-2011-PI/TC, 8 July 2015.

²²⁷ Executive branch, Legislative Decree No. 1350. Published in *El Peruano* on 7 January 2017.

²²⁸ Ministry of the Interior, Supreme Decree No. 007-2017-IN. Published in *El Peruano* on 29 March 2017.

²²⁹ Executive branch, Legislative Decree No. 1236. Published in *El Peruano* on 26 September 2015.

²³⁰ Ministry of Foreign Affairs, official communication No. 2-19-B/111, 22 February 2019, p. 23.

²³¹ Ministry of Foreign Affairs, Supreme Decree No. 015-2017. Published in *El Peruano* on 27 April 2017.

²³² Official communication No. 2-19-B/111, 22 February 2019, p. 23.

²³³ Executive branch, Legislative Decree No. 1350. Published in *El Peruano* on 6 January 2017.

²³⁴ Congress, Act No. 27891, art. 5.

decision, including on any appeals. It should be noted that no one is denied the possibility of applying for refugee status.²³⁵

154. Moreover, the articles of the Constitution that recognize the fundamental rights to life and to moral, physical and psychological integrity, equality before the law without discrimination and liberty and security of person and that prohibit torture and inhuman or humiliating treatment are equally applicable to migrants.²³⁶

155. In Peru, all persons who are at risk of death, torture or ill-treatment in their country of origin are covered by one of the definitions of “refugee” provided for in national legislation. In other words, they meet the criterion of having a well-founded fear of being persecuted, an indispensable condition in the classic definition of “refugee” set out in the 1951 Convention relating to the Status of Refugees.²³⁷

VIII. Elimination of trafficking, slavery and servitude

8.1 Eradication of trafficking in persons, forced labour and domestic servitude

156. Since 2007, the legal framework for combating human trafficking and related forms of exploitation has been strengthened. In 2007, a definition of the criminal offence of trafficking in persons was established, with a punishment of no less than 8 and, in cases involving the most serious aggravating circumstances, no more than 35 years’ imprisonment (Act No. 28950,²³⁸ Act No. 30251²³⁹ and Supreme Decree No. 001-2016-IN).²⁴⁰

157. In 2007, the National Commission against Forced Labour²⁴¹ was set up as a permanent national body to coordinate intersectoral policies and actions in the area of forced labour. Through the Commission, three national plans for the prevention and eradication of forced labour have been drawn up, the most recent of which was adopted in 2019 and is entitled “Third National Plan to Combat Forced Labour 2019–2022”.²⁴²

158. In 2012, 23 September was declared the National Day against Trafficking in Persons (Act No. 29918).²⁴³ In 2015, the National Policy on Trafficking in Persons and Related Forms of Exploitation (Supreme Decree No. 001-2015-JUS)²⁴⁴ was adopted to guide and direct actions to combat this crime. In 2016, the Multisectoral Standing Commission against Trafficking in Persons and Smuggling of Migrants (Supreme Decree No. 001-2016-IN)²⁴⁵ was created and the Intersectoral Protocol on the Prevention and Prosecution of the Offence of Trafficking in Persons and the Protection, Care and Reintegration of Victims²⁴⁶ was adopted.

159. In 2017, three new offences were added to the Criminal Code: (a) sexual exploitation; (b) slavery and other forms of exploitation; and (c) forced labour.²⁴⁷ In addition, the National Plan of Action to Combat Trafficking in Persons 2017–2021 was adopted.²⁴⁸

²³⁵ Congress, Act No. 27891. Published in *El Peruano* on 20 December 2002.

²³⁶ Information provided by the alternate representative of the Ministry of the Interior to the National Human Rights Council, 5 December 2019.

²³⁷ Ibid.

²³⁸ Congress, Act No. 28950. Published in *El Peruano* on 16 January 2007.

²³⁹ Congress, Act No. 30251. Published in *El Peruano* on 21 October 2014.

²⁴⁰ Ministry of the Interior, Supreme Decree No. 001-2016-IN. Published in *El Peruano* on 9 February 2016.

²⁴¹ Ministry of Labour and Employment Promotion, Supreme Decree No. 001-2007-TR.

²⁴² Ministry of Labour and Employment Promotion, Supreme Decree No. 015-2019-TR. Published in *El Peruano* on 18 September 2019.

²⁴³ Congress, Act No. 29918. Published in *El Peruano* on 23 September 2012.

²⁴⁴ Ministry of Justice and Human Rights, Supreme Decree No. 001-2015-JUS. Published in *El Peruano* on 24 January 2015.

²⁴⁵ Executive branch, Supreme Decree No. 001-2016-IN. Published in *El Peruano* on 9 February 2016.

²⁴⁶ Ministry of the Interior, Supreme Decree No. 005-2016-IN. Published in *El Peruano* on 12 May 2016.

²⁴⁷ Executive branch, Legislative Decree No. 1323. Published in *El Peruano* on 6 January 2017.

²⁴⁸ Ministry of the Interior, Supreme Decree No. 017-2017-IN. Published in *El Peruano* on 8 June 2017.

160. In 2019, a guide for the preparation of individual reintegration plans for persons affected by the crime of trafficking in persons was adopted. The plans coordinate the measures taken in each sector involved in the process of reintegrating such persons. The Ministry for Women and Vulnerable Groups is responsible for supervising and monitoring the implementation of these plans.²⁴⁹

161. The most aggravated forms of forced labour are punishable by imprisonment of up to 25 years and various disqualifications. Moreover, Act No. 30924²⁵⁰ amended article 168-B of the Criminal Code, incorporating the penalty of 100 to 200 days' fine for the offence of forced labour, and article 195 of the Criminal Code, incorporating goods produced through forced labour as an aggravating factor in the offence of receiving stolen goods, and imposing a penalty of 6 to 12 years' imprisonment. In this connection, the offence of forced labour carries three types of penalties, which are applied simultaneously: imprisonment, disqualification and a fine.

162. In 2017, the Ministry of Labour and Employment Promotion signed inter-institutional cooperation agreements with the International Labour Organization and the National Institute of Statistics and Information Technology with the aim of developing cooperation, data and information exchange and technical assistance activities for the prevention and eradication of forced labour. Furthermore, in 2019, it signed a framework agreement with the Public Prosecution Service to carry out joint training, technical assistance and data and statistical information exchange activities among officials and public servants from both entities. Since 18 November 2019, the Institute has been carrying out a pilot survey on the prevalence of forced labour in one department of the country.²⁵¹

8.2 Complaints, investigations and penalties in cases of trafficking in persons, forced labour and domestic servitude

163. Between 2011 and July 2018, 5,979 cases of trafficking in persons were registered nationwide with provincial prosecutor's offices with criminal and mixed jurisdiction. Lima (including Lima Centro, Lima Este, Lima Sur and Lima Norte) was the department with the highest incidence of this crime (1,684 cases), followed by Madre de Dios (566 cases) and Loreto (507 cases). The department with the lowest incidence was Pasco (19 cases).²⁵²

164. Between 2015 and September 2018, the criminal divisions of the judiciary received reports of 928 cases of trafficking in persons and handed down 171 convictions (23 in 2012, 40 in 2013, 24 in 2014, 26 in 2015, 30 in 2016 and 28 in 2017).²⁵³

165. Between 2012 and October 2019, the Registration and Statistical System on the Offence of Trafficking in Persons and Related Offences, maintained by the Peruvian National Police, recorded 2,898 complaints of trafficking in persons (271 in 2012, 275 in 2013, 259 in 2014, 441 in 2015, 494 in 2016, 524 in 2017, 370 in 2018 and 264 in 2019). The department with the most complaints filed in this period was Lima (1,452), followed by Loreto (212). The locality with the fewest complaints was Pucallpa (1).²⁵⁴

166. The System also recorded 1,496 underage victims between 2012 and October 2019 (137 in 2012, 102 in 2013, 115 in 2014, 263 in 2015, 258 in 2016, 240 in 2017, 195 in 2018 and 186 in 2019). Of the total number of victims, 79.07 per cent were girls and female adolescents (1,183) and 21 per cent were boys and male adolescents (313).²⁵⁵

167. Between 2012 and 2018, the Ministry of Foreign Affairs assisted 154 Peruvians (97 men and 57 women). Assistance was most commonly provided in relation to labour exploitation (135 people), followed by sexual exploitation (11 people). The most frequently

²⁴⁹ Ministry for Women and Vulnerable Groups, Supreme Decree No. 009-2019-MIMP. Published in *El Peruano* on 10 April 2019.

²⁵⁰ Congress, Act No. 30924. Published in *El Peruano* on 29 March 2019.

²⁵¹ Information provided by the alternate representative of the Ministry of Labour and Employment Promotion to the National Human Rights Council, 5 December 2019.

²⁵² Public Prosecution Service, email dated 9 October 2018.

²⁵³ Judicial branch, official communication No. 129-2018-DDHH-PJ, 26 December 2018.

²⁵⁴ Ministry of the Interior, official communication No. 000798-2019/IN/VSP/DGSD on trafficking in persons, slavery and servitude, 27 November 2019, p. 8.

²⁵⁵ *Ibid.*, p. 9.

provided type of assistance was consular assistance, followed by psychological assistance.²⁵⁶

8.3 Specialized training with regard to trafficking in persons, forced labour and domestic servitude

168. The Directorate against Trafficking in Persons and Smuggling of Migrants of the Peruvian National Police, in coordination with the Ministry of the Interior, organized two annual courses nationwide on the investigation of trafficking in persons and on the legal framework concerning this offence.²⁵⁷

169. Between 2011 and July 2018, the School of the Public Prosecution Service carried out 85 training activities on trafficking in persons and related forms of exploitation for 6,295 employees of the Service.²⁵⁸

170. Between 2014 and 2018, the Judicial Training School carried out 18 training activities on trafficking in persons for a total of 202 judges and prosecutors.²⁵⁹

171. Between 2016 and 2018, the Ministry of Labour and Employment Promotion carried out 23 prevention, awareness-raising and training activities on the fight against trafficking in persons for a total of 1,591 people. It has also provided technical assistance to the regional governments of Cusco, Loreto, Amazonas, Tumbes and Ica for the preparation of regional plans of action against trafficking in persons.²⁶⁰

172. Between January 2018 and November 2019, the Ministry carried out training and awareness-raising activities on forced labour that were delivered on a face-to-face basis in 15 departments and via videoconference for a further 8 departments. The activities were aimed at public officials and civil servants in the regional directorates of labour and employment promotion, representatives of other public institutions and the general public.²⁶¹

173. In 2019, within the framework of the Intergovernmental Commission on the Labour and Employment Promotion Sector, which covers all 25 departments of the country and is headed by the Ministry of Labour and Employment Promotion, training and awareness-raising activities on forced labour were carried out in three departments for public officials and civil servants who themselves carry out awareness-raising and dissemination activities among the population as part of efforts to combat forced labour.²⁶²

174. As of 2018, coordination efforts are being made with Argentina, Colombia, Ecuador, Bolivia and Chile to formulate or implement bilateral or multilateral agreements that promote coordination in the fight against trafficking in persons.²⁶³

IX. Liberty and security of person and humane treatment of persons deprived of their liberty

9.1 Overcrowding in places of detention

175. According to the National Prison Institute, as of 2019, 117,720 persons deprived of their liberty²⁶⁴ are in the prison system under one of two forms of custody. On the one hand, 69 closed prisons are holding 93,828 persons deprived of their liberty (88,683 men and 5,141 women), of whom 34,247 have not been convicted and 59,581 have been convicted.

²⁵⁶ Ministry of Foreign Affairs, OF.RE (DDH) No. 2-19-B/111, 27 February 2019.

²⁵⁷ Peruvian National Police, email dated 13 August 2018.

²⁵⁸ Public Prosecution Service, official communication No. 1807-2018-MP-FN-EMP, 10 August 2018.

²⁵⁹ Judicial Training School, official communication No. 128-2018-AMAG/DA, 15 August 2018.

²⁶⁰ Ministry of Labour and Employment Promotion, official communication No. 776-2018-MTPE/2/15, 19 November 2018.

²⁶¹ Information provided by the alternate representative of the Ministry of Labour and Employment Promotion to the National Human Rights Council, 5 December 2019.

²⁶² Ibid.

²⁶³ Peruvian National Police, email dated 13 August 2018.

²⁶⁴ National Prison Institute, 2019 statistical report. p. 6.

On the other hand, 23,892 persons deprived of their liberty are being held in semi-open facilities.²⁶⁵

176. It should also be noted that the overcrowding rate increased from 118 per cent in 2017 to 129 per cent in 2018, owing to the fact that 89,705 persons deprived of their liberty were being held in detention centres with capacity for 39,156 persons.²⁶⁶

9.2 Alternatives to imprisonment

177. In view of the foregoing, the following alternatives to imprisonment and prison privileges have been promoted: (a) personal electronic surveillance;²⁶⁷ (b) conversion of the sentence being served;²⁶⁸ and (c) prison privileges, which consist of (i) furloughs, (ii) sentence reductions in exchange for work or study, (iii) work or study release, (iv) conditional release, (v) conjugal visits or (vi) other privileges.²⁶⁹

9.3 Persons in situations of vulnerability who are deprived of their liberty

178. The Government of Peru has adopted a National Prison Policy and a National Prison Policy Plan 2016–2020,²⁷⁰ which reflects a human-rights-based, gender-sensitive and intercultural approach and is structured around three strategic areas, namely the criminal justice system, rehabilitation and reintegration.

179. Similarly, a directive on the comprehensive care and treatment in prison of accused or convicted women held in closed and open prisons²⁷¹ incorporates international standards for the protection of women deprived of their liberty, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

180. The updated human rights handbook for prison staff,²⁷² which takes the human-rights-based approach and strengthens the process of reintegrating persons deprived of their liberty, promotes respectful and protective conduct in the performance of prison functions and activities.²⁷³

181. As far as health in prisons is concerned, a directive on the care of persons with tuberculosis in prisons²⁷⁴ constitutes the normative framework for the treatment of such patients. An instruction and training manual for health facilitators on tuberculosis in persons deprived of their liberty²⁷⁵ has also been approved and is aimed at health-care workers who are responsible for training inmates as health facilitators.

182. Regarding education in prisons, a directive on prison education management and development has been adopted,²⁷⁶ with a view to ensuring that persons deprived of their liberty, and any children living with them in prison, have access to the different levels and categories of education. At the end of the second quarter of 2019, 8,099 persons deprived of their liberty were benefiting from this educational service, an increase of 4,272 persons compared to 2013.²⁷⁷

183. With reference to the promotion of employment among persons deprived of their liberty, a “Productive Prisons” policy is being carried out under Legislative Decree No. 1343²⁷⁸ and Supreme Decree No. 025-2017-JUS.²⁷⁹ The aim is to provide for and bolster the

²⁶⁵ National Prison Institute, official communication No. 881-2019-INPE/01, 6 August 2019.

²⁶⁶ Ibid., appended CD containing the May 2019 statistical report.

²⁶⁷ Executive branch, Legislative Decree No. 1322. Published in *El Peruano* on 6 January 2017.

²⁶⁸ Executive branch, Legislative Decree No. 1300. Published in *El Peruano* on 30 December 2016.

²⁶⁹ Congress, Legislative Decree No. 654, art. 42. Published in *El Peruano* on 2 August 1991.

²⁷⁰ Ministry of Justice and Human Rights, Supreme Decree No. 005-2016-JUS. Published in *El Peruano* on 15 May 2016.

²⁷¹ National Prison Institute, Presidential Decision No. 119-2016/P. Adopted on 22 April 2016.

²⁷² National Prison Institute, Presidential Decision No. 185-2018-INPE/P. Adopted on 18 August 2018.

²⁷³ National Prison Institute, official communication No. 881-2019-INPE/01, 6 August 2019.

²⁷⁴ National Prison Institute, Presidential Decision No. 251-2017-INPE/P.

²⁷⁵ National Prison Institute, Directorate Decision No. 167-2017-INPE/12.

²⁷⁶ National Prison Institute, Presidential Decision No. 082-2016-INPE-DTP. Adopted on 10 March 2016.

²⁷⁷ National Prison Institute, official communication No. 881-2019-INPE/01, 6 August 2019.

²⁷⁸ Executive branch, Legislative Decree No. 1343. Published on 7 January 2017.

²⁷⁹ National Prison Institute, Supreme Decree No. 025-2017-JUS. Published.

rehabilitation of prisoners and former prisoners through the promotion and implementation of productive activities, thereby facilitating the prison population's return to the labour market and reintegration into society. To this end, 314 workshops have been set up, benefiting 11,040 persons deprived of their liberty, and 185 agreements have been concluded between the National Prison Institute and private-sector companies, benefiting 1,459 persons deprived of their liberty.²⁸⁰

X. Access to justice

10.1 Access to justice at the national level

184. At the national level, there are 34 High Courts that administer justice in accordance with the Constitution and laws and more than 5,931 magistrates' courts.²⁸¹ Justices of the peace deal with dispute settlement, conciliation and the restoration of harmony in areas with limited resources and, in general, limited access to the formal justice system. They have notarial functions with respect to small claims and criminal jurisdiction over minor offences, but primarily carry out conciliation functions, often applying customary law. The department with the largest number of justice of the peace courts is Áncash, with 483, followed by Huánuco, with 473; Cajamarca, with 469; and San Martín, with 421.²⁸²

185. Additionally, the judiciary has a Standing Committee under the National Programme on Access to Justice for Vulnerable Persons and Justice in Your Community. Its main functions include the application and implementation of the 100 Brasilia Regulations. Actions under the National Plan on Access to Justice for Vulnerable Persons 2016–2021 are also under way.²⁸³

186. Between 2009 and 2012, the judiciary established intercultural judicial training centres in 21 judicial districts around the country. In addition, between 2010 and 2018, it organized annual international congresses on intercultural justice in the cities of La Merced, Cajamarca, Huaraz, Lima, Piura, Puno, Iquitos and Ayacucho.²⁸⁴

187. In 2016, a protocol on the involvement of children and adolescents in judicial processes²⁸⁵ and a protocol on school justices of the peace²⁸⁶ were adopted; in 2017, a protocol on mobile justice to facilitate access to justice for vulnerable persons²⁸⁷ was adopted; and in 2018, a protocol on legal assistance for persons with disabilities²⁸⁸ was adopted.

10.2 Recognition of traditional systems of justice of indigenous peoples

188. The Constitution enshrines the right of the campesino and indigenous communities' authorities to exercise judicial functions in the light of the recognition enjoyed by the indigenous peoples and in accordance with their own customary laws and procedures.²⁸⁹

189. In 2013, the Public Prosecution Service set up its Centre for Intercultural Affairs, Communities and Campesino Patrols,²⁹⁰ with the aim of contributing to the dialogue with different community and campesino patrol stakeholders for the purpose of preventing and

²⁸⁰ National Prison Institute, official communication No. 881-2019-INPE/01, 6 August 2019.

²⁸¹ Information provided by the representative of the judicial branch to the National Human Rights Council, 5 December 2019.

²⁸² Judicial branch, official communication No. 129-2018-DDHH-PJ, 26 December 2018.

²⁸³ Ibid.

²⁸⁴ Ibid.

²⁸⁵ Judicial branch, Administrative Decision No. 228-2016-CE-PJ. Published in *El Peruano* on 30 November 2016.

²⁸⁶ Judicial branch, Administrative Decision No. 200-2016-CE-PJ. Published in *El Peruano* on 29 September 2016.

²⁸⁷ Judicial branch, Administrative Decision No. 264-2017-CE-PJ. Published in *El Peruano* on 29 September 2017.

²⁸⁸ Judicial branch, Administrative Decision No. 010-2018-CE-PJ. Published in *El Peruano* on 20 January 2018.

²⁸⁹ Constitution, art. 149.

²⁹⁰ Public Prosecution Service, Decision No. 2136-2013-MP-FN of the Attorney General's Office. Published in *El Peruano* on 28 July 2013.

resolving social conflicts. In 2018, situational analyses are under way in the Departments of Cajamarca and Ayacucho and work is being coordinated with the campesino and indigenous communities and the campesino patrols at the national level with regard to special justice in the context of national and international norms intended to benefit indigenous peoples.²⁹¹

190. In coordination with the Ministry of Culture, the Centre for Intercultural Affairs, Communities and Campesino Patrols encouraged its civil servants to participate in the skills certification campaigns launched in the Departments of Apurímac and Cusco. As a result, 29 civil servants were accredited as having the linguistic skills to provide public services in Quechua and Spanish.²⁹²

191. By late 2019, the Ministry of Culture had held 13 training courses for interpreters and translators, training a total of 472 persons, 347 of whom are registered as interpreters and translators in the national register of interpreters and translators of indigenous languages.²⁹³ Of these persons, 79 specialize in the area of justice, 6 in health and 262 in prior consultation.²⁹⁴

XI. Freedom of opinion and expression

11.1 Protection and promotion of freedom of opinion and expression and of journalists and human rights defenders

192. In 2019, a protocol guaranteeing the protection of human rights defenders²⁹⁵ was adopted. The protocol establishes actions, procedures and coordination measures aimed at creating a suitable environment in which such persons can promote, protect and defend human rights. The protocol also provides for the creation of the first official register of complaints and information concerning attacks against human rights defenders and specific risk situations.

11.2 Complaints of violence against journalists and human rights defenders

193. On 14 September 2011, José Luis Oquendo Reyes, who directed and hosted the Chincha-based BTV Canal 45 television programme *Sin Fronteras* (Without Borders), was murdered. The case was prosecuted (case No. 283-2014) and, in 2015, the Northern Chincha Criminal Court for Supranational Affairs found Teobaldo Wilberto Fajardo Ormeño guilty of homicide, sentencing him to 8 years' imprisonment and ordering him to pay S/. 20,000 in civil damages to the legal heirs of the deceased.²⁹⁶

XII. Child labour and birth certificates

12.1 Prohibition of child labour

194. According to the 2018 national household survey, the overall rate of children and adolescents aged between 5 and 13 years who are employed is 17 per cent, a decrease of 5.2 per cent since 2012, while the rate of adolescents aged 14 to 17 years who are working in dangerous conditions is 8.5 per cent, a reduction of 4.6 per cent since 2012.²⁹⁷

²⁹¹ Public Prosecution Service, official communication No. 05-2019-MP-FN-CAIMP, 22 January 2019.

²⁹² Ibid.

²⁹³ Ministry of Culture, Supreme Decree No. 002-2015-MC. Published in *El Peruano* on 21 August 2015.

²⁹⁴ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

²⁹⁵ Ministry of Justice and Human Rights, Ministerial Decision No. 0159-2019-JUS. Published in *El Peruano* on 27 April 2019.

²⁹⁶ Judicial branch, official communication No. 129-2018-DDHH-PJ, 26 December 2018.

²⁹⁷ National Institute of Statistics and Information Technology, national household survey on living conditions and poverty, 2012–2018. Accessed on 27 November 2019. Available at <https://www.inei.gob.pe/estadisticas/encuestas/>.

195. In 2012, the authorities adopted the National Strategy for the Prevention and Eradication of Child Labour 2012–2021,²⁹⁸ which coordinates and strengthens the response of various public entities to the challenge of preventing and eradicating child labour.

12.2 Birth certificates and identity documents

196. The National Identification and Civil Status Registry is the body responsible for registering the births of all persons born in the national territory, without distinction. For this purpose, it provides in-home and online registration services, such as the Online Civil Registration Service, as well as services at local government offices and in the health-care facilities of the Ministry of Health and the EsSalud national health insurance system, known as auxiliary registry offices.²⁹⁹

197. Between 2010 and October 2019, 187 auxiliary registry offices were set up and, during the same period, 6,258,016 births were registered nationwide, with 1,707,230 births registered at auxiliary registry offices around the country. Within that time period, the National Identification and Civil Status Registry registered the highest number of births in 2011, with 762,022 births, and the lowest number in 2018, with 565,130 births. The auxiliary registry offices registered the highest number of births in 2018, with 279,418, and the lowest in 2010, with 79,378.³⁰⁰

198. Between 2011 and 2018, bilingual civil registries were established for the registration of births and other life events in languages such as Jaqaru, Awajún, Aymara, Quechua, Incahuasi Cañaris, Cajamarca Quechua, Wampis, Shipibo-Conibo, Matsés, Achuar, Kawi, Kandozi Chapra and Kukuma Kukamiria. Free documentation campaigns were carried out by the mobile teams of the National Identification and Civil Status Registry, and the Nominal Register was launched, allowing for the online verification of the identity of children under 6 years of age in the poorest districts of Peru.³⁰¹

199. In addition, as part of the “Inclusion for Growth” National Development and Social Inclusion Strategy, the Ministry of Development and Social Inclusion, through the “Juntos” (Together) programme, and the National Identification and Civil Status Registry are facilitating access to identity documents for children and their mothers in order to ensure that they are able to gain access to the benefits of this social programme.³⁰²

200. In 2013, Itinerant Social Action Platforms were introduced to enable registrars of the National Identification and Civil Status Registry to travel to local communities on Peruvian Navy vessels in order to carry out civil registration procedures free of charge.³⁰³

201. Between 2011 and October 2019, 158,093 applications for a first identity card and 203,139 births in the border areas of the Amazon Basin, which comprises the Departments of Amazonas, Loreto, Madre de Dios and Ucayali, were registered in the National Identification and Civil Status Registry database. It is worth noting that Ucayali recorded the highest number of identity card registrations, with 45,209, while Amazonas had the lowest, with 31,289.³⁰⁴

202. Between October 2011 and July 2018, the Ombudsman’s Office received 821 complaints of unreasonable or unlawful restrictions on birth registrations or of negligence in that regard and 249 complaints of restrictions on the issuance of a certificate of live birth, the document used to start the process of obtaining a birth certificate from the National Identification and Civil Status Registry or the municipality.³⁰⁵

²⁹⁸ Ministry of Labour and Employment Promotion, Supreme Decree No. 015-2012-TR. Published in *El Peruano* on 5 September 2012.

²⁹⁹ National Identification and Civil Status Registry, official communication No. 349-2019-SGEN/RENIEC, 5 February 2019.

³⁰⁰ National Identification and Civil Status Registry, official communication No. 003186-2019-SGEN/RENIEC, 15 November 2019, p. 2, table 1.

³⁰¹ *Ibid.*, pp. 2–3.

³⁰² *Ibid.*, p. 4.

³⁰³ National Identification and Civil Status Registry, official communication No. 349-2019-SGEN/RENIEC, 5 February 2019.

³⁰⁴ National Identification and Civil Status Registry, official communication No. 003186-2019-SGEN/RENIEC, 15 November 2019, pp. 5–6.

³⁰⁵ Office of the Ombudsman, official communication No. 207-2018-DP/ADHPD, 5 October 2018.

203. It has been noted from these complaints that some health facilities do not issue certificates of live birth for births that take place in the mother's home, and that the lack of Internet, computers and printers in health-care centres makes it difficult to register birth certificates online or to consult the National Identification and Civil Status Registry for information about the mother.³⁰⁶

204. Regarding measures to ensure that the children of Peruvians living abroad are registered and obtain citizenship, the right to Peruvian nationality is regulated by the Constitution and by the Nationality Act.³⁰⁷ Under those provisions, all persons – minors and adults – who were born in Peruvian territory or abroad to a Peruvian father and/or mother and who are registered in the corresponding registry have Peruvian nationality. Birth registration is carried out free of charge and always at the request of the interested party.

XIII. Rights of persons belonging to minorities

13.1 Protection and promotion of the rights of indigenous peoples

205. With regard to this population group's right of participation, the Ministry of the Environment uses its "Dialoguemos" (Let's Talk) participation and consultation tool to promote participatory processes with indigenous peoples in matters within its sphere of competence, such as land, natural resources and climate change.³⁰⁸

206. In 2014, the Working Group on Indigenous Policies was created for the purpose of proposing, coordinating, participating in, evaluating and following up on the commitments undertaken between the executive branch and the indigenous and original peoples through their national indigenous organizations.³⁰⁹

207. In respect of the right to prior consultation and communal property, as of 2018 there are 10 communal reserves categorized as protected natural areas, and a joint management and participation mechanism has been set up by the National Protected Natural Areas Service and indigenous peoples' representative organizations.³¹⁰

208. The direct participation of indigenous communities is also promoted through the conditional direct transfer mechanism, which is implemented by the National Forest Conservation Programme for Climate Change Mitigation and consists of economic incentives for the conservation of forests. Indigenous organizations are consulted on the decisions to be taken before conditional direct transfers are effected.³¹¹

209. With regard to environmental rights, in 2009, the National Commission on Biological Diversity was established as a multisectoral and interdisciplinary advisory body responsible for monitoring the implementation of the obligations arising from the Convention on Biological Diversity and related treaties.³¹² As a result of the Commission's efforts, a technical working group on traditional knowledge in the context of article 8 (j) of the Convention on Biological Diversity was created in 2019.³¹³

210. Regarding the right to traditional knowledge, the Multisectoral Standing Committee for the Preservation and Appreciation of the Traditional and Ancestral Knowledge and Practices of Indigenous and Original Peoples was created in 2016.³¹⁴

211. In 2004, the National Commission against Biopiracy was created.³¹⁵ Its duties include searching other countries' databases to identify any patents involving the biological

³⁰⁶ Ibid.

³⁰⁷ Congress, Act No. 26754, 3 January 1996.

³⁰⁸ Ministry of the Environment, official communication No. 986-2018-MINAM/SG, 5 September 2018.

³⁰⁹ Ministry of Culture, Ministerial Decision No. 403-2014-MC, 6 November 2014.

³¹⁰ Ministry of the Environment, official communication No. 986-2018-MINAM/SG, 5 September 2018.

³¹¹ Ministry of the Environment, official communication No. 986-2018-MINAM/SG, 5 September 2018.

³¹² Ministry of the Environment, Supreme Decree No. 007-2009-MINAM, 27 March 2009.

³¹³ Ministry of the Environment, first ordinary meeting of the 2019 session of the National Commission on Biological Diversity, 28 February 2019. Accessed on 19 November 2019. Available at <https://cdn.www.gob.pe/uploads/document/file/321350/Acta.pdf>.

³¹⁴ Ministry of Culture, Supreme Decree No. 006-2016-MC. Published in *El Peruano* on 23 July 2016.

³¹⁵ Congress, Act No. 28216, 7 April 2004.

resources of Peru or ancestral knowledge about the uses of such resources, with the aim of preventing biopiracy.

212. There are, as of 2018, 24 forums for dialogue with indigenous communities in 13 of the country's departments, namely Piura, Cajamarca, Loreto, San Martín, Ucayali, Ayacucho, Puno, Moquegua, Cusco, Apurímac, Junín, Lima and Áncash.³¹⁶

213. In 2018, the Ministry of Culture implemented a participatory dialogue programme in the Provinces of Condorcanqui and Bagua, in the Department of Amazonas. As a result, 541 children, adolescents and leaders of the Awajún communities of Yutupis, Kusu Chapi and Temashnum participated in 14 forums for intercultural dialogue on the issue of sexual violence. In that context, statutes and internal regulations on sexual violence were revised in the Yutupis and Temashnum communities, and seven technical meetings were held in those communities and in the annexed community of Kusu Chapi, with the participation of 494 indigenous men and women.

214. In 2018, targets relating to indigenous organizations were met, with the strengthening of the capacities of 68 female leaders of regional and local indigenous organizations on the subject of violence against women, with a view to promoting measures to prevent and address violence in conjunction with regional and local indigenous organizations. In addition, leaders of the seven national indigenous organizations that are members of the Working Group on Indigenous Policies signed two agreements undertaking to continue coordinating their activities on the problem of violence with their regional and local organizations.³¹⁷

215. At the State level, 93 public servants from Amazonas and Lima, in particular those working in bodies that deal with the problem of violence, strengthened their intercultural capacities in 2018.³¹⁸

216. Various measures were carried out in 2019, including: (a) the 2019 joint action plan to prevent violence against women and provide care and protection for victims of violence, with an emphasis on high-risk cases,³¹⁹ published by the Ministry for Women and Vulnerable Groups; (b) the amendment of the implementing regulations for Act No. 30364 to recognize that origin and cultural or linguistic conditions place women in situations of vulnerability that prevent them from exercising their rights;³²⁰ (c) the establishment of the National Observatory on Violence against Women and Family Members to generate information and knowledge for the purpose of monitoring and improving public policies on violence against women, giving priority to the generation of information on members of indigenous or original peoples and the Afro-Peruvian population, who are considered to be the most vulnerable groups;³²¹ (d) the achievement of the targets relating to indigenous organizations with the strengthening of the capacities of 187 leaders of indigenous representative organizations on the subject of violence against women, with a view to promoting measures to prevent and address violence in conjunction with regional and local indigenous organizations;³²² and (e) the publication of two communication materials on preventing sexual violence, which were disseminated in two Awajún communities (Yutupis and Kusu Chapi) in Amazonas.³²³

217. As of November 2019, the Ministry of Culture has recognized 20 indigenous peoples in a situation of isolation and initial contact by means of the following provisions:

³¹⁶ Ministry of the Environment, official communication No. 986-2018-MINAM/SG, 5 September 2018.

³¹⁷ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

³¹⁸ Ibid.

³¹⁹ Ministry for Women and Vulnerable Groups, 2019 joint action plan to prevent violence against women and provide care and protection for victims of violence, with an emphasis on high-risk cases. Accessed on 22 November 2019. Available at <https://www.mimp.gob.pe/files/Plan-de-accion-conjunto-2019.pdf>.

³²⁰ Ministry for Women and Vulnerable Groups, Supreme Decree No. 004-2019-MIMP. Published in *El Peruano* on 7 March 2019.

³²¹ Ibid., art. 1.

³²² Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

³²³ Ibid.

Supreme Decree No. 001-2014-MC, Supreme Decree No. 004-2017-MC, Supreme Decree No. 002-2018-MC and Supreme Decree No. 001-2019-MC.³²⁴

218. As of November 2019, Peru has also established three indigenous reserves (for the Isconahua, Murunahua and Mashco Piro peoples) and two territorial reserves (the Kugapakori, Nahua, Nanti and Other Peoples' Reserve and the Madre de Dios Reserve) for the protection of indigenous peoples in a situation of isolation and initial contact. All these reserves are located in the Departments of Cusco, Madre de Dios and Ucayali. The Ministry of Culture has put in place a network of 13 checkpoints and surveillance points staffed by 42 protection officers who carry out land and waterway patrols and conduct monitoring tasks to protect the rights of indigenous peoples in a situation of isolation and initial contact.³²⁵

219. In 2018, Legislative Decree No. 1374, which establishes a system for sanctioning non-compliance with the provisions of Act No. 28736, its implementing regulations and other compulsory provisions, was enacted so as to make use of monitoring and sanctioning powers to protect the rights of indigenous peoples in a situation of isolation and initial contact.³²⁶ In a similar vein, the implementing regulations of Legislative Decree No. 1374 were adopted and published in 2019. The regulations were drawn up with the participation of indigenous groups through information workshops in the Departments of Madre de Dios, Loreto, Cusco and Ucayali, where the presence of indigenous peoples in a situation of isolation and initial contact has been identified.³²⁷

220. As of November 2019, Peru had received and approved applications to create the following five indigenous reserves: Kakataibo Norte and Sur; Sierra del Divisor Occidental; Yavarí Tapiche; Yavarí Mirim; and Napo, Tigre and other peoples. The first four have been recognized by supreme decree as indigenous peoples in a situation of isolation and initial contact and are in the process of being categorized.³²⁸

13.2 Prior consultations undertaken with indigenous peoples

221. As of 2019, Peru had implemented the following 49 prior consultation processes: 9 on protected natural areas; 11 supreme decrees on hydrocarbon blocks; 3 implementing regulations on forestry, indigenous languages and climate change, respectively; 1 sectoral policy on intercultural health and 1 on the national plan for intercultural bilingual education; 1 decision approving the terms of reference of the environmental impact study of the Amazon Waterway project; 18 decisions authorizing mining exploration and exploitation; 3 decisions approving the final granting of electricity generation concessions; 1 mayoral decision on a final road improvement study; and 1 decision on national cultural heritage. These processes covered 39 provinces in the following 14 departments: Áncash, Apurímac, Arequipa, Ayacucho, Cusco, Huancavelica, Huánuco, Junín, Lima, Loreto, Madre de Dios, Pasco, Puno and Ucayali.³²⁹

222. Twelve entities have conducted prior consultation processes, namely five government ministries (the Ministries of Energy and Mining, Education, Culture, Transport and Communications, and Environment), three public agencies (the National Protected Natural Areas Service, the National Health Institute and the National Forest and Wildlife Service), three regional governments (of Loreto, Cusco and Ucayali) and one local government (the district municipality of Manseriche).³³⁰

223. As of November 2019, the following 28 indigenous or original peoples have been consulted: Achuar, Amahuaca, Asháninka, Asheninka, Awajún, Bora, Capanahua, Ese Ejja, Harakbut, Isconahua, Kakataibo, Kichwa, Kukama-Kukamiria, Maijuna, Matsés, Matsigenka, Murui Muinani, Ocaina, Quechuas, Shawi, Shipibo-Conibo, Tikuna, Urarina, Wampis, Yagua, Yaminahua, Yanasha and Yine.³³¹

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Executive branch, Legislative Decree No. 1374. Published in *El Peruano* on 12 August 2018.

³²⁷ Ministry of Culture, Supreme Decree No. 010-2019-MC. Published in *El Peruano* on 9 August 2019.

³²⁸ Ibid.

³²⁹ Ministry of Culture, official communication No. 030-2019/DGPI/VMI/MC, 17 January 2019.

³³⁰ Ibid.

³³¹ Ibid.

224. In order to monitor compliance with agreements, the second of the additional, transitional and final provisions of the implementing regulations of the Prior Consultation Act provides for the creation of a multisectoral standing committee on the application of the right to consultation.³³²

225. This committee is composed of representatives of 24 Deputy Ministers from 14 Ministries (the Office of the President of the Council of Ministers and the Ministries of Culture, Energy and Mining, Education, Health, Environment, Justice and Human Rights, Transport and Communications, Production, Agriculture and Irrigation, Labour and Employment Promotion, Development and Social Inclusion, Women and Vulnerable Groups, and Foreign Trade and Tourism), a representative of the National Assembly of Regional Governors, a representative of the Peruvian Municipalities Association, and representatives of seven national organizations representing indigenous peoples (Asociación Interétnica de Desarrollo de la Selva Peruana; Confederación Campesina del Perú; Confederación Nacional Agraria; Confederación de Nacionalidades Amazónicas del Perú; Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú; Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú; and Unión Nacional de Comunidades Aymaras).³³³

13.3 International Decade for People of African Descent

226. The National Development Plan for the Afro-Peruvian Population, which was adopted in July 2016, sets out the following objectives: (a) ensuring the statistical visibility of the Afro-Peruvian population within the national statistical system and respecting this population's right to ethnic identity; (b) ensuring the right to equality and non-discrimination of the Afro-Peruvian population; (c) promoting the social, political, economic, productive and cultural development of the Afro-Peruvian population with respect for identity and equal opportunities; and (d) strengthening public institutions involved in protecting and promoting the rights of persons of African descent so as to promote their citizenship and their participation in, and access to, decision-making bodies.³³⁴

227. The Ministry of Culture has been organizing the annual "Somos Familia" (We Are Family) National Meeting of Afro-Peruvian Organizations since 2016, with the objective of fostering exchanges between representatives of different State bodies and national Afro-Peruvian organizations. The fourth National Meeting took place in 2019.³³⁵

228. The Working Group on the Afro-Peruvian Population,³³⁶ which is composed of representatives of the State and civil society, was created in 2016 and tasked with coordinating, proposing and following up on public policies that concern the Afro-Peruvian population and/or require an intercultural approach.³³⁷ In 2019, five regional meetings were held with 40 Afro-Peruvian organizations in the Departments of Piura, Lambayeque, Lima and Ica, with the goal of improving coordination between the Working Group and regional organizations and participating in regional technical committees on the implementation of the National Development Plan for the Afro-Peruvian Population.³³⁸

229. Between 2018 and November 2019, regional ordinances were adopted by the regional governments of Ica (Regional Ordinance No. 0001-2018-GORE-ICA), Piura (Regional Ordinance No. 430-2018/GRP-CR), Lambayeque and Tumbes, with the technical assistance and continuous support of the Directorate of Afro-Peruvian Policies of the

³³² Ibid.

³³³ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

³³⁴ Ministry of Culture, Supreme Decree No. 003-2016-MC. Published in *El Peruano* on 15 July 2016.

³³⁵ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

³³⁶ Ministry of Culture, Ministerial Decision No. 476-2016-MC. Published in *El Peruano* on 16 December 2016.

³³⁷ Ministry of Culture, Deputy Ministerial Decision No. 025-2016-VMI-MC. Published in *El Peruano* on 12 November 2016.

³³⁸ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.

Ministry of Culture.³³⁹ In addition, the “Somos Pacífico” (We are the Pacific) International Meeting on Traditional Afrodescendent Cuisine was held in Lima on 7 and 8 June 2019, and in Cali and Buenaventura, Colombia, from 27 September to 1 October 2019, with the goal of promoting forums for the regional and international integration of African culture in Latin America.

230. Since 2014, Afro-Peruvian Culture Month³⁴⁰ has been observed as a means of highlighting the cultural, social and political contributions of Afro-Peruvian culture and its luminaries. Participants in the activities include representatives of Afro-Peruvian organizations; the general public; representatives of the executive, legislative and judicial branches; regional governments and provincial and district municipalities with the greatest Afro-Peruvian presence; and Peruvian diplomatic missions abroad. In 2019, more than 150 activities were carried out nationally and internationally, reaching and benefiting more than 20,000 people and, through the media, some 500,000 people.³⁴¹

³³⁹ Ibid.

³⁴⁰ Ministry of Culture, Ministerial Decision No. 339-2014-MC. Published in *El Peruano* on 27 September 2014.

³⁴¹ Information provided by the representative of the Ministry of Culture to the National Human Rights Council, 5 December 2019.