



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States parties under
article 19 of the convention pursuant to the optional
reporting procedure**

Seventh periodic reports of States parties due in 2016

Peru*, **, ***

[Date received: 13 June 2017]

* The combined fifth and sixth periodic reports of Peru are contained in document CAT/C/PER/6; they were considered by the Committee at its 1096th and 1099th meetings, held on 30 and 31 October 2012 (CAT/C/SR.1096 and 1099). For their consideration, see the Committee's concluding observations (CAT/C/PER/CO/5-6).

** The present document is being issued without formal editing.

*** The annexes to this report may be consulted in the files of the Secretariat.



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I. Introduction

1. Peru is submitting its fifth periodic report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. Acts of torture and inhuman or humiliating treatment are prohibited under the Constitution,¹ which provides that “no one shall be subjected to psychological, emotional or physical violence or to torture or inhuman or humiliating treatment”. This prohibition is predicated on the view that protection of the individual and respect for human dignity are the supreme purpose of society and the State.
3. This report therefore highlights the various measures adopted to give effect to the provisions set down in the Constitution, taking account also of the international obligations assumed by Peru under the Convention and other duly ratified international instruments.
4. Such measures include action taken to promote and foster the adoption of public policies and legislative measures, to ensure that court proceedings are pursued to conclusion and to raise awareness of the standards established in the Convention against Torture.

II. Information relating to the articles of the Convention

Article 1

Reply to the questions raised in paragraph 1 of the list of issues

5. The definition of the criminal offence of torture set out in article 321 of the Criminal Code was amended by Legislative Decree No. 1351,² which provides that “any official or public servant, or any person acting with his or her consent or acquiescence, who inflicts upon another severe pain or suffering, whether physical or mental, or subjects that other person to forms of treatment intended to impair his or her personal integrity or diminish his or her physical or mental capacity, shall incur a custodial penalty of no less than 8 and no more than 14 years.”
6. In cases where the victim “(i) is seriously injured; (ii) is under 18 years of age or over 60 years of age; (iii) has some form of disability; (iv) is pregnant, or; (v) is in custody or detention, and the official has committed the offence in abuse of his or her authority, the custodial penalty shall be no less than 15 and no more than 20 years”.
7. If the victim dies and the perpetrator could have foreseen this outcome, the custodial penalty shall be no less than 20 and no more than 25 years.
8. This amendment removed the requirement that a link be established between the act of torture committed and a material consequence not inherent in the act in question. Henceforth, the key determinant is whether the person subjected to the act is exposed to a particular form of treatment intended to cause physical or mental impairment: the addition of the term “intended” means that the material injury to the victim’s mental or physical capacity need be potential only, and the determination of the offence thus rests solely on the injurious act itself.
9. Two earlier amendments to the Criminal Code, implemented through Act No. 30054³ and Act No. 30077,⁴ introduced changes to sentencing practices for torture and other criminal offences.

¹ Constitution of Peru. Articles 1 and 2 (24) (h).

² Executive branch. Legislative Decree No. 1351. Published in the Official Gazette, *El Peruano*, on 7 January 2017. Article 2.

³ Congress. Act No. 30054. Published in the Official Gazette, *El Peruano*, on 30 June 2017.

⁴ Congress. Act No. 30077. Published in the Official Gazette, *El Peruano*, on 20 August 2013. Article 3 (18).

10. Act No. 30054⁵ provides that judges may increase the length of the sentence imposed by up to 50 per cent of the legally-established maximum, provided the resulting term of imprisonment does not exceed 35 years, if the perpetrator has committed a punishable act in abuse of his or her status as a member of the Armed Forces or the Peruvian National Police or as a public authority, official or servant, or if he or she uses for such purpose weapons that have been provided by the State or that he or she is authorized to use by virtue of his or her status as a public official.

11. Act No. 30077⁶ sets out rules and procedures governing the special techniques used to investigate, prosecute and punish offences committed by criminal organizations, including offences of torture.

12. In particular, the Act establishes as special aggravating circumstances⁷ that serve as grounds for increasing a sentence, *inter alia*, situations in which “the perpetrator is a civil or public servant who has used or abused his or her position to commit, facilitate or cover up an offence”.

13. Special aggravating circumstances shall also be deemed to exist when the offence committed is injurious to “the physical or psychological integrity of minors or other persons without full legal capacity”. In such cases, the perpetrators shall not be entitled to prison privileges such as sentence reductions for work or study, semi-open internment and parole.⁸

Article 2

Reply to the questions raised in paragraph 2

14. Free legal aid is a fundamental right enshrined in article 139 (16) of the Constitution and article IX of the new Code of Criminal Procedure.⁹

15. The Ministry of Justice and Human Rights guarantees the availability of such aid through the General Directorate of the Public Defence Service and Access to Justice,¹⁰ which provides free legal assistance in criminal, family, civil and labour law cases to victims of any form of rights violation, to juvenile offenders, to prison detainees with no financial resources and in all other cases for which the law expressly provides.¹¹

16. The Directorate of Criminal Defence¹² and the Directorate of Legal Aid and Victim Defence¹³ have provided legal aid to defendants and victims in numerous criminal proceedings for torture. There were 113 new cases from January 2014 to October 2016, (103 of which were supported by the Directorate of Criminal Defence and 12 by the Directorate of Legal Aid and Victim Defence). See table No. 1 of Annex No. 1.¹⁴

17. From July 2012 to August 2016, the Public Defence Service examined 2,529,114 cases and provided assistance in 920,073, focusing on family legal aid, the defence of

⁵ Article 2 of Act No. 30054.

⁶ Article 3 (18). Act 30077.

⁷ Act No. 30077. Art. 22 (1) (c).

⁸ *Idem*. Art. 24 (1).

⁹ Executive branch. Legislative Decree No. 957. Published in the Official Gazette, *El Peruano*, on 29 July 2004. Article IX.

¹⁰ Ministry of Justice and Human Rights. Supreme Decree No. 011-2012-JUS. Date: 20 April 2016. Article 101.

¹¹ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice. Official Communication No. 01014-2016-JUS/DGDP. Date: 29 September 2016. Report No. 00018-2016-JUS/DGDP-DDP-FEVP (Date: 26 September 2016). pp. 3-4.

¹² *Idem*, pp. 5-6.

¹³ *Idem*, p.17.

¹⁴ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice. Official Communication No. 1254-2016-JUS-DGDP. Date: 16 November 2016. Report No. 3917-2016-DGDP AJ. Date: 11 November 2016. pp. 3-4.

victims and criminal defence. Since 2014, assistance has also been provided in cases involving juvenile offenders. See table Nos. 2, 3 and 4 of Annex No. 1.¹⁵

18. In accordance with article 263 of the new Code of Criminal Procedure,¹⁶ the responsibilities of the Peruvian National Police include informing detainees of the offence of which they are accused; notifying the Public Prosecution Service; bringing detainees immediately before an examining judge; ensuring that a defence lawyer is present from the outset of the investigations; and ensuring that detainees are examined by a forensic physician.

19. In addition, article 71 (2) (e) of the Code provides that judges, prosecutors and police officers must inform suspects immediately, in a form which they understand, of their right “not to be subjected to coercion, intimidation or measures that impair their dignity, to techniques or methods that affect or undermine their free will, or to constraints not authorized or permitted by law”.

20. If a defendant believes that, during the pretrial proceedings or preliminary investigation, these conditions have not been fulfilled, his or her rights are not being respected, or he or she has been subjected to unlawful demands or measures that unduly restrict his or her rights, he or she may request the examining judge to rectify the omission or order the appropriate corrective or protective measures. The defendant’s request shall be resolved as soon as the facts have been established and a hearing has been held with the parties concerned.¹⁷

21. In addition to the provisions on the treatment of persons deprived of their liberty set out in the human rights handbook for police staff, the National Peruvian Police adheres to Directive No. 03-14-2015-DIRGEN-PNP/EMG-DIRINCRI-B, approved by Directorate Decision No. 579-2015-DIRGEN/EMG PNP, which sets out security standards and procedures applicable to persons detained in police stations, other police premises and premises for which the police are responsible, and also to persons held in custody and/or being brought before the competent authorities.

Reply to the questions raised in paragraph 3

22. Although the budget allocated to the Ombudsman’s Office increased between 2012 and 2015¹⁸ (see table No. 1, Annex 2), the Office was not granted the amount requested. More up-to-date information is not currently available.

¹⁵ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice. Official Communication No. 01014-2016-JUS-DGDP. Date: 29 September 2016. Technical Report No. 00018-2016-JUS/DGDP-DDP-FEVP (Date: 26 September 2016). pp. 11-13.

¹⁶ New Code of Criminal Procedure, Legislative Decree No. 957. Published in the Official Gazette, *El Peruano*, on 29 July 2004. Art. 263.

¹⁷ Article 71 (4) of the New Code of Criminal Procedure.

¹⁸ Ombudsman’s Office.

19th Annual Report to Congress. January-December 2015. Lima, May 2016. p. 337-339. Consulted on 10 October 2016.

Available at <http://www.defensoria.gob.pe/modules/Downloads/informes/anuales/decimonoveno-informe-anual.pdf>.

18th Annual Report to Congress. January-December 2014. Lima, May 2015. p. 305. Consulted on 10 October 2016. Consulted on 10 October 2016.

Available at <http://www.defensoria.gob.pe/modules/Downloads/informes/anuales/decimonoveno-informe-anual.pdf>.

17th Annual Report to Congress. January-December 2013. Lima, May 2014. p. 283. Consulted on 10 October 2016. Consulted on 10 October 2016.

Available at <http://www.defensoria.gob.pe/modules/Downloads/informes/anuales/Decimoseptimo-Informe-Anual.pdf>.

16th Annual Report to Congress. January-December 2012. Lima, May 2013. p. 261. Consulted on 10 October 2016. Consulted on 10 October 2016.

Available at <http://www.defensoria.gob.pe/modules/Downloads/informes/anuales/Decimosexto-Informe-Anual.pdf>.

Reply to the questions raised in paragraph 4

23. By Act No. 30394,¹⁹ the Government of Peru has extended the duties of the Ombudsman's Office to include those of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

24. The Ombudsman's Office has taken a number of steps to assume its new duties, requesting additional budget resources from various authorities so that it is able to fulfil this mandate effectively.²⁰ Further up-to-date information is not currently available.

Reply to the questions raised in paragraph 5

25. The National Human Rights Plan 2014-2016, approved by Supreme Decree No. 005-2014-JUS,²¹ specified direct measures for enforcing the prohibition of torture, including preventive action in the form of training and awareness-raising programmes to familiarize the Armed Forces and National Police with the relevant human rights standards and prevent their engagement in acts of torture or cruel, inhuman or degrading treatment.

Reply to the questions raised in paragraph 6

26. From 2012 to August 2016, the women's emergency centres established under the National Programme to Combat Domestic and Sexual Violence run by the Ministry for Women and Vulnerable Groups provided support to 245,468 victims of psychological, physical and sexual violence.²²

27. The number of cases handled annually increased from 42,537 in 2012 to 58,429 in 2015. From January to August 2016, the National Programme to Combat Domestic and Sexual Violence registered 44,879 cases in which support was provided.²³ See table No. 1, Annex 3.

28. The coverage provided by the women's emergency centres nationwide has been extended to address this increase and, since 2015, has encompassed every province in the country.²⁴ As of September 2016, the total number of centres in operation was 245.²⁵

29. The Ministry of the Interior recorded 122,689 complaints of physical, psychological, sexual and other forms of domestic violence in 2012; 122,901 in 2013; 135,874 in 2014; and 137,742 in 2015. See table No. 2, Annex 3.²⁶

30. From 2012 to 2015, the Ministry recorded 23,363 complaints of rape. From 2013 to 2015, there were 15,950 complaints of rape against women. See table Nos. 3 and 4, Annex 3.²⁷

¹⁹ Congress. Act No. 30394. Published in the Official Gazette, *El Peruano*, on 22 December 2015.

²⁰ Ombudsman's Office. 19th Annual Report of the Ombudsman's Office to Congress. January-December 2015. p. 140.

²¹ Ministry of Justice and Human Rights. Supreme Decree 005-2014-JUS. Published in the Official Gazette, *El Peruano*, on 5 July 2014. pp. 59 and 113. Consulted on 30 November 2016. Available at http://www.minjus.gob.pe/vmjdh/contenido/publicaciones/11_ds_005_2014_jus_aprobacion_pndh.pdf.

²² Ministry for Women and Vulnerable Groups. General Directorate of Equality and Non-Discrimination. Official Communication No. 1112-2016-MIMP/DGIGND. Date: 3 October 2016. Report No. 014-2016-MIMP/ DGIGND - DPIGND. Annex 1.

Preliminary figures for January-August 2016 published on the website of the National Programme to Combat Domestic and Sexual Violence. Consulted on 29 September 2016. Available at <http://www.mimp.gob.pe/contigo/contenidos/pncontigo-articulos.php?codigo=36>.

²³ *Idem*, p. 7.

²⁴ Ministry for Women and Vulnerable Groups. Ninth progress report on the implementation of Act No. 28983. 2015. p. 235. Consulted on 19 October. 16. Available at http://www.mimp.gob.pe/files/direcciones/dgignd/informes/2015-Informe_LIO.pdf.

²⁵ Ministry for Women and Vulnerable Groups. General Directorate against Gender-Based Violence. Official Communication No. 288-2016-MIMP/DGCVG. Date: 14 September 2016. p. 5.

²⁶ Ministry for Women and Vulnerable Groups. General Directorate of Equality and Non-Discrimination. Official Communication No. 112-2016-MIMP/DGIGND. Date: 3 October 2016. Report No. 014-2016-MIMP/ DGIGND - DPIGND. Annex 2.

31. According to the femicide register kept by the National Programme to Combat Domestic and Sexual Violence, between 2011 and July 2016 there were 1,396 cases of femicide and attempted femicide (the former accounting for 41 per cent of the total and the latter 59 per cent), with an average of 8 to 10 femicides per month.²⁸ See table No. 5, Annex 3.

32. From 2014 to 2016, the legal aid and victim defence service of the Ministry of Justice and Human Rights provided legal assistance to women victims of both violence and sexual violence. See table No. 6, Annex 3.²⁹

33. In addition, from 2009 to 2015, the Ministry for Women and Vulnerable Groups implemented the second National Plan to Combat Violence against Women.³⁰ One of the main actions achieved under the Plan was the promulgation of Act No. 30314³¹ on the prevention and punishment of sexual harassment in public spaces, which is of particular importance for the rights of women. To date, 28 local governments and 5 provincial governments³² have adopted ordinances to prevent and punish sexual harassment in public places.

34. Also adopted in this period was Act No. 30364 on the prevention, punishment and eradication of violence against women and members of the family unit.³³ This Act establishes comprehensive policies and mechanisms for prevention, victim support and protection, reparation for injury suffered and the prosecution, punishment and rehabilitation of convicted offenders, which are designed to ensure that women and members of the family unit are able to enjoy a life free of violence and to exercise their rights fully.

35. The regulations implementing the above-mentioned Act were adopted subsequently through Supreme Decree No. 009-2016-MIMP, which sets out a new procedural system for providing protection against and ensuring the punishment of acts of violence against women and family members.³⁴

36. Article 122-B, which establishes definitions for offences of violence against women and members of the family unit, was added to the Criminal Code for this purpose. The definition of the basic form of the offence establishes a custodial sentence of no less than 1 year and no more than 3 years “for any person who, in any way, causes bodily harm to a woman by reason of her gender, or to members of the family unit, that necessitates rest or assistance for a period not exceeding 10 days, or any form of psychological, cognitive or behavioural impairment in any of the circumstances provided for in the first paragraph of the article on femicide”. Aggravating circumstances shall apply, *inter alia*, “if the victim is a minor, a senior citizen or a person with a disability and the perpetrator takes advantage of this fact”.³⁵

37. The regional governments of Callao, Moquegua, Junín, Ica, Pasco, Huancavelica, Ayacucho and Ucayali have regional plans on violence against women.³⁶

38. In addition, the third National Plan against Gender-Based Violence 2016-2021, which is applied at the three levels of government and in the various sectors and institutions

²⁷ *Idem*, Annexes 3 and 4.

²⁸ Ministry for Women and Vulnerable Groups. General Directorate against Gender-Based Violence. Official Communication No. 288-2016-MIMP/DGCVG. Date: 14 September 2016. p. 3.

²⁹ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice Official Communication No. 01014-2016-JUS-DGDP. p. 18.

³⁰ Ministry of Women and Social Development. Supreme Decree No. 003-2009-MIMDES. Published in the Official Gazette, *El Peruano*. 27 March 2009.

³¹ Congress. Act No. 30314. Published in the Official Gazette, *El Peruano*. 23 March 2013.

³² Ministry for Women and Vulnerable Groups. General Directorate against Gender-Based Violence. Official Communication No. 2288-2016-MIMO/DGCVG. Date: 14 September 2016. p. 4.

³³ Congress. Act No. 30364. Published in the Official Gazette, *El Peruano*. 23 November 2015.

³⁴ Ministry for Women and Vulnerable Groups. Supreme Decree No. 009-2016-MIMP Published in the Official Gazette, *El Peruano*. 27 July 2019.

³⁵ Executive branch. Legislative Decree No. 1323. Published in the Official Gazette, *El Peruano*, on 6 January 2017. Article 2.

³⁶ Ministry for Women and Vulnerable Groups. General Directorate against Gender-Based Violence. Official Communication No. 288-2016-MIMO/DGCVG. Date: 14 September 2016. p. 5.

involved in the prevention, punishment and eradication of gender-based violence, was adopted through Supreme Decree No. 008-2016-MIMP.³⁷

39. To date, the judiciary has not entered data relating to gender, national identity card number and date of birth in the register of its integrated judicial system.³⁸ Therefore, no information is available on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of gender-based violence.

40. Following the enactment of Legislative Decree No. 1323, aggravating circumstances in the criminal offence of femicide (art. 108-B) include, inter alia, situations in which the victim is a senior citizen or is subjected to some form of human exploitation. Improvements to the definition of the criminal offence of grievous bodily harm against women and members of the family unit were also introduced by the Decree (art. 121-B).³⁹

Reply to the questions raised in paragraph 7

41. The Government of Peru keeps a statistical register of trafficking in persons and related offences which is used by the Ministry of the Interior and the Peruvian National Police to record, at the national level, complaints submitted to the police about trafficking and related offences.⁴⁰

42. From January 2013 to December 2016,⁴¹ 1,367 complaints relating to trafficking and related offences were entered in the statistical register. See table No. 1, Annex 4.

43. In the same period,⁴² 6,158 victims (5,776 women and 382 men) were recorded in the register, as shown in table No. 2 of Annex 4. The possibility of using the register to store disaggregated data on the nationality of victims is being considered.

44. In compliance with the directives issued by the Public Prosecution Service, prosecutors have been urged to make it easier for public defenders for victims to participate in criminal proceedings and for large-scale operations⁴³ to be carried out at the national level. As a result, the number of victims to whom support was provided increased from 278 in 2014 to 496 in 2015 and 682 in October 2016.⁴⁴ See table No. 3, Annex 4.

45. In addition, with the launch of the INTERTRATA project, work has begun on the first stage in the development of an interoperability tool that will enable information on trafficking in persons to be exchanged between the Ministry of the Interior, the Peruvian National Police and the Public Prosecution Service. Based on the statistical register of trafficking in persons and related offences and the Public Prosecution Service's strategic information system on trafficking in persons, the new tool will enhance the information available on trafficking offences.⁴⁵

46. The Peruvian National Police's Directorate for the Investigation of Trafficking in Persons and Smuggling of Migrants⁴⁶ was established in 2014 to increase effectiveness within the police force. As at December 2016, the Directorate had conducted 198

³⁷ Ministry for Women and Vulnerable Groups. Supreme Decree No. 8-2016-MIMP. Published in the special offprint of the Official Gazette, *El Peruano*, on 26 July 2016.

³⁸ Judiciary. Official Communication No. 77-2016-DDHH/PJ. Date: 29 September 2016. p. 4.

³⁹ Judiciary. Legislative Decree No. 1323. Art 1.

⁴⁰ Ministry of Interior. Official Communication No. 001784-2016-IN-DGSD. Date: 3 November 2016. Page 2.

⁴¹ Ibid.

⁴² Ministry of the Interior. Official Communication No. 001784-2016-IN-DGSD. Date: 3 November 2016. Page 3.

⁴³ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice Report No. 3917-2016-DGDPAJ. Date: 11 November 2016. p. 5.

⁴⁴ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice. Official Communication No. 1254-2016-JUS-DGDP. Date: 16 November 2016. Report No. 3917-2016-DGDPAJ. Date: 11 November 2016. pp. 6-8.

⁴⁵ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice Report No. 3917-2016-DGDPAJ. Date: 11 October 2016. p. 5.

⁴⁶ Peruvian National Police. Directorate Decision No. 665-2014-DIRGEN/EMG-PNP of 19 July 2014.

operations and rescued 1,348 victims, of whom 284 were minors, 1,046 were adults and 18 were foreign women.⁴⁷ See table No. 4, Annex 4.

47. At the same time, 26 decentralized police departments responsible for investigating trafficking in persons and migrant smuggling have been established. Through these departments, which cover 22 of the country's 24 regions, investigative activities and victim rescue operations are coordinated at the national level. In addition, a certification scheme has been introduced for police officers trained to deal with cases of trafficking in persons.⁴⁸

48. Since 2012, the Ministry of the Interior has trained 10,483 police officers nationwide through various instructional activities.⁴⁹

49. From January 2013 to December 2015, the Crime Observatory of the Public Prosecution Service recorded 1,848 complaints in the different regions of Peru.⁵⁰ See table No. 5, Annex 4.

50. The judiciary has reported that, as at August 2016, court proceedings had been initiated in 28 of the 33 judicial districts (in the period 2015-2016). Of the total initiated in high courts, 227 proceedings were ongoing, 27 had been dismissed, and 42 had resulted in convictions and 11 in acquittals (table No. 6, Annex 4).⁵¹ This information does not include proceedings referred to the Supreme Court.

51. The national register of remand detainees and convicted prisoners has reported that, at national level, a total of 1,483 persons (1,027 men and 456 women) were arrested for offences involving trafficking in persons in the period 2012-2016. The majority were between 18 and 32 years of age. See table No. 7, Annex 4.⁵²

52. Nationwide, 442 persons charged with trafficking offences were admitted to prison in the period 2012-2016. See table No. 8, Annex 4.⁵³

53. Act No. 28950 on Trafficking in Persons and Smuggling of Migrants is the framework law governing prevention, prosecution and victim protection.⁵⁴ Its adoption brought domestic legislation into line with the standards of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, introducing into the Criminal Code the criminal offences of trafficking in human beings (art. 153) and the smuggling of migrants (art. 303).

54. Act No. 28950 sets out standards not only for the investigation and punishment of trafficking offences and the support and protection of victims, witnesses, informants and experts, but also for the prevention of such offences and the risk factors underlying them.

55. Act No. 30251,⁵⁵ which was adopted in October 2014, fleshes out the definition of the offence of trafficking in persons and smuggling of migrants by specifying that the status of perpetrator shall apply not only to those who organize, oversee, finance and facilitate such offences, but also to those involved in capturing, transporting, transferring, harbouring, receiving and holding victims.

⁴⁷ Ministry of the Interior. Official Communication No. 001784-2016-IN-DGSD. Date: 3 November 2016. Page 4.

⁴⁸ Ministry of the Interior. Directive No. 002-2016-IN/ DGSD. Consulted on 11 November 2016. Available at <http://conasec.mininter.gob.pe/contenidos/userfiles/files/RD.%20N%C2%B0002-IN-DGSC%20-aprueba%20Plan%20Capac%20visada.pdf>.

⁴⁹ Ministry of the Interior. Official Communication No. 001784-2016-IN-DGSD. Date: 3 November 2016. Page 4.

⁵⁰ *Idem*, p. 5.

⁵¹ Judiciary. Official Communication No. 104-2016-Representación PJ CMNPTP. Date: 31 October 2016. Page 1.

⁵² National Register of Remand Detainees and Convicted Prisoners. Electronic communication dated 25 November 2016.

⁵³ *Idem*. pp. 9-10.

⁵⁴ Congress. Act No. 28950. Published in the Official Gazette, *El Peruano*. 16 January 2007.

⁵⁵ Congress. Act 30251. Published in the Official Gazette, *El Peruano*, on 21 October 2014.

56. The National Plan of Action to Combat Trafficking in Persons (2011-2016), set out strategies for prevention, prosecution, protection and victim support which served as the basis for State institutions' and civil society's efforts to combat trafficking.⁵⁶

57. In 2015-2016, 39 training activities focusing on migrant trafficking and smuggling were organized for judges and officers attached to the criminal courts, *inter alia*.⁵⁷ See table No. 9, Annex 4.

58. Steps have also been taken to establish special units under Act No. 30077, which includes trafficking in human beings and the smuggling of migrants in the list of offences constituting organized crime.⁵⁸ See table No. 10, Annex 4.

59. Additionally, with a view to guaranteeing effective protection for victims, the Government has adopted Supreme Decree No. 005-2016-IN⁵⁹ establishing an intersectoral protocol for the prevention and prosecution of the offence of trafficking in persons and the protection, support and reintegration of trafficking victims which enables the various public bodies working to prevent and prosecute trafficking offences and to support, protect and reintegrate the victims to coordinate their efforts.

60. The institutions responsible for victim support (the Ministry for Women and Vulnerable Groups, the Public Prosecution Service and the Ministry of the Interior) have adopted a number of sector-specific support protocols. See table No. 11, Annex 4.

61. The Government of Peru has signed bilateral and subregional agreements related to trafficking with Brazil, Colombia, Ecuador and the Plurinational State of Bolivia and has carried out a number of activities in implementation of these agreements. See table No. 12, Annex 4.

62. Since the criminal offence of sexual exploitation was introduced into the Criminal Code (art. 153-B), any person who "compels a person to engage in sexual acts for the purpose of obtaining financial or other reward" is liable to a prison term of no less than 10 and no more than 15 years, with aggravating circumstances applying, *inter alia*, when the sexual offence is connected to a trafficking offence.⁶⁰

63. Another new addition to the Criminal Code is the offence of slavery and other forms of exploitation (art. 153-C), generally defined as conduct by which a person is forced to work in conditions of slavery or servitude, or is reduced to or maintained in such conditions, other than for the purposes of sexual exploitation.⁶¹

64. The National Plan of Action to Combat Trafficking in Persons (2017-2021) was recently adopted by Supreme Decree No. 017-2017-IN.⁶²

Article 3

Reply to the questions raised in paragraph 8

65. In accordance with Legislative Decree No. 1350 on Migration⁶³ and its implementing regulations,⁶⁴ the State of Peru is empowered to grant residency on

⁵⁶ Ministry of the Interior. Supreme Decree No. 004-2011-IN. Published in the Official Gazette, *El Peruano*, on 19 October 2011.

⁵⁷ Judiciary. Official Communication No. 104-2016-Representación PJ CMNPTP. Op. cit. Annex 1.

⁵⁸ *Idem*, Annex 3.

⁵⁹ Congress. Supreme Decree No. 005-2016-IN. Published in the Official Gazette, *El Peruano*, on 12 May 2016.

⁶⁰ Judiciary. Legislative Decree No. 1323. Art. 2. "Section 153-B.- Sexual Exploitation".

⁶¹ Judiciary. Legislative Decree No. 1323. Article 2. "Article 153-C.- Slavery and other forms of exploitation".

⁶² Ministry of the Interior. Supreme Decree No. 017-2017-IN. Published in the Official Gazette, *El Peruano*, on 8 June 2017.

⁶³ Judiciary. Legislative Decree No. 1350. Published in the Official Gazette, *El Peruano*, on 7 January 2017. Article 29 (2) (k).

⁶⁴ Ministry of the Interior. Supreme Decree No. 007-2017-IN. Published in the Official Gazette, *El Peruano*, on 27 March 2017.

humanitarian grounds to applicants for refugee status and asylum. Persons granted this migratory status are permitted to engage in gainful employment, either as an employee or on an independent basis.

66. Asylum seekers currently enjoy the protection of the State insofar as they are permitted to remain in the country and work legally until their request for protection is resolved.⁶⁵

67. The Refugees Act (No. 27891) and its implementing regulations, which were adopted through Supreme Decree No. 119-2003-RE,⁶⁶ remained in force during the period under review. The principle of non-refoulement is enshrined in article 5 of the Act. The Act's provisions have been supplemented and strengthened in accordance with the Legislative Decree on Migration.

68. Applications for recognition of refugee status may be submitted at border posts, police stations and military units or to the Special Commission for Refugees. Applicants are registered and interviewed by the staff of the Commission's Executive Secretariat. Their files are then studied and cross-checked against details provided by their countries of origin before being submitted to the members of the Commission for a decision. If the decision is negative, applicants may submit an application for reconsideration to the same body or may appeal to the Review Commission for Refugee Affairs, which is the second and final instance.

69. Decisions to withdraw a residence permit or licence to stay and order the corresponding expulsion follow a specific administrative procedure and must be set out in an official ruling. The interested parties are duly informed of the means to challenge and appeal such decisions. Expulsions are processed by the National Migration Authority.

70. The General Administrative Procedure Act (No. 27444)⁶⁷ establishes that, unless otherwise provided by law, administrative remedies do not suspend execution of the contested decision. However, the authority responsible for resolving the appeal may suspend the decision's execution, either on its own motion or at the request of the party, if to proceed would cause injury that would be difficult if not impossible to repair or if there is objective evidence of a defect that would render the decision null and void.

Reply to the questions raised in paragraph 9

71. From 2011 to 2016, the State of Peru⁶⁸ dealt with 2,642 applications for refugee status (1,723 from men and 919 from women) and granted such status to 762 individuals (474 women and 288 men), most of whom were from Colombia, Cuba or Venezuela. Five of the persons in this group are associated with cases of torture. See table Nos. 1 to 3 of Annex 5.

72. The new Code of Criminal Procedure establishes that passive extradition⁶⁹ requests shall not be granted when "(i) an extradition request based on an offence under ordinary law has been submitted for the purpose of prosecuting or punishing a person on grounds of his or her race, religion, nationality or political opinions, or if the situation of the extradited person is at risk of deterioration due to one or other of these grounds; (ii) there are special considerations of national sovereignty, security, public order or other essential interests of Peru that raise obstacles to granting the request; and (iii) the offence for which extradition is requested carries the death penalty in the requesting state and that State has not given assurances that the penalty will not be applied".

⁶⁵ Congress. Act No. 27891. Published in the Official Gazette, *El Peruano*, on 22 October 2002.

⁶⁶ Ministry of Foreign Affairs. Supreme Decree No. 119-2003-RE. Published in the Official Gazette, *El Peruano*, on 14 October 2003.

⁶⁷ Congress. Act No. 27444. Published in the Official Gazette, *El Peruano*, on 11 April 2001.

⁶⁸ Ministry of Foreign Affairs. OF.RE (DDH) No. 2-19-B/824. Date: 15 September 2016. p. 3. Annexes 1-3.

⁶⁹ Judiciary. Legislative Decree No. 957. Published in the Official Gazette, *El Peruano*, on 29 July 2004. Article 517 (3) (a), (b), (d).

Reply to the questions raised in paragraph 10

73. In cases of passive extradition, the Peruvian legal system⁷⁰ does not accept diplomatic assurances that individuals will not be tortured. Where active extradition is concerned, the rules in force in some States require that such assurances are provided, and in such cases the requesting judicial authority will provide them.

74. In 2016, there were two cases of passive and active extradition: those involving Wong Ho Wing (the People's Republic of China) and Jamie Michael Cato (United Kingdom of Great Britain and Northern Ireland).⁷¹ See table No. 1, Annex 6.

Articles 5-9

Reply to the questions raised in paragraph 11

75. The principle of universal jurisdiction is enshrined in the Criminal Code.⁷² In accordance with this principle, the State of Peru "is competent to punish offences injurious to certain legal rights, especially those that are universally recognized, which are committed by any person in any country".⁷³

Reply to the question raised in paragraph 12

76. The treaties on international cooperation in criminal matters and extradition in force in Peru, which are listed in table Nos. 1 and 2 of Annex No. 7,⁷⁴ enshrine the minimum penalty requirement and principle of reciprocity. Furthermore, as the Convention against Torture is part of the domestic legal order, justice officials in Peru are under an obligation to use it as a source of interpretation when forming their decisions.

77. In-force treaties do not detail individually the offences to which they apply, such as offences of the type referred to in article 4 of the Convention, since, if this were the case, the treaties would have to be amended each time new offences were defined.⁷⁵

78. However, consideration has been given to the possibility of including general guidelines such as the following: (a) acts that constitute offences under the laws of the requesting State and the requested State shall be extraditable, regardless of their designation, provided they are punishable in both States by a term of imprisonment of no less than 1 year or by another more severe penalty; (b) if extradition is requested for the execution of a sentence, the part of the sentence that remains to be served shall be no less than 6 months; (c) if extradition is requested by one of the States parties for various, related offences, in accordance with the rule of double jeopardy for each offence, the request shall be granted in respect of all the offences, provided just one of them meets the minimum requirements set out in extradition treaties; (d) extradition shall also be granted in respect of offences covered by multilateral treaties in force between the requesting State and the requested State; (e) extradition shall be granted for any offence not expressly included in the treaties, provided that the requirements stipulated therein for the case in question are met.⁷⁶

Reply to the questions raised in paragraph 13

79. The State of Peru has 17 in-force mutual judicial assistance treaties or agreements. These are applied only in exchanges with the judiciary or Public Prosecution Service: in accordance with the organic laws of the State, being instruments intended to facilitate legal proceedings, these treaties and agreements cannot be applied to non-judicial bodies. Mutual

⁷⁰ Ministry of Foreign Affairs. OF.RE. (DDH) No. 2-19-B/824. p. 4.

⁷¹ Public Prosecution Service. International Judicial Cooperation and Extraditions Unit. Official Communication No. 6995-2016-MP-FN-UCJIE. Date: 15 September 2016. p. 8.

⁷² Criminal Code. Legislative Decree No. 635. Article 2.

⁷³ Judiciary. Official Communication No. 77-2016-DDHH-PJ. Date: 29 September 2016. p. 5.

⁷⁴ Ministry of Foreign Affairs. OF.RE. (DDH) No. 2-19-B/824. Date: 15 September 2016. p. 4.

⁷⁵ Public Prosecution Service. Official Communication No. 6995-2016-MP-FN-UCJIE. Op. cit. p. 14.

⁷⁶ Idem. pp. 14-15.

legal assistance treaties allow for maximum possible cooperation in obtaining and processing evidence.⁷⁷ See table No. 1, Annex 8.

80. The new Code of Criminal Procedure provides that international judicial cooperation between the Peruvian and foreign authorities, or between the Peruvian authorities and the International Criminal Court, shall be governed by the international treaties entered into by Peru or, in the absence of such treaties, by the principle of reciprocity while ensuring respect for human rights.⁷⁸

81. The Attorney-General's Office, through the International Judicial Cooperation and Extraditions Unit, coordinates requests for evidence, in accordance with article 512 of the new Code of Criminal Procedure. Such requests may be used only for the specific purposes of assistance. Article 535 of the Code⁷⁹ provides that such evidence may not be disclosed without the prior consent of the Public Prosecution Service.

82. During the period under review, the International Judicial Cooperation and Extraditions Unit received requests for support and cooperation from the International Criminal Court in accordance with its Statute.⁸⁰

Article 10

Reply to the questions raised in paragraph 14

83. The Government has approved the National Plan for Education in Fundamental Rights and Responsibilities for the period to 2021,⁸¹ which sets out various actions related to awareness-raising and training in human rights.

84. In 2012-2016, the Judicial Training School trained 4,423 judges and court officers attached to the judiciary and the Public Prosecution Service at the national level (2,225 men and 2,198 women).⁸²

85. This training focused on issues such as disability, gender and human rights, human rights protection systems, pretrial detention, domestic violence, gender-based violence, violence against children and adolescents, femicide, the relevant jurisprudence of the Inter-American Court of Human Rights, trafficking in persons, legal pluralism and the rights of indigenous peoples, and constitutional rights in states of emergency. See table No. 1, Annex 9.

86. Public defenders attached to the Ministry of Justice have delivered training in the form of monthly talks and campaigns in various prisons for the benefit of persons deprived of their liberty. These projects are run by public defenders who specialize in the area of prison benefits.⁸³

87. Although, to date, no methodology has been drawn up to assess the effectiveness and impact of training programmes in reducing cases of torture and ill-treatment, the Centre for International Humanitarian Law and Human Rights of the Ministry of Defence continues to carry out training and awareness-raising activities.⁸⁴

88. From 2012 to 2016, the Centre provided training to 7,107 people, including military and civilian personnel working in the defence sector, judges and prosecutors. The training

⁷⁷ Ministry of Foreign Affairs. OF.RE. (DDH) No. 2-19-B/824. Op. cit. pp. 15-16.

⁷⁸ New Code of Criminal Procedure. Article 508.

⁷⁹ Code of Criminal Procedure. Article 535.

⁸⁰ Public Prosecutor's Office. Official Communication No. 6995-2016-MP-FN-UCJIE. Op. cit. p. 15.

⁸¹ Ministry of Justice and Human Rights. Supreme Decree No. 010-2014. Published in the Official Gazette, *El Peruano*, on 12 December 2014. p. 48. Consulted on 23 June 2016. Available at <http://www.minjus.gob.pe/wp-content/uploads/2014/12/PNDDF-2014.pdf>.

⁸² Judicial Training School. Official Communication No. 100-2016-AMAG/DM. Date: 16 September 2016.

⁸³ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice. Official Communication No. 1061-2015-JUS/DGDP. Date: 6 November 2015. p. 5

⁸⁴ Ministry of Defence. Centre for International Humanitarian Law and Human Rights. Official Communication No. 659-2016. MINDEF/VPD/CDIH-DHH. Date: 14 September 2016. Annex "a".

sessions addressed a range of topics, including human rights standards, international humanitarian law and the scope of international criminal law. See table No. 2, Annex 9.

89. In 2016, amendments made to a number of pieces of legislation gave the Chief of the Armed Forces Joint Command⁸⁵ responsibility for “ensuring the dissemination of, and compliance with, national and international standards related to human rights and international humanitarian law”.

90. Consequently, the Chief of the Joint Staff of the Armed Forces⁸⁶ was given the task of “enacting provisions for the implementation of national and international standards and agreements signed by the State that relate to international humanitarian law within the jurisdiction of the Armed Forces Joint Command” and issuing proposals to ensure the dissemination of and compliance with these standards (including those pertaining to international human rights law).⁸⁷

91. The Military and Police Court,⁸⁸ through its academic body, the Centre for Advanced Studies in Military Justice, runs a course for military and police judges which is taken by officers of the judicial corps of the military and police as well as by lawyers. The subjects offered include human rights and public international law. To date, training has been provided to 267 members of the corps.

92. As part of its institutional operations plan, the Ministry of the Interior runs training courses and theoretical and practical workshops in human rights applied to police work on an ongoing basis. In 2013, training was provided to 3,031 police officers attached to different police units across the country. In 2014 and 2015, training was provided to 4,552 and 5,560 police officers, respectively. In 2016, the Peruvian National Police, through the Human Rights Advisory Directorate attached to National Police Headquarters, reported that training in 20 activities had been provided to 8,000 police officers in different parts of the country.⁸⁹

93. In order to firm up sectoral policy on human rights and the use of force, following the adoption of Legislative Decree No. 1186⁹⁰ and its implementing regulations,⁹¹ the Ministry of the Interior has initiated work to update the human rights handbook for police staff, formulate guidelines for human rights education and training, run a system of certification for the use of police resources entailing training courses in human rights applied to police work, and align training plans and activities related to the use of force to the standards and provisions set out in Legislative Decree No. 1186. In the course of these actions, the authorities are also considering the possibility of establishing a methodology to assess the effectiveness and impact of training programmes.⁹²

94. Legislative Decree No. 1318 also introduced a number of provisions to regulate the vocational training of the Peruvian National Police with a view to building a professional police force trained in academies that have efficient organizational and functional structures and on the basis of academic criteria concordant with the ideal profile for an officer of the Peruvian National Police.⁹³

⁸⁵ Ministry of Defence. Supreme Decree No. 007-2016-DE. Published in the Official Gazette, *El Peruano*, on 19 July 2016. Art. 8 (28).

⁸⁶ Supreme Decree No. 007-2016-DE. Article 11 (10).

⁸⁷ *Idem*, Article 11 (11) (24) (6).

⁸⁸ Military and Police Court. Official Communication No. 333-2016-FMP/P. Date: 21 September 2016.

⁸⁹ Ministry of the Interior. Official Communication No. 001784-2016-IN-DGSD. Date: 3 November 2016. p. 9.

⁹⁰ Executive Branch. Legislative Decree No. 1186. Published in the Official Gazette, *El Peruano*, on 16 August 2015.

⁹¹ Ministry of the Interior. Supreme Decree No. 012-2006-IN. Published in the Official Gazette, *El Peruano*, on 27 July 2016.

⁹² *Ibid.*

⁹³ Executive Branch. Legislative Decree No. 1318. Published in the special edition of the Official Gazette, *El Peruano*: 2 January 2017.

Article 11

Reply to the questions raised in paragraphs 16-19

(a) Detention conditions of persons deprived of their liberty

95. Through Supreme Decree No. 005-2016-JUS,⁹⁴ the Government of Peru adopted the national prison policy and the national prison policy plan 2016-2020, which fosters a human rights-based, gender-oriented, people-centred and intercultural approach, focusing on three strategic areas: (i) the criminal justice system; (ii) rehabilitation; and (iii) resocialization.

96. The first national census of the prison population,⁹⁵ carried out in 2016 by the National Institute of Statistics and Information Technology, in conjunction with the National Prison Institute and the National Crime Observatory, in the 67 State prisons, produced the following information:

(1) The total number of persons deprived of liberty in the country's 67 prisons is 76,180. Of the 76,143 prisoners whose gender is specified (i.e. not counting the 37 unspecified cases), 71,569 are men and 4,574 are women.⁹⁶ See table No. 1, Annex 10.

(2) Of the 76,142 persons deprived of their liberty whose age is specified (i.e. not counting the 38 unspecified cases), 12,285 are aged between 18 and 24, 13,870 are aged between 25 and 29, 32,926 are aged between 30 and 44, 14,060 are aged between 45 and 59, and 3,001 are aged 60 and over.⁹⁷ See table No. 2, Annex 10.

(3) Of the 76,142 persons deprived of their liberty whose place of origin is specified (i.e. not counting the 38 unspecified cases), 74,296 are Peruvian nationals and, of these, 53,725 are from the provinces and 20,571 were born in metropolitan Lima. Of the remaining 1,846 foreign nationals, 19.2 per cent are Colombian, 14.3 per cent are Mexican, 14 per cent are Spanish, 4.9 per cent are Bolivian and 4.8 per cent are Ecuadorian.⁹⁸ See table No. 3, Annex 10.

(4) The above-mentioned census indicated that 67,188 inmates are native Spanish speakers, 7,096 have learned Quechua, 770 speak Aymara and 101 speak Asheninca, among other languages. Where gender is concerned, 88.7 per cent of men and 84.8 per cent of women reported having learned Spanish as a child. See table No. 4, Annex 10.

(5) Some 42,659 self-identified as mestizo and 9,552 as Quechua. Most of the latter group come from the Andean region, have Quechua as their mother tongue and lay claim to a common history and ancestry. See table No. 5, Annex 10.

(6) Some 39,091 inmates indicated that they were awaiting or undergoing trial while 37,052 stated that they had been convicted.⁹⁹ See table No. 6, Annex 10.

97. The census findings provide information on all inmates at the national level, enabling the National Criminal Policy Council to make decisions on the design and implementation of public policy for social welfare, the administration of justice and the social reintegration system.

⁹⁴ Ministry of Justice and Human Rights. Supreme Decree 005-2016-JUS. Published in the Official Gazette, *El Peruano*, on 15 July 2016. Consulted on 1 September 2016. Available at <http://www.minjus.gob.pe/wp-content/uploads/2016/07/DS-N-005-2016-JUS.pdf>.

⁹⁵ Ministry of Justice and Human Rights. Ministerial Resolution No. 007-2016-JUS. Date: 28 March 2016. Available at <http://www.minjus.gob.pe/wp-content/uploads/2016/03/RESOLUCI%C3%93N.pdf>. Consulted on 20 April 2016.

⁹⁶ National Institute of Statistics and Information Technology. Peru: First national prison census 2016. pp. 9-10. Available at https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1364/libro.pdf. Consulted on 23 November 2016.

⁹⁷ *Idem*, p.11.

⁹⁸ *Idem*, p.12.

⁹⁹ *Idem*, p.39.

98. In July 2016, the difference between operational capacity (the maximum number of persons that the prison system can accommodate) and the prison population was 44,850 inmates.¹⁰⁰ See table No. 7, Annex 10.

99. Pursuant to article 32 (14) of Act No. 29709 on Careers in the Public Prison Service,¹⁰¹ one of the duties of a prison officer is to treat persons deprived of their liberty and released prisoners in a way that is firm but respectful of their rights.

100. Article 54 (29) of the implementing regulations of the above-mentioned Act, approved by Supreme Decree No. 013-2012-JUS, provides that prison officers must not engage in any act that might undermine the dignity of the inmates under their custody.¹⁰²

101. The remit of the National Multidisciplinary Commission for the diagnosis, evaluation and monitoring of inmate deaths in prisons, established through Presidential Decision No. 296-2012-INPE/P, is to collect and process information on deceased prisoners to support the President of the National Prison Institute in decision-making related to prisoner deaths.¹⁰³

102. The Commission has provided the following information on the number of deaths in prisons nationwide:

(1) 2012: 193 inmates died (183 men and 10 women) out of a prison population (annual average) of 61,390.¹⁰⁴ See table No. 8, Annex 10.

(2) 2013: 204 inmates died (192 men and 12 women) out of a prison population (annual average) of 65,027.¹⁰⁵ See table No. 9, Annex 10.

(3) 2014: 242 inmates died (234 men and 8 women) out of a prison population (annual average) of 70,191.¹⁰⁶ See table No. 10, Annex 10.

103. Priority area No. 9 (deprivation of liberty) of the National Plan on Access to Justice for Persons in Vulnerable Situations 2016-2021¹⁰⁷ defines operating strategies to support persons deprived of their liberty that include: “(i) working with the National Prison Institute to identify persons deprived of their liberty who are at risk, and to provide them with treatment appropriate to their situation; and (ii) updating statistical data on convicted prisoners and accused persons who are in vulnerable situations, with a view to improving their medical care, food and sanitary conditions”.

104. In addition, the Government has adopted Legislative Decree No. 1229,¹⁰⁸ regulated by Supreme Decree No. 007-2016-JUS, which establishes that implementing measures and

¹⁰⁰ National Prison Institute. Prison Statistics Report 2016. July. pp. 10-14. Available at http://www.inpe.gob.pe/pdf/julio_2016.pdf. Consulted on 23 November 2016.

¹⁰¹ Congress. Act No. 29709. Published in the Official Gazette, *El Peruano*, on 17 June 2011.

¹⁰² Ministry of Justice and Human Rights Supreme Decree 013-2012-JUS. Published in the Official Gazette, *El Peruano*, on 23 July 2012.

¹⁰³ National Prison Institute. Presidential Decision No. 296-2012-INPE/P. Article 2.

¹⁰⁴ National Prison Institute. Report No. 001-2013-INPE/CMDECD. 2013. p. 6. Consulted on 25 November 2016. Available at <http://app2.inpe.gob.pe/resolucion/cache/2013/Resolucion%20Presidencial/RP%20320%202013.pdf>.

¹⁰⁵ National Prison Institute. Report No. 001-2014-INPE/CMDECD. 2013. p. 6. Consulted on 25 November 2016.

¹⁰⁶ National Prison Institute. Report No. 001-2015-INPE/CMDECD. 2013. p. 5. Consulted on 25 November 2016. Available at <http://app2.inpe.gob.pe/resolucion/cache/2013/Resolucion%20Presidencial/RP%20320%202013.pdf>.

¹⁰⁷ Judiciary. National plan on access to justice for persons in vulnerable situations 2016-2021. Administrative Decision No. 090-2016-CE-PJ. Published in the Official Gazette, *El Peruano*, on 7 April 2016. pp. 104-105. Consulted on 23 June 2016. Available at <https://scc.pj.gob.pe/wps/wcm/connect/2b4459804d160074ad7cbdd13fde886c/PLAN+NACIONAL+19-04+CORREGIDO+FINAL%5B1%5D.pdf?MOD=AJPERES&CACHEID=2b4459804d160074ad7cbdd13fde886c>.

¹⁰⁸ Executive Branch. Legislative Decree No. 1229. Published in the Official Gazette, *El Peruano*, on 25 September 2015. Article 1.

services that improve the infrastructure, management and security of prisons and the treatment of inmates is an issue of public interest and a national priority.¹⁰⁹

105. The measures envisaged under Legislative Decree No. 1322¹¹⁰ are also relevant in this respect. The Decree's provisions are designed to reduce prison overcrowding by means of an electronic tagging system that may be used: (i) for persons awaiting or undergoing trial, when the charges relate to alleged offences that carry a term of imprisonment of no more than 8 years; and (ii) for convicted prisoners, when the person concerned has been sentenced to a term of imprisonment of no more than 8 years.

106. In accordance with the above-mentioned decree, priority in the use of electronic tags shall be given to persons over the age of 65, persons with a serious illness that has been confirmed by a forensic doctor, persons with a permanent physical disability that affects their mobility, pregnant women, women with children under the age of 3, and mothers or fathers who are the heads of a family with a minor child or who have a child or partner with a permanent disability, provided that the person in question is in their care.¹¹¹

107. The provisions of article 290 of the new Code of Criminal Procedure,¹¹² concerning home detention, have been amended to establish that house arrest shall be used in place of pretrial detention when the accused: (i) is over 65 years of age; (ii) suffers from a serious or incurable illness, or from; (iii) a permanent physical disability that significantly affects his or her mobility, or; (iv) is a pregnant woman.

108. A directive on the creation, implementation and execution of prison-based programmes to promote social reintegration was adopted through Presidential Decision No. 017-2016-INPE of the National Prison Institute.¹¹³

109. Legislative Decree No. 1343¹¹⁴ on the promotion and implementation of productive prisons has been adopted to regulate and improve the manner in which prisoners and former prisoners are treated by encouraging and developing productive activities that favour their reintegration in the labour market and their resocialization.

110. In 2015, in recognition of the importance of a gender perspective in prison policy, the National Prison Institute, with technical support from the General Directorate for Gender Mainstreaming of the Ministry for Women and Vulnerable Groups, established the Standing Committee for Gender Mainstreaming.

111. Directive No. 012-2016-INPE-DTP, on the comprehensive care and prison treatment of accused or convicted women held in closed and open prisons, adopted in 2016, establishes guidelines for supporting women deprived of liberty which address issues including admission, prisoner classification, accommodation, infrastructure and prison security.¹¹⁵

112. Furthermore, through Supreme Decree No. 006-2016-MIMP,¹¹⁶ an intersectoral protocol for the provision of appropriate care to minor children of incarcerated mothers,

¹⁰⁹ Justice. Supreme Decree 007-2016-JUS. Published in the Official Gazette, *El Peruano*, on 21 July 2016.

¹¹⁰ Executive Branch. Legislative Decree No. 1322. Published in the Official Gazette, *El Peruano*, on 6 January 2017. Arts. 2 and 5 (1).

¹¹¹ Cf. Article 5 (2) of Legislative Decree No. 1322.

¹¹² Executive Branch. Legislative Decree No. 957. Published in the Official Gazette, *El Peruano*, on 29 July 2004. Article amended by the fourth supplementary provision amending Legislative Decree No. 1229. Published in the Official Gazette, *El Peruano*, on 25 September 2016.

¹¹³ National Prison Institute. Presidential Decision No. 017-2016-INPE of the National Prison Institute. Date: 18 January 2016. Consulted on 23 June 2016. Available at <http://app2.inpe.gob.pe/Resolucion/cache/Gestion/2016/Directiva/DI-007-2016-INPE-DTP.pdf>.

¹¹⁴ Executive Branch. Legislative Decree No. 1343. Published in the Official Gazette, *El Peruano*, on 7 January 2017.

¹¹⁵ National Prison Institute. Presidential Decision No. 119-2016-INPE/P. Date: 22 April 2016. Available at <http://app2.inpe.gob.pe/resolucion/cache/Gestion/2016/Directiva/DI012-INPE-2016-DTP.pdf>. Consulted on 19 October 2016.

¹¹⁶ Ministry for Women and Vulnerable Groups. Supreme Decree No. 006-2016-MIMP. Published in the Official Gazette, *El Peruano*, on 22 July 2016.

agreed between the Ministry for Women and Vulnerable Groups and the National Prison Institute, has been adopted with a view to ensuring that children and adolescents whose mothers are in prison are able to exercise their rights and thus enjoy healthy, all-round development in their family environment.

113. In 2015, the Ministry for Women and Vulnerable Groups and the National Prison Institute signed a framework agreement for inter-agency cooperation to improve the national prison system.¹¹⁷

114. The Government has adopted Act No. 30287 on the Prevention and Control of Tuberculosis in Peru,¹¹⁸ which stipulates that, whenever a prisoner¹¹⁹ is diagnosed with tuberculosis, the Ministry of Justice, acting through the National Prison Institute in coordination with the Ministry of Health, shall implement the strategy for preventing and controlling tuberculosis set out in The National Multisectoral Plan to Combat Tuberculosis in the country's prison health services.

115. The Act provides that the Ministry of Justice,¹²⁰ through the National Prison Institute, shall take decisions concerning the placement or relocation of persons affected by tuberculosis in prisons, and that the criteria guiding such decisions shall include the availability of anti-tuberculosis medical treatment. Prisons shall establish special environments in which to place inmates affected by any of the clinical forms of tuberculosis for the duration of their medical treatment and shall take steps to prevent persons visiting them from becoming infected.

116. In order to address the severe crisis afflicting prisons throughout the country due to shortcomings in security and health-care provisions, overcrowding and inadequate infrastructures, through Legislative Decree No. 1325¹²¹ the national prison system and the National Prison Institute were declared to be in a state of emergency for a period of 24 months.

(b) Statistical data on prisoners and torture

117. As the agency responsible for consolidating data for all the offences defined in the Criminal Code, including crimes against humanity such as torture, the National Register of Remand Detainees and Convicted Prisoners¹²² has provided the following information:

(1) In 2000-2015, 77 persons were detained for offences of torture in various judicial districts. See table No. 1, Annex 11.

(2) All the detainees were men. See table No. 2, Annex 11.

(3) Based on a search for each detainee in the National Identity and Civil Status Registry, their ages ranged from 18-22 years (5 detainees), 23-27 years (11), 28-32 years (10), 33-37 years (12), 38-42 years (13), 43-47 years (15), 48-52 years (6), 53-57 years (1) and 58-62 years (1). See table No. 3, Annex 11.

(4) In the 2000-2016 period, there were 78 detainees of Peruvian nationality. The administrative coordination and management unit of the National Register of Remand Detainees and Convicted Prisoners is in the process of developing a registration form that includes the variables "aboriginal or indigenous peoples" and "place of birth". See table No. 4, Annex 11.

¹¹⁷ Ministry for Women and Vulnerable Groups. General Directorate for Children and Adolescents Official Communication No. 542-2015-MIMP/DGNN. Date: 11 November 2015. Report No. 047-2015-MIMP-DGNN-OAAA. p. 2.

¹¹⁸ Congress. Act No. 30287. Published in the Official Gazette, *El Peruano*, on 14 December 2014. Article 1.

¹¹⁹ Act No. 30287. Art. 25.

¹²⁰ *Idem*. Art 26.

¹²¹ Executive Branch. Legislative Decree No. 1325. Published in the Official Gazette, *El Peruano*, on 6 January 2017.

¹²² National register of detainees and persons sentenced to imprisonment Official Communication No. 1602-2016-MP/FN-RENADESPPLE of 29 September 2016.

(5) Twelve of the detainees have the legal status of defendant, i.e. they have been charged on the basis of evidence or elements of proof to be presented in the course of criminal proceedings. See table No. 5, Annex 11.

(6) Six individuals have the legal status of convicted person, i.e., the court has imposed custodial sentences on them. At present, three persons are being held in custody for offences of torture. See table No. 5, Annex 11.

(7) According to the information provided, 16 persons were admitted to prison for offences of torture between 2010 and 2016 in the following judicial districts: Lima (7), Sullana (1), Loreto (3), Junín (1), Ica (3) and Cusco (1). See table No. 6, Annex 11.

(8) In 2010-2015, 15 persons deprived of liberty for acts related to torture were released from prison. See table No. 7, Annex 11.

(c) Juvenile centres

118. From 2012 to August 2016, a total of 29,048 adolescents nationwide received care in closed or open juvenile assessment and rehabilitation centres: 5,201 in 2012; 5,545 in 2013; 5,905 in 2014; and 6,611 in 2015.¹²³ See Annex 15.

119. Through Administrative Decision No. 190-2013-CE-PJ (28 August 2013), the Executive Council of the Judiciary provided for the open juvenile centre (adolescent guidance services) model to be rolled out in the various judicial districts of the State.

120. Accordingly, in 2015 the judiciary launched seven adolescent guidance services, in Arequipa, Lima Norte, Lima Este, Chiclayo, Trujillo, Callao and Huancayo.¹²⁴ In the first half of 2016, new adolescent guidance services were also established at the high courts of Sullana,¹²⁵ Huánuco, Huancavelica and Santa.¹²⁶

121. Preventive measures are also being promoted, including a national policy for the prevention of juvenile offending and the treatment of adolescents in conflict with the law (the PUEDO policy).¹²⁷ The aim of this policy is to reduce adolescent involvement in unlawful activities through the following actions: (i) containing antisocial behaviour; (ii) ensuring efficient, rights-based administration of justice; and (iii) resocializing adolescents and granting reparation to victims through the implementation of 20 multisectoral initiatives that address family, school, work, peer, environmental and community issues, the administration of justice and the social reintegration system.¹²⁸

122. The national system for the social reintegration of adolescents in conflict with the law, which is currently run by the judiciary, is due to be transferred to the Ministry of Justice. The deadline for completing the transfer is 365 working days counting from the date on which the technical committee responsible for the process is established.¹²⁹

123. A code of criminal responsibility for adolescents aged from 14 to 17 years of age (Legislative Decree No. 1348)¹³⁰ has recently been adopted to regulate juvenile criminal responsibility for unlawful activities classified as serious or minor offences either in the Criminal Code or in special laws.

¹²³ Judiciary. Official Communication No. 669-2016-GCJ-GG/PJ. Date: 16 September 2016 pp. 5-14.

¹²⁴ Judiciary. Official Communication No. 2215-2016-SG CS PJ (date: 28 March 2016) p. 5.

¹²⁵ Judiciary. Executive Council of the Judiciary Administrative Decision No. 135-2016-CE-PJ. Published in the Official Gazette, *El Peruano*, on 22 June 2016.

¹²⁶ Judiciary. Executive Council of the Judiciary Administrative Decision No. 173-2016-CE-PJ. Published in the Official Gazette, *El Peruano*, on 28 June 2016.

¹²⁷ Ministry of Justice and Human Rights. Supreme Decree No. 14-2014-JUS. Published in the Official Gazette, *El Peruano*, on 1 December 2013.

¹²⁸ Ministry of Justice and Human Rights. Criminal and Prison Policy Directorate. Report No. 109-2015-JUS/DGPCP. Date: 29 October 2015. p. 3.

¹²⁹ Executive Branch. Legislative Decree No. 1299. Published in the Official Gazette, *El Peruano*, on 30 December 2016. Art. 1.

¹³⁰ Executive Branch. Legislative Decree No. 1348. Published in the Official Gazette, *El Peruano*, on 7 January 2017.

Reply to the questions raised in paragraph 20

124. In December 2012, the State of Peru adopted the General Act on Persons with Disabilities in order to establish a legal framework for the promotion, protection and realization, on an equal footing, of the rights of persons with disabilities.¹³¹

125. The General Act's implementing regulations were adopted in 2014 through Supreme Decree No. 002-2014-MIMP.¹³² Article 3 (17) of the Decree states that "the bodies involved in the administration of justice and alternative conflict resolution mechanisms shall be those that form part of the Constitutional Court, the judiciary, the Public Prosecution Service, the National Council of the Judiciary, the Ministry of Justice, the Military and Police Court and other institutions and agencies that employ conflict resolution mechanisms".¹³³

126. The adoption of this legislation marks a shift from a medical, rehabilitative approach to disability to a social and rights-based approach that places persons with disabilities and their social integration at the centre of all action taken to promote their social inclusion.¹³⁴

127. In 2015, the implementing regulations of Act No. 29889¹³⁵ (Supreme Decree No. 0033-2015-SA)¹³⁶ were adopted. The purpose of these regulations is to ensure that persons with mental health problems have universal access, on an equal footing, to preventive and protective health care, treatment and psychosocial reparation and rehabilitation that are based on a comprehensive vision and a rights-based approach at the various levels of care.

128. Under the regulations, persons with mental health problems are recognized as having the following rights:¹³⁷ (i) the right to be admitted to residential or hospital care as a form of treatment on an exceptional basis; (ii) the right to give their free, informed and voluntary consent to a prescribed procedure or treatment without any mechanism overriding their will; (iii) the right to receive the least restrictive treatment possible; (iv) the right to receive medication for therapeutic or diagnostic purposes, and never as a punishment or for the convenience of third parties; and (v) the right not to be subjected to any form of contraception unless they have given their prior informed consent.

129. Technical Norm No. 032-MINSA/DGSP-V01 concerning family planning (Ministerial Decision No. 536-2005-MINSA), which provided for the voluntary surgical sterilization of persons with a mental disability without their consent, was repealed by article 3 of Ministerial Decision No. 652-2016-MINSA in September 2016.

130. The National Prison Institute and the Comprehensive Health Insurance Agency have signed a framework agreement for inter-agency cooperation to ensure that persons deprived of their liberty in prisons around the country, including persons with disabilities, can join the comprehensive health insurance scheme.¹³⁸

131. Within the framework of this agreement, the Comprehensive Health Insurance Agency undertook, inter alia, to coordinate, in conjunction with the Ministry of Health and the National Prison Institute, preventive health-care measures and campaigns in every prison, subject to the availability of funds and the appropriate conditions.

¹³¹ Congress. Act No. 29973. Published in the Official Gazette, *El Peruano*, on 24 December 2012. Article 1.

¹³² Ministry for Women and Vulnerable Groups. Supreme Decree No. 002-2014-MIMP. Published in the Official Gazette, *El Peruano*, on 8 April 2014.

¹³³ National Council for the Integration of Persons with Disabilities/ Official Communication No. 048-2016-CONADIS/DPD. Date: 11 November 2016. Report No. 270-2016-CONADIS/DPD. p. 2.

¹³⁴ Ibid.

¹³⁵ Congress. Act No. 29889. Published in the Official Gazette, *El Peruano*, on 24 June 2012.

¹³⁶ Ministry of Health. Supreme Decree No. 033-2015-SA. Published in the Official Gazette, *El Peruano*, on 6 October 2015. Art. 1.

¹³⁷ Ministry of Health. Article 4 (e), (f), (g), (l), (n) and (s).

¹³⁸ National Prison Institute. Date: 23 September 2014. Fifth Clause. Consulted on 13 October 2016. Available at http://www.inpe.gob.pe/pdf/65__a.pdf.

Articles 12 and 13

Reply to the questions raised in paragraph 21

132. With regard to complaints of acts of torture or ill-treatment recorded, the Inspectorate of the Ministry of the Interior has provided information on four administrative disciplinary proceedings involving members of the Peruvian National Police.¹³⁹ See table No. 1, Annex 13.

133. The General Inspectorate of the Peruvian National Police has provided information on administrative disciplinary investigations taking place in 2012-2016.¹⁴⁰ See table No. 2, Annex 13.

134. Legislative Decree No. 1268,¹⁴¹ which regulates the disciplinary system of the Peruvian National Police, has recently been adopted. Under the police disciplinary system, subjecting persons in police custody to acts of torture is considered to be a very serious offence.

135. Although statistical data disaggregated by sex, age, ethnic origin and nationality is unavailable, the Coordinating Office of the National Criminal Prosecutor's Office and the supra provincial criminal prosecutors' offices has reported that 83 cases involving crimes against humanity (torture) were processed in the Lima supra provincial criminal prosecutors' offices in 2011-2016. Of this total, 22 cases were under investigation, 5 had resulted in formal charges being brought, 14 had been referred to another authority, 49 had been dismissed and 3 were of some other status.¹⁴² See table No. 3, Annex 13.

136. In the same period, the supra provincial criminal prosecutors' offices operating under the subsystem for the provinces processed 78 cases involving crimes against humanity (torture), of which 18 were under investigation, 1 had led to formal charges being brought, 2 had been referred to another authority, 37 had been dismissed and 20 were of some other status.¹⁴³ See table No. 4, Annex 13.

137. In the case of Wilhem Calero Coronel (Case No. 280-2010-0-JR), the Permanent Criminal Division of Lima ruled that the criminal offence applicable to the accused, Marcial Francisco Soria Serrano, was culpable homicide and not the crime against humanity of aggravated torture resulting in death. Accordingly, the accused was sentenced to 4 years' imprisonment, effective as of 14 October 2010. The court also ruled that the convicted person should pay 35,000 soles in civil damages to the injured party.

138. By decision issued on 17 February 2015, the 4-year prison term imposed on Marcial Soria was declared to have been served. Subsequently, in April of the same year, the Second National Criminal Court ordered the convicted person to pay the civil damages in full; thus the case is currently at the sentence enforcement stage.

139. On 3 October 2016, following a new hearing in the case of Gerson Falla (Case No. 501-2011-0-JR), the National Criminal Court sentenced Alfredo Huamán Álvarez to 10 years' imprisonment for the offence of aggravated torture causing serious injury that resulted in the death of Gerson Alexis Falla Marreros. It also ordered the perpetrator to pay 250,000 soles in civil damages (jointly with the third party civilly liable, namely the State) and ruled that copies of the proceedings should be sent to the Public Prosecution Service so that the involvement of other persons in the offence could be investigated.

¹³⁹ Ministry of the Interior. Official Communication No. 001784-2016/IN/DGSD of 3 November 2016. p. 10.

¹⁴⁰ *Idem*, p. 11.

¹⁴¹ Executive Branch. Legislative Decree No. 1268. Published in the Official Gazette, *El Peruano*, on 19 December 2016. Annex III: Table of very serious offences and penalties. Against the police service. MG 65.

¹⁴² Public Prosecution Service. Coordinating Office of the National Criminal Prosecutor's Office and the supra-provincial criminal prosecutors' offices. Report No. 13-2016-FSPNC-MP-FN of 15 September 2016. p. 3.

¹⁴³ *Idem*. p. 4.

Reply to the questions raised in paragraph 22

140. In accordance with article 26 of the Code of Criminal Procedure, and articles 54 and 55 of the new Code of Criminal Procedure, complainants may file a motion to recuse a judge if they have doubts about his or her impartiality. This provision does not undermine the independence of the judiciary, which is recognized in the Code of Criminal Procedure.

141. The Office of the President of the Judiciary has urged the country's judges to impose and enforce criminal penalties that are sufficiently stringent and, where appropriate, severe,¹⁴⁴ acting independently subject to the Constitution and national laws.

142. Throughout the country, adolescents have the right to file complaints anonymously, without fear of reprisals.¹⁴⁵ An expert monitoring system is in place to check that regulations are being followed in every youth detention centre and adolescents guidance service in the country. This monitoring also involves follow-up and oversight to ensure that the actions, tasks and physical and financial goals set out in each centre's operational plan are achieved.¹⁴⁶

143. As part of their monitoring activities, staff from the juvenile centres' management division conduct random interviews with adolescents, who are asked about quality of service and the manner in which they are treated by staff working in the juvenile centre under review.¹⁴⁷

144. Unannounced visits are also made by the competent Office of the Special Prosecutor for Family Law Cases the Ombudsman's Office and human rights institutions. The latter frequently pay visits to the various juvenile centres around the country.¹⁴⁸

145. The regulations governing the rights, responsibilities and punishment of adolescents in conflict with the law in closed juvenile detention centres run by the judiciary were adopted by Administrative Decision No. 040-2013-GG PJ.¹⁴⁹ Their purpose is to establish the criteria that should be followed in managing the behaviour of adolescents subject to custodial, socio-educational measures in juvenile detention centres around the country, at which they should be continuously encouraged to adopt responsible behaviours that foster more harmonious relations with others and facilitate their social reintegration.

146. Strategic priority No. 2 of the judiciary's national plan on access to justice for persons in vulnerable situations 2016-2021 addresses the situation of adolescents in conflict with the law and is focused on achieving improved protection of their rights.¹⁵⁰

Reply to the questions raised in paragraph 23

147. For forensic examinations, the Institute of Legal Medicine and Forensic Science¹⁵¹ adheres to a protocol for the investigation of torture or cruel, inhuman or degrading treatment or punishment that is an adaptation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and was adopted by Memorandum No. 271-2010-MP-FN-IML/JN (dated 6 April 2010).

¹⁴⁴ Judiciary. Administrative Decision No. 116-2013-P/PJ. 1 April 2013. Cited by the judiciary. Official Communication No. 77-2016-DDHH-PJ. Date: 29 September 2016. p. 9.

¹⁴⁵ Judiciary. Official Communication No. 234-2015-DDHH-PJ. Date: 18 November 2016. Attached Communication No. 919-2015-GCJ-GG/PJ (10 November 2015) of the Juvenile Centres Division.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Judiciary. Official Communication No. 234-2015-DDHH-PJ. Op. cit. p. 2.

¹⁴⁹ Judiciary. General Division. Administrative Decision No. 040-2013-GG-PJ. Date: 22 January 2013. Consulted on 23 June 2016. Available at https://www.pj.gob.pe/wps/wcm/connect/007320804f05a4478dc4efef22a976ef/RA_040-2013-GG-PJ.PDF?MOD=AJPERES&CACHEID=007320804f05a4478dc4efef22a976ef.

¹⁵⁰ Judiciary. National Plan on Access to Justice for Persons in Vulnerable Situations 2016-2021. pp. 77-80.

¹⁵¹ Public Prosecution Service. Institute of Legal Medicine and Forensic Science. Official Communication No. 3055-2016-MP-FN-IML-JN. Date: 22 September 2016. p. 2.

148. Within the Clinical Forensic Division of the Institute of Legal Medicine and Forensic Science, a dedicated team composed of various professional specialists is responsible for assessing alleged cases of torture.¹⁵² The current team includes two doctors, three psychiatrists and three psychologists. The team uses a protocol for detecting injuries resulting from acts of torture inflicted upon living persons in order to conform to the digital formats implemented by the Institute of Legal Medicine and Forensic Science.

149. The Institute does not yet have an independent register of cases of torture. In addition to such a register, the Institute requires additional funding to enable it to improve its infrastructure and material and human resources.¹⁵³

150. In 2016, through Decision No. 3963-2016-MP-FN of the Attorney-General's Office, the Institute of Legal Medicine and Forensic Science adopted the following guides: (i) a guide to assessing the mental injury caused to adult victims of intentional violence; (ii) a guide to the single interview procedure for taking victim statements pursuant to Act No. 30364 on the Prevention, Punishment and Eradication of Violence Against Women and Members of the Family Unit; and for interviewing boys and male teenagers who are victims of violence; (iii) a guide to forensic psychological assessment in cases of violence against women and members of the family unit and other cases of violence; and (iv) a forensic medical guide to the comprehensive assessment of bodily injuries.

151. The procedures set out in these guides take into account the internationally established standards and procedures for identifying and documenting the signs of torture contained in Istanbul Protocol.¹⁵⁴

Reply to the questions raised in paragraph 24

152. Legislative Decree No. 1186,¹⁵⁵ adopted in 2015, regulates use of force by the Peruvian National Police, providing a regulatory framework for police work that sets out the circumstances and conditions in which force may be used, the procedures applicable and the responsibilities arising from improper use.

153. The regulations also establish that, when use of force by members of the Peruvian National Police results in injury or death, an administrative inquiry shall be initiated and the events shall be immediately reported to the competent authorities for such purposes.¹⁵⁶

154. The implementing regulations of Legislative Decree No. 1186, which set out the procedures, rules and standards for its implementation, were adopted by Supreme Decree No. 012-2016-IN.¹⁵⁷

155. The regulations establish that members of the Peruvian National Police may not invoke obedience to superior orders as a defence when orders to use force and, in particular, firearms, are manifestly unlawful. They also establish that, if such unlawful orders are executed, the superiors who issue them shall also be held liable.¹⁵⁸

156. In addition, the regulations provide that police officers may use firearms (lethal weapons) only when strictly necessary and when less extreme measures are inadequate.¹⁵⁹

157. Although the Government of Peru has not formally repealed Act No. 30151,¹⁶⁰ the establishment of a legal framework for the use of force, in the form of Legislative Decree

¹⁵² Idem, p. 2.

¹⁵³ Public Prosecution Service. Institute of Legal Medicine and Forensic Science. Official Communication No. 3055-2016-MP-FN-IML-JN. p. 3.

¹⁵⁴ Public Prosecution Service. Report No. 13-2016-FSPNC-MP-FN. Op. cit. p. 5.

¹⁵⁵ Executive Branch. Legislative Decree No. 1186. Published in the Official Gazette, *El Peruano*, on 16 August 2015.

¹⁵⁶ Legislative Decree No. 1186. Article 11 (2).

¹⁵⁷ Ministry of the Interior. Supreme Decree No. 012-2016-IN. Published in the Official Gazette, *El Peruano*, on 27 July 2016.

¹⁵⁸ Article 14 (1) of the implementing regulations of Legislative Decree No. 1186.

¹⁵⁹ Idem. Art. 8 (3).

¹⁶⁰ Congress. Act No. 30151. Published in the Official Gazette, *El Peruano*, on 13 January 2014.

No. 1186 and its implementing regulations, makes it impossible for a police officer who arbitrarily uses force to be exonerated from criminal liability, either in full or in part.

158. Furthermore, under the new Peruvian National Police Act, adopted through Legislative Decree No. 1267,¹⁶¹ police officers who use force must do so in strict compliance with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

159. Additionally, Ministerial Decision No. 813-2016-IN stipulates that “when exercising their duty to restore and maintain public order, all officers of the National Peruvian Police must comply with the Code of Criminal Procedure and Legislative Decree No. 1186, placing particular emphasis on the protection of human rights”.¹⁶² The Decision also establishes that police operations “that do not meet the minimum standards for the protection of lives shall be subject to investigation and, where appropriate, the relevant disciplinary penalties, without prejudice to any civil or criminal liability that may have been incurred”.

160. Since 2013, within the framework of the institutional processes described above, the Ministry of the Interior, in cooperation with the International Committee of the Red Cross and the Embassy of France, has been organizing training courses on maintaining and restoring law and order. It has also begun work on a plan to establish a centre for police training in the maintenance of public order.¹⁶³

Reply to the questions raised in paragraph 25

161. With regard to the current status of the legal proceedings into the massacre at El Frontón prison in 1986, the Public Prosecution Service has reported that Case Nos. 397-2012 and 2013-2007 have been joined to the main case file (Case No. 125-2004-0-JR). The Second National Criminal Prosecutor’s Office, having issued an indictment on 3 March 2013, issued a comprehensive single indictment encompassing all the events in February 2016. The indictment review hearing was held on 7 October 2016, after which the oral proceedings began.¹⁶⁴

162. There are 33 defendants and 132 victims. Through multidisciplinary procedures carried out on recovered remains, it has been possible to identify 31 individuals (9 of them through DNA testing). As of the present date, 17 sets of skeletal remains have been returned to the victims’ families, while 64 sets are awaiting identification through DNA testing carried out at the genetics and molecular biology laboratory of the Institute of Legal Medicine and Forensic Science of the Public Prosecution Service. These tests have not yet been carried out as the funds required to purchase the necessary chemical reagents are unavailable.¹⁶⁵

Reply to the questions raised in paragraph 26

163. With regard to the adoption of measures to protect lesbian, gay, transgender, bisexual or intersex (LBGTI) persons, the human rights handbook for police staff stipulates that police officers shall treat such persons with the same respect they would afford to any other citizen, and should avoid any discriminatory or offensive acts.¹⁶⁶

164. Legislative Decree No. 1268,¹⁶⁷ which regulates the disciplinary system of the Peruvian National Police, indicates that “discrimination on any grounds and of any form in the performance of police duties” shall constitute a serious disciplinary offence.

¹⁶¹ Executive Branch. Legislative Decree No. 1267. Published in the Official Gazette, *El Peruano*, on 18 December 2016.

¹⁶² Ministry of the Interior. Ministerial Resolution No. 0813-2016-IN. Date: 31 August 2016.

¹⁶³ Ministry of the Interior. Official Communication No. 001784-2016/IN/DGSD of 3 November 2016. p. 13.

¹⁶⁴ Public Prosecution Service. Report No. 13-2016-FSPNC-MP-FN. Op. cit. p. 5.

¹⁶⁵ Ibid.

¹⁶⁶ Ministry of the Interior. Official Communication No. 001577-2015/IN/DGSD. p. 5.

¹⁶⁷ Executive Branch. Legislative Decree No. 1268. Annex II: table of serious offences and penalties. Against discipline. G 33.

165. The Ministry for Women and Vulnerable Groups has been developing services that extend care and protection to victims of gender-based violence.¹⁶⁸

166. Guidelines for supporting LGBTI persons in care programmes managed under the National Programme to Combat Domestic and Sexual Violence of the Ministry for Women and Vulnerable Groups were adopted by Directorate Decision No. 017-2016-MIMP/PNCVFS-DE. The purpose of the guidelines is to standardize criteria and methodologies for the provision of care to such persons under specialist service programmes for gender-based violence run by the Ministry. The guidelines place particular emphasis on violence within the family and sexual violence, and are designed to ensure that care is provided in a non-discriminatory manner.¹⁶⁹

167. The implementing regulations of Act No. 30364 include a risk assessment sheet for women who are victims of partner violence and a supporting annex of vulnerability factors which contains a section on violence based on sexual orientation.

168. The establishment of a working group to promote the rights of LGBTI persons (Ministerial Decision No. 294-2016-MIMP) is another important development. The working group is intended to serve as a vehicle through which the Ministry for Women and Vulnerable Groups and civil society can work together to raise awareness across society as a whole of the need to combat discrimination against LGBTI persons and take action to protect their fundamental rights, promote their enjoyment of human rights and formulate guideline proposals for inclusive public policies.¹⁷⁰

169. A working group¹⁷¹ to promote the rights of lesbians had been established previously, through Ministerial Decision No. 099-2016-MIMP, to draw attention to, and eliminate, the exclusion and discrimination affecting lesbian women and to promote and protect their rights.

170. Through Legislative Decree No. 1323, sexual orientation and gender identity were introduced as prohibited grounds in the definition of the offence of discrimination (article 323 of the Criminal Code).¹⁷² These grounds were also added to the set of circumstances considered to aggravate an offence (article 46 of the Criminal Code).

171. The establishment of the National Commission against Discrimination¹⁷³ (Supreme Decree No. 015-2013-JUS) marked another policy advance. The Commission's remit encompasses monitoring and inspection activities, issuing opinions and providing technical advice to the executive branch on the development of public policies, programmes, projects, strategies and action plans related to equality and non-discrimination.

172. The Ministry of Justice has begun developing a new national human rights programme for 2017-2021 which defines the LGBTI community, among others, as a group in need of special protection. The aim is to design and implement policies that benefit the

¹⁶⁸ Ministry for Women and Vulnerable Groups. General Directorate against Gender-Based Violence. Official Communication No. 288-2016-MIMO/DGCVG. Date: 14 September 2016. p. 5.

¹⁶⁹ Ibid., p. 6.

¹⁷⁰ Ministry for Women and Vulnerable Groups. Ministerial Decision No. 294-2016-MIMP. Published in the Official Gazette, *El Peruano*, on 7 November 2016. Article 1.

¹⁷¹ Ministry for Women and Vulnerable Groups. Ministerial Decision No. 099-2016-MIMP. Published in the Official Gazette, *El Peruano*, on 22 April 2016. Article 1.

¹⁷² Executive Branch. Legislative Decree No. 1323. Published in the Official Gazette, *El Peruano*, on 6 January 2017. Article 1. On 12 May 2017, the approved draft of Legislative Decree No. 1323, which partially repeals article 1 of that Decree and restores the applicability of articles 46 (2) (d) and 323, was sent by Congress to the executive branch. Available at [http://www2.congreso.gob.pe/Sicr/RelatAgenda/proapro20112016.nsf/ProyectosAprobadosPortal/737054A2FA9D2CB80525811E008056E6/\\$FILE/AU0131920170512.pdf](http://www2.congreso.gob.pe/Sicr/RelatAgenda/proapro20112016.nsf/ProyectosAprobadosPortal/737054A2FA9D2CB80525811E008056E6/$FILE/AU0131920170512.pdf).

This approved draft was seen by the executive branch on 2 June 2017. Available at http://www.leyes.congreso.gob.pe/Documentos/2016_2021/Observacion_a_la_Autografa/OBAU0131920170602.pdf.

¹⁷³ Ministry of Justice and Human Rights. Supreme Decree 15-2013-JUS. Published in the Official Gazette, *El Peruano*, on 6 December 2013. Article 1.

LGBTI community and enable members of the community fully to exercise their fundamental rights.

Reply to the questions raised in paragraph 27

173. During the period 2012-2016, 95 states of emergency were declared: 16 in 2012, 18 in 2013, 17 in 2014, 22 in 2015 and 22 in 2016.¹⁷⁴ Pursuant to Peruvian legislation and article 137 of the Constitution, the rights guaranteed under article 2 (9), (11), (12) and (24) (f) of the Constitution, relating to freedom and personal security, the inviolability of the home and freedom of assembly and movement, were suspended during these periods. See table No. 1, Annex 1.

Reply to the questions raised in paragraph 28

174. Regarding investigations and prosecutions of serious human rights violations committed during the period of violence that occurred between 1980 and 2000, in 2015 the supra provincial criminal prosecutors' offices in Lima registered 44 preliminary investigations and 25 legal proceedings relating to crimes against humanity.¹⁷⁵ See tables Nos. 1 and 2, Annex 15.

175. In 2015, the specialized prosecutors' offices of Ayacucho (two offices), Ayacucho-Huancavelica (one office), Huancayo (one office) and Huánuco (one office) handled 378 preliminary investigations of crimes against humanity.¹⁷⁶ See table No. 3, Annex 15.

176. Of these prosecutors' offices, only the first and second supra provincial prosecutors' offices of Ayacucho also have responsibility for instituting legal proceedings. The remaining offices take up only the preliminary investigations. In total, there were 19 legal proceedings for crimes against humanity.¹⁷⁷ See table No. 4, Annex 15.

177. In addition, the judiciary has provided the following updated statistical data regarding investigations and prosecutions of human rights violations (see table No. 5, Annex 15):¹⁷⁸

(a) Regarding crimes against humanity, from 2012 to August 2016 there were 72 court decisions, 64 convictions, 157 acquittals and 26 stays of proceedings;

(b) In the same period, in relation to the offence of torture, there were 22 trials, 64 defendants, 13 convictions, 49 acquittals, 1 case dismissed and 1 case withdrawn;

(c) Regarding enforced disappearances, during the period 2012-2015 there were 17 trials, 38 defendants, 13 convictions, 23 acquittals and 2 stays of proceedings.

178. The Government of Peru, through the Public Prosecution Service, monitors and coordinates the process of exhuming, identifying and returning to the next of kin the remains of victims of enforced disappearance, in conjunction with other relevant sectors and entities.

179. Numerous victims have been located and identified with assistance from the specialized forensic team of the Institute of Legal Medicine and Forensic Science. This task has been carried out at the national level by the specialized prosecutors' offices in Abancay, Ayacucho, Huánuco and Junín. In 2015, the skeletal remains of 166 persons were returned to their next of kin.¹⁷⁹ See table No. 6, Annex 15.

180. It should be noted that a practical guide to the retrieval and analysis of human remains in the context of human rights violations and breaches of international

¹⁷⁴ Ministry of the Interior. Official Communication No. 001784-2016/IN/DGSD. Date: 3 November 2016. p. 13.

¹⁷⁵ Public Prosecution Service. Report No. 13-2016-FSPNC-MP-FN. Op. cit. pp. 6-7.

¹⁷⁶ Ibid., p. 7.

¹⁷⁷ Ibid., p. 8.

¹⁷⁸ Judiciary of Peru. National Criminal Court. Official Communication No. 548-2016-MC-SPN-PJ. Date: 30 September 2016. pp. 16-18.

¹⁷⁹ Public Prosecution Service. Report No. 13-2016-FSPNC-MP-FN. Op. cit. p. 12.

humanitarian law was recently adopted through Decision No. 5244-2016-MP-FN of the Attorney General's Office.¹⁸⁰

181. The High-Level Multisectoral Commission, attached to the Office of the Deputy Minister for Human Rights and Access to Justice of the Ministry of Justice and Human Rights, is responsible for monitoring State actions and policies regarding peace, collective reparation and national reconciliation.¹⁸¹

182. Between 2011 and 2016 the remains of 902 victims of enforced disappearance and murder in Ancash (9), Apurímac (48), Ayacucho (771), Huancavelica (47), Huánuco (11) and Junín (16) were returned to the next of kin. A multisectoral approach was adopted with a view to providing logistical and psychosocial support to the families (coffins, requiem masses, wakes and other types of religious ceremony, transfers to places of burial, arrangements for graves and cremation niches, travel tickets, and so on).¹⁸² See table No. 7, Annex 15.

183. Furthermore, the Act on the Search for Persons Who Disappeared during the 1980-2000 period of violence, the purpose of which is, on the one hand, to prioritize a humanitarian approach during the search for persons who disappeared during that period and, on the other, to coordinate measures relating to the search, recovery, analysis, identification and return of human remains, has been enacted as Act No. 30470.¹⁸³

184. A working group¹⁸⁴ made up of representatives of State agencies and civil society was set up to provide advisory services during the Act's implementation.¹⁸⁵

185. Taking into account the views of the working group, the Ministry of Justice adopted, through Ministerial Decision No. 0363-2016-JUS,¹⁸⁶ the National Plan to Search for Persons Who Disappeared between 1980 and 2000. The Plan outlines the measures that the Government must take in order to provide a comprehensive response to the families of these disappeared persons.¹⁸⁷

186. The Central Victim and Witness Protection Unit, which implements the Victim and Witness Protection and Assistance Programme of the Public Prosecution Service, has responsibility for ensuring the effective procedural participation of all involved parties. The Unit works to preserve lawful testimony and prevent any interference with victims, witnesses and informants by means of comprehensive support services provided by multidisciplinary teams nationwide.¹⁸⁸ At the national level, the Unit has a total of 146

¹⁸⁰ Public Prosecution Service. Attorney General's Office Decision No. 5244-2016-MP-FN. 30 December 2016. Consulted on: 02 January 2017. Available at: <http://portal.mpfn.gob.pe/descargas/normas/r49508.pdf>.

¹⁸¹ The High-Level Multisectoral Commission was established by Supreme Decree No. 011-2004-PCM (published in the Official Gazette, *El Peruano*, on 4 February 2004) with responsibility for formulating national policy for peace, reconciliation and collective reparation. Supreme Decree No. 011-2004-PCM, art. 4 (1) and Supreme Decree No. 011-2012-JUS, art. 133.

¹⁸² Ministry of Justice and Human Rights. High-Level Multisectoral Commission. Report No. 1123-2016/CMAN. 9 November 2016. p. 5.

¹⁸³ Congress of the Republic. Act No. 30470. Published in the Official Gazette, *El Peruano*, on 22 June 2016.

¹⁸⁴ Ministry of Justice and Human Rights. Ministerial Decision No. 0167-2016-JUS, art. 1. Published in the Official Gazette, *El Peruano*, on 13 July 2016.

¹⁸⁵ The Working Group comprises representatives of the following public and private institutions: Ministry of Justice (presiding), Public Prosecution Service, Ombudsman's Office, Ministry of Health, as well as two representatives of the associations for family members of disappeared persons and the International Committee of the Red Cross. Ministerial Decision No. 0167-2016-JUS, art. 2.

¹⁸⁶ Ministry of Justice and Human Rights. Ministerial Decision No. 0363-2016-JUS, art. 1. Published in the Official Gazette, *El Peruano*, on 25 December 2016.

¹⁸⁷ Ministry of Justice and Human Rights. National Plan on the Search for Disappeared Persons (1980-2000). p. 9. Consulted on: 26 December 2016. Available at: <http://www.minjus.gob.pe/wp-content/uploads/2016/12/PLAN-NACIONAL-PARA-LA-BU%CC%81SQUEDA-DE-PERSONAS-DESAPARECIDAS.pdf>.

¹⁸⁸ Public Prosecution Service. Central Victim and Witness Protection Unit (UCAVT). Official Communication No. 636-MP-FN-Fisc.Coordinadora. UCAVT. pp. 3-4.

victim and witness protection offices at its disposal, as well as 35 district offices and 111 emergency assistance offices.¹⁸⁹

187. The Unit supported 31,689 users in 2012; 36,271 in 2013; 33,656 in 2014; 34,057 in 2015; and 16,431, so far, in 2016.¹⁹⁰ During the first half of 2016, the Unit provided assistance to 1 witness in relation to cases of torture and 461 witnesses in cases related to human trafficking.¹⁹¹

Reply to the questions raised in paragraph 29

188. With reference to the measures taken following the reopening of investigations into the alleged forced sterilization of more than 2,000 women between 1996 and 2000, according to the Public Prosecution Service the provincial criminal prosecutor of the second supra provincial criminal prosecutors' office ruled, in Decision No. 16 of 27 July 2016, that the acts did not constitute crimes against humanity and the notion of indirect commission through organized power structures was not applicable. In this regard, the provincial criminal prosecutor: (i) declared inadmissible the formal criminal complaint filed against the alleged perpetrators of serious injuries leading to the death of María Mamérita Mestanza Chávez and others, thus ordering the definitive dismissal of the case; and (ii) initiated criminal proceedings against various health-care professionals allegedly responsible for causing serious injury to certain identified victims, acts that constituted human rights violations.¹⁹²

189. The prosecutor also resolved to try separately the acts related to 72 cases that were under investigation.

190. After the Third National Criminal Prosecutor's Office ordered that a decision be reached in relation to 77 victims of forced sterilization, the provincial criminal prosecutor of the second supra provincial criminal prosecutor's office, through Decision No. 21 of 6 December 2016, declared that there was insufficient evidence and dismissed the proceedings in these cases.

191. In light of the fact that a legal challenge was filed against Decision No. 21, the cases were referred to the Third National Criminal Prosecutor's Office for its ruling, which remains pending.

192. In addition, through Supreme Decree No. 006-2015-JUS,¹⁹³ ensuring priority attention for victims of the forced sterilizations carried out between 1995 and 2001 was declared to be of national interest and a register of victims of forced sterilization during this period (REVIESFO) 1995-2001 was set up. The purpose of the register, which falls under the remit of the Ministry of Justice and within the sphere of competence of the Public Defender's Office for Victims, is to promote access to justice through the provision of free legal assistance and psychological and health-care services.

193. The procedure for recording entries in the 1995-2001 register and an annex to the register which contains a standardized form for collecting data to be recorded therein have both been approved.¹⁹⁴ So, too, has a timetable for the phased implementation of the register, the first stage of which encompassed the Departments of Cajamarca, Cusco, Huancavelica, Lima and Piura.¹⁹⁵ The second phase of the register's implementation has

¹⁸⁹ Ibid. p. 4.

¹⁹⁰ Ibid. pp. 5-6.

¹⁹¹ Ibid. p. 8.

¹⁹² Public Prosecution Service. Coordination between the National Criminal Prosecutor's Office and the supra provincial criminal prosecutors' offices. Official Communication No. 1284-2016-2FSPNC-MP-FN. Date: 16 September 2016. Report No. 13-2016-FSPNC-MP-FN. Date: 15 September 2016. pp. 25-27.

¹⁹³ Ministry of Justice and Human Rights. Supreme Decree No. 006-2015-JUS. Published in the Official Gazette, *El Peruano*, on 6 November 2015.

¹⁹⁴ Ministry of Justice and Human Rights. Ministerial Decision No. 0319-2015-JUS. Published in the Official Gazette, *El Peruano*, on 7 December 2015.

¹⁹⁵ Ministry of Justice and Human Rights. Ministerial Decision No. 001-2016-JUS. Published in the Official Gazette, *El Peruano*, on 11 January 2016.

also been launched, through Ministerial Decision No. 161-2016-JUS. See table No. 1, Annex 16.

194. In that connection, over the course of the two-week period during which mobile registration was available in the different provinces of the country, 3,713 alleged victims of forced sterilization were registered.¹⁹⁶ See table No. 2, Annex 16.

195. 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 have been recorded in the register and are being treated at the women's emergency centres set up within the framework of the Ministry's National Programme to Combat Domestic and Sexual Violence.¹⁹⁷

196. The Mental Health Directorate of the Ministry of Health has implemented a community intervention plan in 11 provinces, 18 districts and 16 communities, benefiting a total of 870 persons, with a view to ensuring access to mental health services and re-establishing the bonds of trust between citizens and State. To this end, tests were carried out on 1,251 persons, 417 of whom (33.3 per cent) returned positive results indicating that they may be suffering from mental health problems.¹⁹⁸ See table No. 3, Annex 16.

Reply to the questions raised in paragraph 31

197. Regarding the jurisdiction of military and police courts to hear cases of excessive use of force and human rights violations during states of emergency, the Constitutional Court, in its ruling in Case No. 00022-2011-PI/TC of 8 July 2015, stated that article 27 of Legislative Decree No. 1095 should be interpreted in accordance with article 173 of the Constitution and in line with the elements that constitute a service-related offence, as established in the grounds of the judgment.¹⁹⁹

198. Previously, in its judgment regarding Case No. 05197-2011-PHC/TC, the same Court had declared that "the offence of torture cannot constitute a service-related offence and, thus, cannot be tried by the military courts".²⁰⁰

Article 14

Reply to the questions raised in paragraphs 32 and 33

199. According to the judiciary, no information is available regarding redress and compensation measures ordered by the courts for victims of torture.²⁰¹

Reply to the questions raised in paragraph 34

200. The Reparations Council has reported that, as at December 2016, 219,746 persons are registered in the Central Register of Victims. Victims in 43,987 cases reported the use of "torture" (13,547 women and 30,440 men).²⁰²

¹⁹⁶ Ministry of Justice and Human Rights. General Directorate of the Public Defence Service and Access to Justice. Report No. 3917-2016-DGDPAJ. Date: 11 November 2016. p. 12.

¹⁹⁷ Ministry of Justice and Human Rights. Ministerial Decision No. 262-2015-MIMP. Published in the Official Gazette, *El Peruano*, on 11 January 2016.

¹⁹⁸ Ministry of Health. Official Communication No. 1652-2016-DGIESP/MINSA. Report No. 096-2016-DSM-DGIESP/MINSA. Date: 12 September 2016. p. 2.

¹⁹⁹ Constitutional Court. *Citizens v. Congress and the Executive*. A complaint of unconstitutionality filed against the single article of Act No. 29548 and various articles of Legislative Decree No. 1094 and Legislative Decree No. 1095. Ruling in Case No. 00022-2011-PI/TC, para. 2.8. Date: 8 July 2015. Consulted on: 24 October 2016. Available at: <http://tc.gob.pe/jurisprudencia/2015/00022-2011-AI.pdf>.

²⁰⁰ Constitutional Court. Ruling in Case No. 05197-2011-PHC/TC, para. 8. Date: 10 September 2012. Consulted on: 27 December 2016. Available at: <http://www.tc.gob.pe/jurisprudencia/2012/05197-2011-HC.html>.

²⁰¹ Judiciary of Peru. Official Communication No. 77-2016-DDHH-PJ. Date: 29 September 2016. pp. 11-12. Official Communication No. 081-2016-DDHH-PJ. Date: 23 November 2016. p. 3.

201. Regarding the Economic Reparations Programme, the High-Level Multisectoral Commission²⁰³ has reported that, since 2011, and based on 21 ministerial decisions, a total of 287,260,779.17 soles has been disbursed to 82,721 beneficiaries, representing 95.2 per cent of the total number of potential Programme beneficiaries registered in the Central Register of Victims.

202. With regard to the Educational Reparations Programme, in 2012 the Ministry of Justice and the Ministry of Education signed a cooperation agreement to provide scholarships to beneficiaries of the Comprehensive Reparations Plan, which are awarded by the National Scholarships and Educational Credit Programme.²⁰⁴

203. On that basis, two Reparations in Education for Victims of Violence scholarships (the “18-REPAED” and the “Technical Skills REPAED”) were launched exclusively for victims of violence. These are full scholarships that cover all academic costs associated with university and technical college programmes, in public or private institutions, and also provide a monthly grant to meet the costs of accommodation, food and transport for beneficiaries.²⁰⁵ A total of 1,066 scholarships have been awarded to victims of violence (883 “18-REPAED” scholarships and 183 “Technical Skills REPAED” scholarships).²⁰⁶

204. In 2013, the Ministry of Justice signed a cooperation and financial transfer agreement with the National Training Service for the Construction Industry to provide short basic-level technical training to beneficiaries of the Educational Reparations Programme in the Departments of Lima, Callao, Ayacucho, Junín, Apurímac and Huánuco. In total 58 persons have so far benefited from this training.²⁰⁷

205. In addition, between 2015 and 2016, scholarship beneficiaries and tutors in the Ayacucho and Junín regions received mentoring and training, respectively, in line with the commitments signed with the Centre for Psychosocial Care and the National Scholarships and Educational Credit Programme.²⁰⁸

206. In 2016, through Supreme Decree No. 001-2016-JUS,²⁰⁹ the right to transfer a beneficiary’s Reparations in Education award to a direct family member up to the second degree of consanguinity was approved and a special register of beneficiaries of Reparations in Education was established. As at December 2016, 5,114 registration requests have been received and 3,463 persons have been accredited.²¹⁰

207. Pursuant to Supreme Decree No. 001-2016-JUS, 31 December 2016 was set as the deadline for requesting registration of a transfer. That deadline was subsequently amended by Supreme Decree No. 008-2017-JUS, which provided that registration could be effected for as long as the person concerned was registered in the Central Register of Victims.²¹¹

²⁰² Ministry of Justice and Human Rights. Reparations Council. Official Communication No. 2667-2016-JUS-CR-ST. Date: 27 December 2016. p 1.

²⁰³ High-Level Multisectoral Commission. Official Communication No. 2266-JUS/CMAN-ST. Date: 30 December 2016. p. 1.

²⁰⁴ National Programme of Scholarships and Educational Credit. Agreement No. 514-2012-MINEDU. Date consulted: 25 December 2016. Available at: http://www.pronabec.gob.pe/convenios/Ministerios/Minjus_514-2012.pdf.

²⁰⁵ High-Level Multisectoral Commission. Official Communication No. 1951-2016-JUS/CMAN-SE. Report No. 1123-2016/CMAN. Date: 9 November 2016. p. 4.

²⁰⁶ Ministry of Education. Multi-Year Educational Reparations Plan for Victims of the Violence in Peru “REPAEDUCA 2016-2021”. pp. 20-21.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ministry of Justice and Human Rights. Supreme Decree No. 008-2017-JUS. Published in the Official Gazette, *El Peruano*, on 31 March 2017.

²¹⁰ Ministry of Justice and Human Rights. Reparations Council. Official Communication No. 2667-2016-JUS-CR-ST. Date: 27 December 2016. p. 1.

²¹¹ Ministry of Justice and Human Rights. Supreme Decree No. 001-2016-JUS. Published in the Official Gazette, *El Peruano*, on 29 January 2016.

208. The Multi-Year Educational Reparations Plan for Victims of the Violence in Peru for the period 2016-2021 has been adopted with the aim of implementing the Educational Reparations Programme for victims.²¹²

209. With regard to the Symbolic Reparations Programme, public acts of remembrance to honour the victims or communities affected by the violence have been held in spaces in which local authorities, victims, family members and the wider community get together. In total, 31 ceremonies have been held in the regions of Ancash, Apurímac, Ayacucho, Cusco, Huancavelica, Huánuco, Junín and Lima.²¹³

210. In addition, arrangements have been made to establish, maintain, ensure access to and disseminate information about local memorial sites. For this purpose, two management tools have been created: an administrative procedures handbook on implementing projects to create, build or install places of remembrance; and a handbook for regional and local governments on establishing places of remembrance such as memorial sites, remembrance shrines and mausoleums.²¹⁴

211. Mechanisms for working with university authorities have also been introduced, with a view to incorporating human rights subjects into public and private university teaching. Thirty-three information workshops on the theme of human rights and the political violence that occurred between May 1980 and November 2000 have been held for the university community (teachers and students) in Apurímac, Ayacucho, Cusco, Huancavelica, Huancayo, Nuevo Chimbote and Puno.²¹⁵

212. With regard to the Health Reparations Programme, in 2012 the Ministry of Health approved a technical document containing guidelines for the psychosocial support of relatives of disappeared persons. The objective was to offer methodological tools enabling health-care personnel at the primary and secondary care levels to provide support to relatives of persons who disappeared during the violence that occurred between 1980 and 2000.²¹⁶

213. In addition, the Comprehensive Health Insurance scheme issued Resolution No. 190-2012/SIS of November 2012, which granted exemptions from the Household Targeting System to allow for mass affiliation to the scheme. As a result, beneficiaries of the Comprehensive Reparations Plan can become affiliated to the scheme without being subjected to the economic assessment required under the Household Targeting System.²¹⁷

214. According to the Ministry of Health, between 2012 and 2015, 86,877 mental health consultations were carried out with persons affected by the violence in regions given priority under the Comprehensive Reparations Plan. In the first half of 2016, there have been 3,968 consultations in the 11 regions prioritized by the Comprehensive Reparations Plan.²¹⁸ See table No. 1, Annex 17.

215. Between 2012 and 2016, regional mental health teams comprising 340 professionals specializing in psychiatry, medicine, psychology and nursing were created.²¹⁹ See table No. 2, Annex 17.

216. During the period 2012-2015, and taking into consideration the list of communities prioritized by the Reparations Council, around 1,409 activities were carried out in the Departments of Apurímac, Ayacucho, Cusco, Huancavelica, Huánuco, Ica, Junín, Pasco, Puno, San Martín and Ucayali. Activities were developed in conjunction with community organizations, with a focus on ensuring participatory health care, reconstructing the

²¹² Ministry of Education. Ministerial Decision No. 351-2016-MINEDU. Published in the Official Gazette, *El Peruano*, on 28 July 2016.

²¹³ High-Level Multisectoral Commission. Report No. 1123-2016/CMAN. Op. cit. pp. 4-5.

²¹⁴ Idem, p. 5.

²¹⁵ Ibid.

²¹⁶ Ministry of Health. Ministerial Decision No. 299-2012-MINSA. Published in the Official Gazette, *El Peruano*, on 17 April 2012.

²¹⁷ High-Level Multisectoral Commission. Report No. 1123-2016/CMAN. Op. cit. p. 6.

²¹⁸ Ministry of Health. Report No. 096-2016-DSM DGIESP/MINSA. Date: 12 September 2016. p. 3. Idem, p. 4.

²¹⁹ Ibid.

collective memory, organizing awareness-raising workshops for community leaders and boosting cooperation between local government and civil society.²²⁰ See table No. 3, Annex 17.

217. In 2016, the Ministry of Health adopted a technical document containing guidelines on providing mental health care to persons affected by the 1980-2000 period of violence, with the aim of implementing, at all levels of the health-care sector, appropriate and efficient mental health-care services for persons affected by the violence during this period.²²¹

218. In 2015 and 2016, training was held in the regions prioritized under the Comprehensive Reparations Plan and the technical guidelines approved by the Ministry of Health were put into practice. See table No. 4, Annex 17.

219. Regarding the Programme to Promote Access to Housing, Ministerial Decision No. 195-2015-VIVIENDA of the Ministry of Housing increased the maximum monthly family income threshold to 4,195.80 soles for victims registered in the Comprehensive Reparations Plan, thereby relaxing the eligibility criteria for the Household Targeting System. Moreover, the value of the Family Housing Bonus was increased by 51 per cent and applications made to the Own Roof (Techo Propio) Programme by this population group were automatically awarded 10 points.²²²

220. During the period 2015-2016, the Technical Secretariat of the High-Level Multisectoral Commission and the Housing Mortgage Fund (MIVIVIENDA) publicly presented and launched for consultation its proposed guidelines for the Programme to Promote Access to Housing in the following seven regions: Apurímac (Abancay), Ayacucho (Huamanga), Huancavelica, Huánuco, Lima, Puno (Juliaca) and the Valle de los Ríos Apurímac, Ene and Mantaro (Kimbiri) area. Subsequently, 12 outreach meetings were held on the implementation of the Programme to Promote Access to Housing, under the Own Roof Programme, in the regions of Apurímac, Ayacucho, Cusco, Huánuco, Ica, Junín, Puno, San Martín and Ucayali. Through these meetings, information was provided to 1,012 people, including victims and public officials.²²³

221. During the first half of 2016, 650 beneficiaries of the Programme to Promote Access to Housing received help through the Own Roof Programme as a result of the 51 per cent increase in the different types of Family Housing Bonus available. As regards to legal registration of home ownership, 21,814 beneficiaries of the Programme to Promote Access to Housing obtained their property title deeds.²²⁴

222. In 2014, the Technical Secretariat of the High-Level Multisectoral Commission became attached to the National Plan for the Restitution of Identity 2011-2015, headed up by the National Identity and Civil Status Registry, which, in turn, created a subcommittee for documenting victims of the period of violence. Composed of representatives of the judiciary, the municipality of Lima, the General Directorate of the Public Defence Service and Access to Justice, the Reparations Council, the Ombudsman's Office and civil society, the subcommittee is tasked with resolving the complex cases of victims of the period of violence who are undocumented. It has dealt with 46 such cases.²²⁵

223. Regarding exemptions from legal, administrative, registration and municipal charges, some municipal ordinances have adopted district reparation plans which provide for the waiver of municipal taxes and exemptions from the payment of fees associated with obtaining building permits and municipal cemetery burial permits and with the authorization and installation of drinking water and drainage facilities.²²⁶

²²⁰ Ibid., p. 5.

²²¹ Ministry of Health. Ministerial Decision No. 250-2016-MINSA. Published in the Official Gazette, *El Peruano*, on 16 April 2016.

²²² High-Level Multisectoral Commission. Report No. 1123-2016/CMAN. Op. cit. p. 7.

²²³ Idem, p. 7.

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

224. Local governments that have adopted these measures include the district municipalities of Lurigancho-Chosica (Municipal Ordinance No. 176-MDL of 31 May 2012), Chaclacayo (Municipal Ordinance No. 287-MDCH of 19 April 2013), San Juan de Miraflores (Municipal Ordinance No. 276-A-MDSJM of 22 August 2014), La Molina (Municipal Ordinance No. 281-MDLM of 12 November 2014) and the Metropolitan Municipality of Lima, which approved the Metropolitan Reparations Plan for victims of the violence (Mayoral Resolution No. 085 of 2 April 2014).²²⁷

225. Between 2010 and 2016, 2,274 communities affected by violence from among the 5,712 communities registered in the Central Register of Victims received funding for comprehensive reparations projects from the Collective Reparations Programme — a figure equal to 39.8 per cent of potential beneficiaries.²²⁸

226. Collective Reparations Programme staff members attend community meetings to ensure that decisions on projects chosen by community consensus are respected by the local municipality, which is the executing agency responsible for drawing up any technical studies and implementing the project in accordance with the general programme guidelines.²²⁹

227. At these meetings, acts of symbolic reparation for the people of the community are made in the form of public apologies given by the public officials of the High-Level Multisectoral Commission. Technical advice is provided to the persons drafting and evaluating the technical studies with a view to ensuring the project's sustainability.²³⁰

228. According to the most recent update of the Central Register of Victims, there are 56 displaced persons' associations. In 2015, financial transfers were made to support various projects run by five different associations (four in Ayacucho, one in Lima). In 2016, agreements were signed to support the projects of six associations (five in Ayacucho, one in Ica). The funding for these projects will be transferred in January 2017.²³¹ See tables Nos. 5 and 6, Annex 17.

229. It is important to note the resources allocated for implementing the Comprehensive Reparations Plan for victims of the 1980-2000 period of violence. The amended institutional budget was 124,175,866 soles in 2012; 75,456,530 soles in 2013; 103,605,384 soles in 2014; 20,332,240 soles in 2015;²³² and 44,997,378 soles in 2016. See tables Nos. 1 to 9, Annex 18.

230. Regarding the closure of the Central Register of Victims for economic reparations beneficiaries, Supreme Decree No. 012-2016-JUS reinstated the procedure for determining and identifying civilian, military and police beneficiaries of the Economic Reparations Programme, which has been receiving applications as from 1 January 2012.²³³

231. Another important development is the recent adoption, through Ministerial Decision No. 0063-2017-JUS, of the twenty-second list of civilian, military and police beneficiaries of the Economic Reparations Programme, through which the disbursement of funds to 725 beneficiaries was authorized.²³⁴

232. Furthermore, through Supreme Decree No. 005-2017-JUS, the Ministry of Development and Social Inclusion, Ministry of Housing, Construction and Sanitation,

²²⁷ Ibid.

²²⁸ Ibid., p. 8.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ High-Level Multisectoral Commission. Official Communication No. 2266-2016-JUS/CMAN-ST. Date: 30 December 2016. p. 2.

²³² Ibid.

²³³ Ministry of Justice and Human Rights. Supreme Decree No. 012-2016-JUS. Published in the Official Gazette, *El Peruano*, on 8 September 2016.

²³⁴ Ministry of Justice and Human Rights. Ministerial Decision No. 0063-2017-JUS, art. 2. Published in the Official Gazette, *El Peruano*, on 10 March 2017.

Ministry of Agriculture and Irrigation and Ministry of Culture are now represented on the High-Level Multisectoral Commission.²³⁵

Article 15

Reply to the questions raised in paragraph 35

233. Neither the judiciary nor the Public Prosecution Service cite any examples of cases that have been dismissed by the courts owing to the use of evidence or testimony obtained through torture or ill-treatment. As indicated in the previous report, article VIII of the Preliminary Section of the new Code of Criminal Procedure establishes that “evidence of any kind shall be deemed valid only if it has been obtained and incorporated into criminal proceedings through a constitutionally legitimate procedure”.

234. This provision also provides that “evidence obtained, directly or indirectly, in violation of the core content of the fundamental rights of the person shall be without legal effect, and the non-observance of any constitutional guarantee established in favour of the defendant may not be exercised to his or her detriment.”

Article 16

Reply to the questions raised in paragraph 36

235. In spite of the efforts undertaken, the introduction of “acts of cruel, inhuman or degrading treatment or punishment” as offences in the Criminal Code remains pending.²³⁶

Reply to the questions raised in paragraph 37

236. With regard to measures taken to protect human rights defenders, through Decision of the Deputy Minister No. 0007-2016-JUS, the Office of the Deputy Minister for Human Rights and Access to Justice instructed the Human Rights General Directorate of the Ministry of Justice to draw up a protocol on protecting human rights defenders in Peru, which is now in the process of being drafted.

237. With regard to the implementation of Precautionary Measure No. 452-11,²³⁷ issued by the Inter-American Commission on Human Rights on behalf of journalist César Estrada Chuquilin, on 12 October 2016 the Peruvian National Police established a personal protection service,²³⁸ which assigned two police officers from the Public Order and Security Division of the Peruvian National Police in Cajamarca to accompany Mr. Estrada during his daily itinerary. This measure was taken in response to reported acts of violence directed against Mr. Estrada as a result of his activities opposing the Conga mining project in the Cajamarca region.²³⁹

238. Moreover, human rights defenders will be included as a group requiring special protection in the new National Human Rights Plan for the period 2017-2021, with the aim of establishing strategic activities to safeguard their rights.

²³⁵ Ministry of Justice and Human Rights. Supreme Decree, No. 005-2017-JUS, art. 1, amending Supreme Decree No. 011-2012-PCM, art. 2. Published in the Official Gazette, *El Peruano*, on 19 March 2017.

²³⁶ Congress of the Republic. 2011-2016 parliamentary term. Bill No. 03491 on the new Criminal Code, art. 162, p. 89. Consulted on: 14 October 2016. Available at: http://www2.congreso.gob.pe/sicr/tradocestproc/Expvirt_2011.nsf/visbusqptamdoc/03491?opendocument.

²³⁷ Inter-American Commission on Human Rights. Precautionary Measure No. 452-11. Consulted on: 27 December 2016. Available at: <http://www.oas.org/es/cidh/decisiones/pdf/2014/MC452-11-ES.pdf>

²³⁸ The Public Order and Security Division of Cajamarca sent us Report No. 155-2016-REGPOL-CAJAMARCA/DEPSEEST.

²³⁹ Ministry of the Interior. Official Communication No. 001784-2016/IN/DGSD. Date: 3 November 2016, p. 14.

Reply to the questions raised in paragraph 38

239. In an effort to eliminate the use of corporal punishment against children, Act No. 30403, prohibiting the use of corporal and other humiliating punishment against children and adolescents, was adopted in September 2015. The Act covers all settings in which minors spend their childhood and adolescence.²⁴⁰

240. The Act also repealed article 74 (d) of the Code on Children and Adolescents, which stated that it was the right and responsibility of parents “to set their children a good example of how to live and to discipline them in a moderate fashion, and, if their actions are not sufficient, to refer them to the competent authorities”.

241. In this connection, the Ministry for Women and Vulnerable Groups launched the “Don’t Hit or Humiliate: It’s Time to Change” campaign, which, among other aspects, is designed to raise awareness among adults of the impact of using violence as a means of disciplining children and adolescents.²⁴¹

Reply to the questions raised in paragraph 39

242. According to the results of the National Survey on Child Labour, which were published in the “Scope and Characteristics of Child Labour in Peru” report of 2015, of the country’s 7,438,700 children aged between 5 and 17 years old, 1,939,300 were involved in economic activities (1,088,800 boys and 850,500 girls), representing an employment rate of 26.1 per cent.²⁴² See table No. 1, Annex 19.

243. The report also contained a comparative analysis of the 2015 National Survey on Child Labour and other studies conducted previously, including the 2007 National Survey on Child Labour, which demonstrated that “[in respect of] the downward trend in the child employment rate during the period 2007-2015, the largest reductions, in both absolute and relative terms, have been among boys compared to girls, in rural areas compared to urban areas and among children aged 5-13 years old compared to children aged 14-17 years”.²⁴³

244. In addition, a comparison of the 2015 National Survey on Child Labour and the 2015 National Household Survey²⁴⁴ “reveals an employment rate that is slightly lower in the former survey than in the latter one — 26.1% and 26.4% respectively — with the difference being explained by the different methodological approaches used”.

245. To prevent and eliminate child labour, the Ministry for Women and Vulnerable Groups has adopted a number of actions and measures within its sphere of competence.²⁴⁵ See table No. 2, Annex 19.

246. In relation to the National Strategy for the Prevention and Elimination of Child Labour, the following three pilot projects have been established: ²⁴⁶ (i) Huánuco; ²⁴⁷

²⁴⁰ Congress of the Republic. Act No. 30403. Published in the Official Gazette, *El Peruano*, on 30 December 2015.

²⁴¹ Ministry for Women and Vulnerable Groups. General Directorate for Children and Adolescents. Official communication No. 507-2016-MIMP/DGNNA. Date: 19 October 2016. Report No. 063-2016-MIMP-DGNNA-OAAA. Date: 17 October 2016. p. 2.

²⁴² Ministry for Women and Vulnerable Groups. General Directorate for Children and Adolescents. Official communication No. 541 2016-MIMP/DGNNA. Date: 10 November 2016. Report No. 072-2016-MIMP-DGNNA-OAAA. Date: 7 November 2016. p. 2.

²⁴³ Ministry of Labour and Job Creation and the International Labour Organization. Scope and Characteristics of Child Labour in Peru — 2015 Report. Analysis of the National Household Survey and the National Survey on Child Labour Lima, November 2016. p. 82.

²⁴⁴ Ibid.

²⁴⁵ Ministry for Women and Vulnerable Groups. General Directorate for Children and Adolescents. Official Communication No. 288-2016-MIMP/DGNNA. Report No. 063-2016-MIMP-DGNNA-OAAA. Date: 17 October 2016. pp. 3-4.

²⁴⁶ Ministry of Labour and Job Creation. Official Communication No. 846-2016-MTPE. Date: 13 October 2016. pp. 2-3.

²⁴⁷ In conjunction with the Ministry of Labour and Job Creation, Ministry of Development and Social Inclusion, Ministry of Education, regional government of Huánuco and 12 local governments, activities aimed at reducing child labour have been launched.

(ii) Carabayllo;²⁴⁸ and (iii) Semilla (Huancavelica, Junín and Pasco). These projects combine education services, conditional cash transfers, awareness-raising activities for parents, capacity-building for authorities and public officials, and the development of production strategies.

247. Moreover, the National Commission to Combat Forced Labour — the body responsible for the ongoing coordination of policies and activities addressing forced labour in different sectoral, regional and national areas — has implemented various measures within the framework of the Second National Plan to Combat Forced Labour for the period 2013-2017.²⁴⁹ See table No. 3, Annex 19.

248. In addition, forced labour is classified as an offence in article 168-B of the Criminal Code, punishable by between 6 and 12 years' imprisonment with aggravating factors applying, inter alia, when the victim is a person with disabilities, is younger than 14 years of age, is an older person, belongs to an indigenous group or is a migrant worker.²⁵⁰

Reply to the questions raised in paragraph 40

249. In 2014, the Ministry of Health approved 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,²⁵¹ undergo the voluntary interruption of a pregnancy under 22 weeks, with a view to standardizing these care procedures, which are applicable in all health-care facilities that provide secondary care within the national health system.

250. In order to disseminate the technical handbook, the Ministry of Health carried out various activities:

(a) In 2014, it held 13 technical meetings in the regions of Arequipa (3), Cusco (1), Loreto (1), Lima (4), Piura (3) and Ucayali (1);²⁵²

(b) In 2015, it conducted outreach activities aimed at obstetrician-gynaecologists, heads of gynaecology and obstetrics departments and legal advisers in different health-care facilities;²⁵³

(c) In 2016, it initiated the creation of a Health Information System code on therapeutic abortion to ensure the availability of national statistics on the number of requests and cases handled.²⁵⁴

251. Regarding cases of sexual violence, health-care facilities are required to inform patients of their right to receive treatment to prevent sexually transmitted infections, as well as antiretrovirals and emergency oral contraceptives, among others.²⁵⁵

252. In addition, on 23 August 2016, the First Constitutional Court of Lima ruled that, as a provisional measure, emergency oral contraceptives should be distributed free of charge in the country's public health-care centres.

²⁴⁸ Municipality of Carabayllo. Ordinance No. 250-2011/MDC, creating the Municipal Programme for the Prevention and Elimination of Child Labour. Published in the Official Gazette, *El Peruano*, on 4 January 2012.

²⁴⁹ Ministry of Labour and Job Creation. Official communication No. 846-2016-MTPE, dated 13 October 2016. pp. 8, 9 and 10.

²⁵⁰ Executive branch. Legislative Decree No. 1323, art. 3. "Article 168".

²⁵¹ Ministry of Health. Ministerial Decision No. 486-2014-MINSA. Published in the Official Gazette, *El Peruano*, on 28 June 2014.

²⁵² Ministry for Women and Vulnerable Groups. Eighth Report on Progress made in Implementing Act No. 28983. 2014. p. 157. Consulted on: 19 October 2016. Available at: http://www.mimp.gob.pe/files/direcciones/dgignd/informes/2014-Informe_LIO.pdf.

²⁵³ Ministry for Women and Vulnerable Groups. Ninth Report on Progress made in Implementing Act No. 28983. 2015. pp. 157-158. Consulted on: 19 October 2016. Available at: http://www.mimp.gob.pe/files/direcciones/dgignd/informes/2015-Informe_LIO.pdf.

²⁵⁴ Ibid.

²⁵⁵ Regulations implementing Act No. 30364, art. 76.3.

253. Moreover, the Ministry of Education and the Ministry for Women and Vulnerable Groups are currently implementing a project for the period 2016-2017 aimed at preventing family and sexual violence, teenage pregnancy and trafficking in persons for the purposes of sexual exploitation. The project involves 171 national institutions and entails the creation of a sexuality and preventing sexual violence unit in each of the five grades of secondary education.²⁵⁶

III. Other issues

Reply to the questions raised in paragraph 41

254. The International Terrorism Intelligence Division of the Peruvian National Police's Counter-Terrorism Executive Directorate conducts a range of intelligence operations and exchanges operational information with foreign counterparts, in particular in relation to activities and/or movements that may be related to terrorism. Information is cross-checked with different departments of the national police, intelligence agencies and other foreign government apparatus. Intelligence and migration control activities are carried out jointly with Migration Control Office staff at Jorge Chávez International Airport and at the port of Callao, the aim being to detect, on the basis of entry alerts, the entry into the country of alleged members of international terrorist organizations.²⁵⁷

255. In addition, the Counter-Terrorism Executive Directorate has established a department for the investigation of weapons of mass destruction, responsible for investigating offences involving the handling, use and illegal trafficking of biological and chemical weapons and nuclear or radioactive material.²⁵⁸

256. Furthermore, the Ministry for Women and Vulnerable Groups has approved, through Supreme Decree No. 010-2016-MIMP,²⁵⁹ a protocol on caring for individuals and families rescued from terrorist groups. The protocol is designed to foster multisectoral coordination among various actors (members of the armed forces, the Peruvian National Police, the Ministry for Women and Vulnerable Groups and the Public Prosecution Service) with a view to establishing the functions and scope of sectoral interventions aimed at restoring the rights and autonomy of persons, including children and families, rescued from terrorist organizations.

IV. Information on other measures and developments relating to the implementation of the Convention

257. The Government of Peru recently ratified the Agreement on the Privileges and Immunities of the International Criminal Court, in compliance with article 48 of the Rome Statute of the International Criminal Court.²⁶⁰

258. The Government has also made the declaration under article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance recognizing the

²⁵⁶ Ministry for Women and Vulnerable Groups. General Directorate against Gender-Based Violence. Official communication No. 288-2016-MIMP/DGCVG. Date: 14 September 2016. p. 7.

²⁵⁷ Ministry of the Interior. Official Communication No. 001784-2016/IN/DGSD, dated 3 November 2016. p. 14.

²⁵⁸ Ibid.

²⁵⁹ Ministry for Women and Vulnerable Groups. Supreme Decree No. 10-2016-MIMP. Published in the Official Gazette, *El Peruano*, on 28 July 2016.

²⁶⁰ Congress of the Republic. Legislative Resolution No. 30266. Published in the Official Gazette, *El Peruano*, on 20 November 2014.

Ministry of Foreign Affairs. Supreme Decree No. 070-2016-RE. Published in the Official Gazette, *El Peruano*, on 7 September 2016.

competence of the Committee on Enforced Disappearances to receive and consider communications from individuals who claim to be victims of violations.²⁶¹

259. It has also ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,²⁶² through which it recognizes the competence of the Committee on the Rights of the Child to receive communications and to issue rulings regarding violations (occurring after the entry into force of this Optional Protocol) of any of the rights set forth in the Convention on the Rights of the Child²⁶³ and its two optional protocols.²⁶⁴

260. Also worth highlighting is the recent adoption of Act No. 30466, designed to establish procedural benchmarks and guarantees for ensuring that the best interests of the child is a primary consideration in all processes and procedures encompassing the rights of children and adolescents, within the framework of the United Nations Convention on the Rights of the Child and its general comment No. 14 (2013), on the right of the child to have his or her best interests taken as a primary consideration, and article IX of the Preliminary Section of the Code on Children and Adolescents.²⁶⁵

261. Pursuant to the Regulations on the Organization and Functions of the Ministry of Defence, the functions of the General Secretariat include promoting actions aimed at mainstreaming human rights, gender and interculturality.²⁶⁶ This provision ensures that any policies being adopted are designed to integrate these perspectives.

V. Conclusions

262. The reporting period covers the implementation by the Government of Peru of the Convention against Torture and other international instruments. To this end, regulatory measures and public policies have been adopted and outreach activities promoted.

263. In this vein, although this document highlights the progress that has been made, many actions are still to be implemented, including the provision of a larger budget for the implementation of the measures outlined herein.

264. There is also a need to improve information management and the collection of data on torture, to strengthen the budget and institutional capacity of the national preventive mechanism and to guarantee the right to redress for victims of the 1980-2000 period of violence.

265. Lastly, regarding the implementation of treaties, the Peruvian Government is aware of the aforementioned challenges, conscious of the importance of submitting periodic reports as self-evaluation mechanisms for States parties and committed to continuing to take further measures aimed at prohibiting and punishing acts of torture and guaranteeing the necessary measures of redress.

²⁶¹ Congress of the Republic. Legislative Resolution No. 30434. Published in the Official Gazette, *El Peruano*, on 14 May 2016.

²⁶² Ministry of Foreign Affairs. Supreme Decree No. 68-2015-RE. Published in the Official Gazette, *El Peruano*, on 5 December 2015.

²⁶³ Congress of the Republic. Legislative Resolution No. 25278. Published in the Official Gazette, *El Peruano*, on 4 August 1990.

²⁶⁴ Ministry of Foreign Affairs. Supreme Decree No. 078-2001-RE. Published in the Official Gazette, *El Peruano*, on 6 October 2001.

²⁶⁵ Congress of the Republic. Act No. 30466, art. 1. Published in the Official Gazette, *El Peruano*, on 17 June 2016.

²⁶⁶ Ministry of Defence. Supreme Decree No. 06-2016-DE, art. 17 (t). Published in the Official Gazette, *El Peruano*, on 7 June 2016.