



**International Human Rights  
Instruments**

Distr.: General  
20 July 2020  
English  
Original: Spanish

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**Common core document forming part of the  
reports of States parties**

**Peru\***

[Date received: 1 December 2019]

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

GE.20-09726 (E) 230920 xx0920



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## I. Introduction

1. The Republic of Peru is a democratic, social, independent and sovereign nation. Its Government is unitary, representative, decentralized, and organized according to the principle of the separation of powers.<sup>1</sup>
2. The fundamental duties of the Peruvian State are: the defence of national sovereignty; the achievement of full respect for human rights; the protection of persons from threats to their security; and the promotion of general well-being on the basis of justice and the comprehensive and balanced development of the nation.<sup>2</sup>
3. In this regard, the State's fundamental mandate is to defend the human person and ensure respect for his or her dignity,<sup>3</sup> which is the supreme goal of society and the State, as established in article 1 of the Constitution.
4. To this end, the State actively participates in the human rights treaty system and, in compliance with its obligations under those treaties, has issued the present report, which contains general information on the country and the measures taken to protect human rights.

## II. General information about the reporting State

5. The total surface area of Peru is 1,285,215.6 km<sup>2</sup>. Of this area, 60.5 per cent is occupied by forest and 27.7 per cent by mountains, and 11.8 per cent is coastal.<sup>4</sup>
6. Peru is located between the equator and the Tropic of Capricorn. It owes its mixed climate to a range of factors, including the Peru or Humboldt Current, the Andean mountain range and the dynamics of cyclones and anticyclones. The diverse nature of its geography and climatic conditions make Peru one of the 10 most environmentally diverse countries in the world, with 84 life zones and 17 transition zones. It has the fourth largest expanse of tropical forest in the world and is home to 71 per cent of the world's tropical glaciers<sup>5</sup> and 70 per cent of its biological diversity. Its natural heritage makes a significant contribution to the national economy, accounting for between 13 and 15 per cent of the gross domestic product.<sup>6</sup>
7. Its capital city is Lima and it has 24 departments and 196 provinces, which include 1,874 districts. There is a regional government for the Province of Lima, the Constitutional Province of Callao and each department. There are thus 26 regional governments in total, as well as provincial and district municipalities at the local level.<sup>7</sup>

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<sup>1</sup> Democratic Constituent Congress (1993), Constitution of Peru, art. 43. Accessed on 7 August 2019. Available at <http://www4.congreso.gob.pe/ntley/Imagenes/Constitu/Cons1993.pdf>.

<sup>2</sup> Constitution, art. 44.

<sup>3</sup> Constitution, art. 1.

<sup>4</sup> National Institute of Statistics and Data Processing (2017), Peru: main indicators. Accessed on 7 August 2019. Available at <https://www.inei.gob.pe/>.

<sup>5</sup> *Informe Nacional 2018 para el desarrollo sostenible*, p. 82.

<sup>6</sup> National Centre for Strategic Planning (2019), *El Perú en el que vivimos: caracterización del territorio*, p. 15. Accessed on 7 August 2019. Available at <https://www.ceplan.gob.pe/wp-content/uploads/2018/11/El-Per%C3%BA-en-el-que-vivimos-CEPLAN.pdf>.

<sup>7</sup> National Centre for Strategic Planning (2018), *Informe Nacional 2018 para el desarrollo sostenible*, p. 84. Accessed on 7 August 2019. Available at <https://www.ceplan.gob.pe/informe-nacional/>.

## Demographic, economic, social and cultural characteristics

### Demographic indicators

8. In 2017, the National Institute of Statistics and Data Processing conducted the twelfth national census on population, the seventh national census on housing and the third national census on indigenous communities, from which the following data were obtained:

Total population in 2017	31 237 385
Population density in 2017	23 inhabitants/km <sup>2</sup>
Projected population of the country in 2050	40.1 million <sup>8</sup>

9. Over the past 10 years, the urban population has risen by 6.8 percentage points and now accounts for 79.3 per cent of the total population. The highest population densities are found in Lima (metropolitan Lima and the Lima region) and the northern region, which are home to 35.7 per cent and 25.5 per cent of the total population, respectively. In addition, 32 per cent of the total population consists of persons aged 17 years or under. Of that group, 49 per cent are female and 51 per cent male.<sup>9</sup>

- As of 2017, life expectancy at birth stood at 75 years of age.<sup>10</sup>
- Although infant mortality fell from 17 deaths per 1,000 live births in 2010 to 15 per 1,000 in 2017–2018, there continues to be a gap between urban and rural communities, as shown by the fact that there were 13 deaths per 1,000 live births in urban areas and 22 per 1,000 in rural areas in 2017–2018.<sup>11</sup>
- Child mortality fell from 23 deaths per 1,000 live births in 2010 to 19 per 1,000 in 2017–2018. However, there continues to be a gap between urban and rural communities, as shown by the fact that there were 16 deaths per 1,000 live births in urban areas and 27 per 1,000 in rural areas in 2017–2018. The region with the lowest infant and child mortality is Lima, followed by Moquegua.<sup>12</sup>

### Social and cultural indicators

10. The 2017 census on health, conducted by the National Institute of Statistics and Data Processing, revealed that 75.5 per cent of the population has some form of health insurance, which means that 22.1 million persons are covered in the event of illness or accident.<sup>13</sup> It should also be noted that:

- (a) Peru has 606 hospitals, 18 specialized health institutions, 2,296 health centres and 8,002 health units; most of the hospitals and health institutions are in the coastal region;<sup>14</sup>
- (b) A total of 33.4 per cent of women in Peru report that they have difficulty obtaining access to health-care services when they need care, as those services are too far

<sup>8</sup> National Institute of Statistics and Data Processing, twelfth national census on population and seventh national census on housing, conducted in 2017, population projections and estimates for 1950–2050, *Boletín de Análisis Demográfico* No. 36.

<sup>9</sup> National Institute of Statistics and Data Processing (2017), twelfth national census on population, seventh national census on housing and third national census on indigenous communities, conducted in 2017. Accessed on 7 August 2019. Available at <http://censos2017.inei.gob.pe/redatam/>.

<sup>10</sup> National Institute of Statistics and Data Processing (2017), Peru: main indicators. Accessed on 7 August 2019. Available at <https://www1.inei.gob.pe/>.

<sup>11</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>12</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>13</sup> *Informe Nacional 2018 para el desarrollo sostenible*, p. 16.

<sup>14</sup> *Informe Nacional 2018 para el desarrollo sostenible*, p. 16.

away. In areas where it is difficult to obtain access to health care, a high percentage of children aged between 6 and 35 months have anaemia (53.3 per cent in rural areas and 53.6 per cent in forest regions);<sup>15</sup>

(c) In 2018, a total of 12.2 per cent of children under 5 years of age had chronic malnutrition, defined in accordance with the World Health Organization standard, representing a decrease of 11.6 percentage points in relation to 2009. However, the gap between the figures for urban and rural areas has remained constant: in 2018, the rate of chronic child malnutrition was 7.3 per cent in urban areas and 25.7 per cent in rural areas.<sup>16</sup>

11. The 2017 census revealed that 75.3 per cent of the population had attended preschool and primary school, 41.3 per cent had attended secondary school and 34.0 per cent had attended a higher education establishment.<sup>17</sup>

12. In 2018, the primary school completion rate was 91.5 per cent among 12- to 14-year-olds and 98.3 per cent among 15- to 19-year-olds, representing increases of 8.7 and 2.8 percentage points, respectively, over the 2010 figures. In the same year, the secondary school completion rate was 78.6 per cent among 17- to 19-year-olds and 84.8 per cent among 20- to 24-year-olds, representing increases of 12.9 and 7.7 percentage points, respectively, over the 2010 figures.<sup>18</sup>

13. As of 2017, the school enrolment rate among indigenous persons in Peru was 64.8 per cent for 3- to 5-year-olds, 93.1 per cent for 6- to 11-year-olds and 89.9 per cent for 12- to 16-year-olds.

14. According to the latest National Household Survey, 5.6 per cent of the total population was illiterate in 2018, which was 2.9 percentage points lower than the 2007 figure. However, the gap between the figures for urban and rural areas has remained constant. In 2018, the illiteracy rate was 3.4 per cent in urban areas and 14.5 per cent in rural areas. The geographic area with the highest illiteracy rate is the mountain region (9.9 per cent) and the department with the highest illiteracy rate is Apurimac, where 14 per cent of the population is illiterate.<sup>19</sup>

15. Where employment is concerned, there were 17,462,800 economically active persons in 2018, or 1.6 per cent more than in 2017. However, there continues to be a gap between urban and rural areas. In 2018, there were 13,663,700 economically active persons in urban areas and 3,779,100 in rural areas. A total of 16,776,500 economically active persons were in employment or self-employment.<sup>20</sup>

16. With regard to housing and sanitation, the 2017 census revealed that 67.1 per cent of homes have access to water inside the home via the mains water supply, 11.3 per cent have access to a mains water supply that is outside the home but inside the building, 7.3 per cent use water from a well (groundwater), 4.7 per cent obtain water from public standpipes, 4.5 per cent use water from a river, stream, spring or similar source, 4.2 per cent obtain water from tank trucks or similar sources, and 0.9 per cent ask their neighbours for water or use melted snow or rainwater, among other sources.<sup>21</sup>

### **Economic indicators**

17. In 2018, 20.5 per cent of the Peruvian population was classified as poor in monetary terms. In absolute terms, the number of persons living in poverty was 6,593,000. However,

<sup>15</sup> *Informe Nacional 2018 para el desarrollo sostenible*, p. 16.

<sup>16</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>17</sup> *Informe Nacional 2018 para el desarrollo sostenible*, p. 16.

<sup>18</sup> Ministry of Education, official communication No. 128-2019-MINEDU/VMGP, p. 08-08.

<sup>19</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>20</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>21</sup> *Informe Nacional 2018 para el desarrollo sostenible*, p. 16.

this figure represents a drop of 1.2 percentage points in relation to 2017, when it had stood at 21.7 per cent. The poverty rate was particularly high among persons whose mother tongue was an indigenous language (32.4 per cent), for whom it was almost double the rate for Spanish speakers (17.5 per cent).<sup>22</sup>

18. In 2018, 2.8 per cent of the population was living below the extreme poverty line, which means that 900,000 persons had a per capita expenditure level that was below the cost of the basic food basket (183 soles). This rate was 1.0 percentage point lower than the rate for 2017 (3.8 per cent); in other words, around 300,000 persons were no longer living in extreme poverty. In terms of area of residence, extreme poverty affected 10.0 per cent of the rural population and 0.8 per cent of the urban population.<sup>23</sup>

19. The Ministry of Economic Affairs and Finance reports that public spending tended to increase between 2009 and 2018, particularly in the areas of health (where it rose from 8.1 per cent in 2009 to 11.3 per cent in 2018), education (15.4 per cent in 2009, rising to 17.0 per cent in 2018) and culture and sport (1.2 per cent in 2009, rising to 2.4 per cent in 2018). In general terms, public expenditure on social services increased by 3.6 percentage points over this period.<sup>24</sup>

20. According to the 2018 annual report of the Central Reserve Bank, the annual inflation rate in 2018, measured by the variation in the consumer price index for metropolitan Lima, was 2.19 per cent. This value was located near the midpoint of the target range (1–3 per cent). The inflation rate therefore remained within the target range for most of the year. However, as a result of a base effect associated with the El Niño phenomenon that occurred in 2017, it temporarily fell below the lower bound of the target range between March and May 2018.<sup>25</sup>

## Constitutional, political and legal structure

21. In accordance with the Constitution, the State has the following constitutional, political and legal structure:

### Legislative branch

22. Legislative power is vested in Congress, which consists of a single chamber made up of 130 members elected for a five-year term in elections held in accordance with the law. In order to be elected to Congress, candidates must be Peruvian by birth, be at least 25 years of age and have the right to vote.<sup>26</sup> Congress has the following functions:

- To enact laws and legislative decisions, and to interpret, amend or repeal existing ones
- To ensure respect for the Constitution and the laws, and to take appropriate measures to ensure that offenders are held accountable
- To approve treaties, in conformity with the Constitution
- To approve the budget and the general accounts
- To authorize loans, in accordance with the Constitution
- To grant amnesty
- To approve territorial demarcation as proposed by the executive branch

<sup>22</sup> Ministry of Justice and Human Rights (2019), *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version, p. 56.

<sup>23</sup> *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version, p. 55.

<sup>24</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>25</sup> *Memoria 2018*, p. 85.

<sup>26</sup> Constitution, art. 90.

- To give consent to the entry of foreign troops into the territory of the Republic, provided that this has no impact whatsoever on national sovereignty
- To authorize the President to leave the country
- To carry out other responsibilities specified in the Constitution and those incumbent on the legislature<sup>27</sup>

### **Executive branch**

23. The President of the Republic is the Head of State and represents the nation. He or she is elected by direct vote for a five-year term and is not eligible for immediate re-election. When at least one constitutional term has elapsed, a former President may stand for election again, subject to the same conditions.<sup>28</sup>

24. The President is sworn in and takes office before Congress on 28 July of the year in which the election is held. He or she has the following functions:

- To comply with and ensure compliance with the Constitution and with treaties, laws and other legal provisions
- To represent the State, within the Republic and elsewhere
- To guide overall government policy
- To protect the public order and national security of the Republic
- To call elections for the presidency of the Republic and for members of Congress, mayors, city councillors and other officials, as stipulated by law
- To convene extraordinary sessions of Congress by signing the relevant decree
- To address Congress at any time, and by mandate, both in person and in writing, at the start of its first ordinary session of the year; annual addresses consist of a detailed report on the state of the Republic and on any improvements and reforms that the President deems necessary and appropriate for consideration by Congress; aside from the opening address, presidential addresses are subject to approval by the Council of Ministers
- To establish implementing regulations for laws without breaching or distorting them and to issue decrees and decisions within these limits
- To comply with and ensure compliance with the judgments and decisions of the courts
- To comply with and ensure compliance with the decisions of the National Elections Board
- To guide foreign policy and international relations, and conclude and ratify treaties
- To appoint ambassadors and ministers plenipotentiary, subject to approval by the Council of Ministers, and with the responsibility of reporting to Congress
- To receive foreign diplomats and authorize consuls to perform their duties
- To serve as chief of the national defence system, and organize, arrange and direct the deployment of the armed forces and the National Police
- To adopt necessary measures for the defence of the Republic, its territorial integrity, and the sovereignty of the State
- To declare war and sign peace treaties, subject to authorization by Congress
- To manage public finances
- To negotiate loans

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<sup>27</sup> Constitution, art. 102.

<sup>28</sup> Constitution, art. 110.

- To order extraordinary measures on economic and financial matters by means of emergency decrees having the force of law, when so required by the national interest, with the responsibility of reporting to Congress, which may amend or repeal such emergency decrees
- To regulate customs tariffs
- To grant pardons and commute sentences, and to exercise the right to pardon defendants in cases where the investigation stage has taken longer than twice the allotted period plus the allowable extension
- To confer awards on behalf of the nation, with the consent of the Council of Ministers
- To authorize Peruvians to serve in a foreign army
- To exercise any other functions of governance and administration that the Constitution and laws assign to him or her<sup>29</sup>

25. The direction and administration of public services is entrusted to the Council of Ministers, which carries out the following duties: (a) approving draft legislation that the President submits to Congress; (b) approving legislative decrees and emergency decrees handed down by the President, as well as draft legislation, decrees and decisions provided for under the law; (c) deliberating on matters of public interest; and (d) performing any other duties assigned to it by the Constitution and the law.<sup>30</sup>

26. At the time of writing, the executive branch is made up of the Office of the President of the Republic, the Office of the President of the Council of Ministers, the Ministry of Agriculture and Irrigation, the Ministry of Foreign Trade and Tourism, the Ministry of Culture, the Ministry of Defence, the Ministry of Development and Social Inclusion, the Ministry of Economic Affairs and Finance, the Ministry of Education, the Ministry of Energy and Mining, the Ministry of Justice and Human Rights, the Ministry of the Environment, the Ministry for Women and Vulnerable Groups, the Ministry of Production, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Labour and Employment Promotion, the Ministry of Transport and Communications, and the Ministry of Housing, Construction and Sanitation.<sup>31</sup>

27. Under Act No. 29809<sup>32</sup> of 2011, the former Ministry of Justice was renamed the Ministry of Justice and Human Rights. Article 5 of this Act establishes that the Ministry is responsible for promoting and raising awareness of human rights and formulating policies on access to justice, particularly for vulnerable persons. In this regard, the Office of the Deputy Minister for Human Rights and Access to Justice was established to formulate, coordinate, implement and monitor the policies for which it is responsible in accordance with national policy.

28. The Office of the Deputy Minister for Human Rights and Access to Justice is made up of: (i) the Directorate General of the Public Defence Service and Access to Justice, which oversees the Directorate of Criminal Defence, the Directorate of Legal Aid and Victim Defence, the Directorate of Extrajudicial Conciliation and Alternative Dispute Settlement Mechanisms, the Directorate of Multisectoral Services, and the District Directorates of the Public Defence Service and Access to Justice; (ii) the Directorate General of Human Rights, which oversees the Directorate of Human Rights Policy and Management and the Directorate of International Affairs, Promotion and Legislative Alignment; and (iii) the Directorate General for the Search for Disappeared Persons, which

<sup>29</sup> Constitution, art. 118.

<sup>30</sup> Constitution, art. 125.

<sup>31</sup> Government of Peru (2019), information on entities of the executive branch. Accessed on 8 August 2019. Available at <https://www.gob.pe/estado/poder-ejecutivo>.

<sup>32</sup> Congress of the Republic, Act No. 29809, published in the Official Gazette (*El Peruano*) on 8 December 2011.

oversees the Directorate of Registration and Forensic Investigation and the Directorate of Assistance and Support.<sup>33</sup>

### **Judiciary**

29. The authority to administer justice arises from the people and is exercised by the judiciary through the various levels of courts in accordance with the Constitution and the laws. The principles and rights to be observed in the administration of justice include the following:<sup>34</sup>

- The unity and exclusivity of the courts
- Independence in the administration of justice
- Observance of the guarantees of due process and judicial protection
- The principle that proceedings must be open to the public, unless otherwise stipulated by law
- The principle that judicial decisions must be substantiated in writing under all circumstances, with the exception of simple procedural decisions, and that the applicable law and the facts on which the decisions are based must be expressly stated
- The right of appeal
- The right to compensation, in the form determined by law, for miscarriages of justice in criminal trials and for arbitrary detention, without prejudice to any criminal liability that may apply
- The principle that justice must be served despite the existence of lacunae or defects in the law; in such cases, the general principles of law and customary law apply
- The principle that criminal laws and provisions restricting rights cannot be applied by analogy
- The principle that no person may be punished without due process
- The application of the law most favourable to the accused in the event of doubt or conflict between criminal laws
- The principle that no person may be convicted in absentia
- The principle that no trials that have resulted in an enforceable decision may be reopened
- The principle that amnesty, pardon, dismissal of proceedings and statutory limitation have the force of *res judicata*
- The principle that no person may be deprived of the right to a defence at any stage of the proceedings; all persons must be informed, immediately and in writing, of the grounds or reasons for their arrest; they have the right to communicate personally with a defence lawyer of their choosing and to receive counsel as soon as they are summoned or detained by any authority
- The principle that all persons must be informed, immediately and in writing, of the grounds or reasons for their arrest
- The principle that the administration of justice must be free of charge and that legal counsel must be available free of charge for persons with insufficient resources and for all persons under the circumstances set out in the law

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<sup>33</sup> Ministry of Justice and Human Rights (2017), Supreme Decree No. 013-2017-JUS, published in the Official Gazette (*El Peruano*) on 22 June 2017.

<sup>34</sup> Constitution, art. 139.

- Public participation in the appointment and removal of judges, in accordance with the law
- The principle that the executive branch is required to participate in proceedings when so requested
- The principle that justice may not be administered by any person who has not been appointed as prescribed by the Constitution or the law; any court that allows such a person to serve is held liable
- The right of every person to analyse and criticize judicial decisions and judgments, within the limitations set by law
- The right of detainees and convicted prisoners to be housed in decent premises
- The principle that the purpose of the prison system is the re-education and rehabilitation of convicted persons and their reintegration into society

30. In light of the provisions of the Brasilia Regulations Regarding Access to Justice for Vulnerable People, the judiciary has the following six commissions and programmes: (a) the Standing Commission for the National Programme on Access to Justice for Vulnerable People; (b) the Commission for Gender Justice; (c) the Programme for the Implementation of Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members; (d) the National Commission for Environmental Management; (e) the Commission for Intercultural Justice; and (f) the National Commission on Support for Users of the Justice System.<sup>35</sup>

31. The judiciary has also adopted the National Plan on Access to Justice for Vulnerable People 2016–2021.<sup>36</sup>

32. The Public Prosecution Service is an independent body headed by the Attorney General. Its functions include representing society in judicial proceedings and ensuring the independence of the courts and the proper administration of justice.<sup>37</sup>

33. The National Board of Justice is responsible for appointing and assessing judges and prosecutors. It has seven full members who are appointed through a public, merit-based competitive examination for a period of five years.<sup>38</sup>

#### **Office of the Ombudsperson**

34. The Office of the Ombudsperson is another independent institution that plays a key role in defending the constitutional rights of individuals and the community and monitoring the fulfilment of obligations by the Government and the provision of public services to citizens. The head of the Office is elected and removed by a two-thirds majority vote of the total membership of Congress. The Ombudsperson enjoys the same immunity and privileges as do members of Congress.<sup>39</sup>

35. The Office of the Ombudsperson is made up of different specialized units, each of which is responsible for one of the following thematic areas: (i) human rights and persons with disabilities; (ii) women's rights; (iii) the environment, public services and indigenous peoples; (iv) constitutional matters; (v) public administration; (vi) children and adolescents;

<sup>35</sup> Judiciary (2019), information on commissions and programmes. Accessed on 7 August 2019. Available at [https://www.pj.gob.pe/wps/wcm/connect/CorteSuprema/s\\_cortes\\_suprema\\_home/as\\_comisiones\\_y\\_programas/](https://www.pj.gob.pe/wps/wcm/connect/CorteSuprema/s_cortes_suprema_home/as_comisiones_y_programas/).

<sup>36</sup> Judiciary, Administrative Decision No. 090-2016-CE-PJ of 7 April 2016. Available at <https://busquedas.elperuano.pe/normaslegales/aprueban-documento-denominado-plan-nacional-de-acceso-a-la-resolucion-administrativa-no-090-2016-ce-pj-1366551-6/>.

<sup>37</sup> Constitution, art. 158.

<sup>38</sup> Constitution, arts. 150 and 155.

<sup>39</sup> Constitution, art. 161.

(vii) social conflict prevention and good governance; and (viii) anti-corruption efforts and State transparency and efficiency.<sup>40</sup>

36. Act No. 30394 provided for the expansion of the duties of the Ombudsperson's Office to include those of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.<sup>41</sup> The national preventive mechanism was established in accordance with articles 3 and 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>42</sup> The mechanism works to prevent and, where appropriate, report acts of torture and other cruel, inhuman or degrading treatment or punishment.<sup>43</sup>

### **Electoral system**

37. The electoral system is made up of the National Elections Board, the National Elections Office and the National Identity and Civil Status Registry. These bodies are autonomous and work in coordination with each other in accordance with their various responsibilities.<sup>44</sup>

38. The National Elections Board is responsible for: (a) ensuring the lawfulness of ballots, elections, referendums and other popular votes and establishing the electoral rolls; (b) maintaining and keeping the register of political organizations; (c) monitoring compliance with the rules governing political organizations and other regulations related to electoral matters; (d) administering justice in electoral matters; and (e) declaring the results of elections.<sup>45</sup>

39. The National Elections Office is responsible for organizing all procedures related to elections, referendums and other means of popular consultation, including the budgets assigned to them and the development and design of ballot papers. It is tasked with delivering the official records and other material necessary for holding elections and announcing their results. It also provides ongoing information on the count from the point when voting starts at polling stations.<sup>46</sup>

40. The National Identity and Civil Status Registry is responsible for registering births, marriages, divorces, deaths, and other events that alter an individual's civil status. It issues the corresponding documents, prepares and updates the electoral roll and provides the National Elections Board and the National Elections Office with the information that they need to carry out their duties. It also maintains the registry of citizens and issues identity documents.<sup>47</sup>

### **Constitutional Court**

41. The Constitution stipulates that the Constitutional Court is the body that verifies constitutionality. It is also responsible for considering: (a) applications for constitutional review, at sole instance; (b) decisions refusing petitions of habeas corpus, *amparo*, habeas data or mandamus, as a court of last resort; and (c) conflicts of jurisdiction or of powers assigned by the Constitution, in accordance with the law.<sup>48</sup>

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<sup>40</sup> Office of the Ombudsperson, Decision No. 007-2019-DP of 2 April 2019. Available at <http://spij.minjus.gob.pe/Graficos/Peru/2019/Abril/03/RD-007-2019-DP.pdf>.

<sup>41</sup> Congress of the Republic, Act No. 30394 of 22 December 2015. Available at <http://www.leyes.congreso.gob.pe/Documentos/Leyes/30394.pdf>.

<sup>42</sup> Office of the Ombudsperson, *Primer Informe Anual. Mecanismo Nacional de Prevención de la Tortura y otros tratos o penas crueles, inhumanos o degradantes*, Lima, 2017, p. 47.

<sup>43</sup> Congress of the Republic, Act No. 30394 of 22 December 2015. Available at <http://www.leyes.congreso.gob.pe/Documentos/Leyes/30394.pdf>.

<sup>44</sup> Constitution, art. 177.

<sup>45</sup> Constitution, art. 178.

<sup>46</sup> National Elections Office, official communication No. 001199-2019-SG/ONPE of 31 July 2019.

<sup>47</sup> Constitution, art. 183.

<sup>48</sup> Constitution, arts. 201–202.

42. The law also provides for constitutional guarantees and the procedure for amending the Constitution. There are six guarantees: the remedy of habeas corpus, the remedy of *amparo*, the remedy of habeas data, the remedy of unconstitutionality, the remedy of *actio popularis* and the remedy of *mandamus*.<sup>49</sup>

### III. General framework for the protection and promotion of human rights

#### Acceptance of international human rights norms

43. The work of promoting and protecting human rights requires a constant effort to harmonize domestic law and implement the provisions of the international instruments signed by the State of Peru.

44. Under article 55 of the Constitution, treaties which are entered into by the State and which are in force form part of domestic law.<sup>50</sup> In addition, the fourth final and transitional provision of that instrument recognizes human rights treaties as having the same priority as the Constitution.<sup>51</sup>

45. The following human rights treaties are in force for Peru:<sup>52</sup>

- International Covenant on Economic, Social and Cultural Rights, deposited on 28 April 1978
- International Covenant on Civil and Political Rights, deposited on 28 April 1978
- International Convention on the Elimination of All Forms of Racial Discrimination, deposited on 29 September 1971
- Convention on the Elimination of All Forms of Discrimination against Women, deposited on 20 August 1982
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, deposited on 7 July 1988
- Convention on the Rights of the Child, deposited on 4 September 1990
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, deposited on 14 September 2005
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, deposited on 8 May 2002
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), deposited on 8 May 2002
- Optional Protocol to the International Covenant on Civil and Political Rights, deposited on 3 October 1980
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, deposited on 9 April 2001
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, deposited on 14 September 2006
- Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, deposited on 30 January 2008

<sup>49</sup> Constitution, art. 200.

<sup>50</sup> Constitution, art. 51.

<sup>51</sup> Constitution, fourth final and transitional provision.

<sup>52</sup> Ministry of Foreign Affairs, official communication RE (DDH) No. 2-19-A/25 of 19 July 2019.

- International Convention for the Protection of All Persons from Enforced Disappearance, deposited on 26 September 2012; declaration made under article 31 of the Convention recognizing the competence of the Committee on Enforced Disappearances
  - Optional Protocol to the Convention on the Rights of the Child on a communications procedure, deposited on 6 January 2016
46. Other United Nations human rights and related conventions:
- Convention on the Prevention and Punishment of the Crime of Genocide, deposited on 24 February 1960
  - Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees, deposited on 21 December 1964
  - Convention relating to the Status of Stateless Persons, deposited on 23 January 2014
  - Convention on the Reduction of Statelessness, deposited on 18 December 2014
  - Rome Statute of the International Criminal Court, deposited on 10 November 2001; ratified Agreement on the Privileges and Immunities of the International Criminal Court
  - United Nations Convention against Transnational Organized Crime, Protocol against the Smuggling of Migrants by Land, Sea and Air and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (both supplementing the Convention), deposited on 24 February 2002
47. Conventions of the International Labour Organization:
- Weekly Rest (Industry) Convention, 1921 (No. 14), deposited on 10 October 1945
  - Forced Labour Convention, 1930 (No. 29), deposited on 1 February 1960
  - Labour Inspection Convention, 1947 (No. 81), deposited on 1 February 1960
  - Migration for Employment Recommendation (Revised), 1949 (No. 86), deposited on 2 March 1960
  - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), deposited on 2 March 1960
  - Right to Organise and Collective Bargaining Convention, 1949 (No. 98), deposited on 13 March 1964
  - Equal Remuneration Convention, 1951 (No. 100), deposited on 1 February 1960
  - Social Security (Minimum Standards) Convention, 1952 (No. 102), deposited on 23 August 1961
  - Abolition of Forced Labour Convention, 1957 (No. 105), deposited on 3 December 1960
  - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), deposited on 11 July 1988
  - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), deposited on 10 August 1970
  - Employment Policy Convention, 1964 (No. 122), deposited on 27 July 1967
  - Minimum Age Convention, 1973 (No. 138), deposited on 13 November 2002
  - Workers with Family Responsibilities Convention, 1981 (No. 156), deposited on 13 June 1986
  - Indigenous and Tribal Peoples Convention, 1989 (No. 169), deposited on 2 February 1994
  - Worst Forms of Child Labour Convention, 1999 (No. 182), deposited on 10 January 2002
  - Maternity Protection Convention, 2000 (No. 183), deposited on 9 May 2016

- Domestic Workers Convention, 2011 (No. 189), deposited on 26 November 2018
48. Conventions of the United Nations Educational, Scientific and Cultural Organization:
- Convention against Discrimination in Education, deposited on 19 December 1966
49. Geneva Conventions and other treaties on international humanitarian law:
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), deposited on 15 February 1956
  - Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), deposited on 15 February 1956
  - Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), deposited on 15 February 1956
  - Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), deposited on 15 February 1956
  - Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), deposited on 14 July 1989
  - Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), deposited on 14 July 1989
  - Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), deposited on 17 June 1998
  - Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, deposited on 20 July 1995
  - Convention on Cluster Munitions, deposited on 26 August 2012
  - Arms Trade Treaty, deposited on 16 February 2016
  - Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), deposited on 9 October 2018

### **Legal framework for the protection and promotion of human rights**

50. The country's legal framework provides for the promotion and protection of human rights. Article 2 of the Constitution sets out a list of protected fundamental rights (including the rights to life; moral, psychological and physical integrity; free development and well-being; and freedom of conscience, religion, expression, information and opinion). The list is, however, not exclusive, as article 3 of the Constitution states that neither other rights "guaranteed by the Constitution nor others that are of a similar nature or founded on human dignity or on the principles of popular sovereignty, a democratic State under the rule of law and a republican form of government" are excluded.

51. Human rights protection in Peru is not limited to those rights mentioned in the Constitution. As noted above, the Constitution itself expands the list of rights to include those covered in international treaties entered into by the State and incorporates them into domestic law (art. 55).

52. State policies set out general guidelines that give direction to the State's long-term efforts to secure the welfare of citizens and the sustainable development of the country. The

35 State policies make up the National Agreement and are grouped under four major, interrelated objectives: (a) democracy and the rule of law; (b) equity and social justice; (c) national competitiveness; and (d) efficiency, transparency and decentralization of the State.<sup>53</sup>

53. Furthermore, the General Government Policy up to 2021, which was first formally set out in Supreme Decree No. 056-2018-PCM,<sup>54</sup> is aimed at achieving comprehensive national development. To that end, it identifies the following five areas of policy focus: (a) integrity and anti-corruption efforts; (b) institution-building for governance; (c) equitable, competitive and sustainable economic growth; (d) social development and the welfare of the population; and (e) effective decentralization for development.

54. Similarly, the Bicentennial Plan, “Peru 2021”,<sup>55</sup> centres on the following six strategic areas: (i) fundamental rights and human dignity; (ii) opportunities and access to services; (iii) the State and governance; (iv) the economy, competitiveness and employment; (v) regional development and infrastructure; and (vi) natural resources and the environment.

55. In addition, with a view to contributing to the achievement of the targets of the 2030 Agenda for Sustainable Development and making tools available for better decision-making, the National Institute of Statistics and Data Processing created the Monitoring and Tracking System for Sustainable Development Goal Indicators, an interactive web platform that contains information from household surveys and national censuses conducted by the Institute and statistical information from the administrative records of national bodies.<sup>56</sup>

56. Moreover, the targets of the Sustainable Development Goals were taken into account in the preparation of the human rights policy contained in the National Human Rights Plan 2018–2021,<sup>57</sup> and a specific area of action was included to protect the rights of the following 13 vulnerable groups: (a) older persons; (b) the Afro-Peruvian population; (c) persons with disabilities; (d) women; (e) children and adolescents; (f) persons deprived of their liberty; (g) persons with HIV/AIDS or tuberculosis; (h) domestic workers; (i) lesbian, gay, bisexual, transgender or intersex persons; (j) human rights defenders; (k) indigenous peoples; (l) migrants; and (m) victims of the violence that took place in Peru between 1980 and 2000.

57. It should also be noted that the various sectors implement specific plans as part of their programmatic activities, thus helping to ensure a cross-cutting approach.

58. Individuals who believe that their rights have been violated have a number of mechanisms available to them.

59. For example, they may file a complaint or demand for relief or request a consultation with the Office of the Ombudsman, either orally or in writing, by post, fax or email, via an online chat function, by telephone or at the offices the Public Prosecution Service in locations where the Ombudsman’s Office is not yet present.

60. Furthermore, various public sector entities have implemented mechanisms whereby cases can be handled by telephone and filed either orally or in writing. For example, the Ministry for Women and Vulnerable Groups has established women’s emergency centres, and the Peruvian National Police has set up police stations specialized in providing protection in domestic violence contexts.

<sup>53</sup> National Agreement (2019), *Objetivos del Acuerdo Nacional*. Accessed on 7 August 2019. Available at <https://acuerdonacional.pe/politicas-de-estado-del-acuerdo-nacional/objetivos-del-acuerdo-nacional/>.

<sup>54</sup> Office of the President of the Council of Ministers, Supreme Decree No. 056-2018-PCM, published in the Official Gazette (*El Peruano*) on 24 May 2018.

<sup>55</sup> Office of the President of the Council of Ministers, Supreme Decree No. 054-2011-PCM, adopted on 22 June 2011.

<sup>56</sup> *Informe Nacional 2018 para el Desarrollo Sostenible*, p. 112.

<sup>57</sup> Ministry of Justice and Human Rights, Supreme Decree No. 002-2018-JUS, published in the Official Gazette (*El Peruano*) on 31 January 2018.

61. In Peru, individuals who believe that their rights have been violated can apply to the courts for protection, including under constitutional procedures such as *amparo*, habeas corpus and habeas data.

62. A description of the progress made in protecting and promoting human rights is provided below for each of the vulnerable groups mentioned above.

### Older persons

63. In 2018, 4,004,820 individuals were considered to be senior citizens; 1,916,992 of them (47.87 per cent) were men and 2,087,828 (52.13 per cent) were women.<sup>58</sup> It is projected that in each of the next three years, older persons will account, respectively, for 10.7 per cent, 10.9 per cent and 11.2 per cent of the total population.<sup>59</sup>

64. In 2011, with the creation of the Ministry of Development and Social Inclusion,<sup>60</sup> the “Pension 65” national assistance and solidarity programme was set up to afford protection to older persons (from the age of 65) living in extreme poverty who do not receive a public or private sector pension or subsidy. Under the programme, they receive a financial grant of 250.00 soles (the equivalent of US\$ 74.05)<sup>61</sup> every two months.<sup>62</sup>

65. It is worth noting that 3,390,704 older persons received grants between 2013 and July 2019, with 4,428,211,370.00 soles (the equivalent of US\$ 1,311,673,984.00)<sup>63</sup> being applied for this purpose.<sup>64</sup>

66. The Policy Guidelines to Promote the Proper Treatment of Older Persons were adopted in 2014.<sup>65</sup> Act No. 30490, the Older Persons’ Act, was then enacted in 2016.<sup>66</sup> The Act’s regulations were adopted in 2018<sup>67</sup> and expanded the range of rights enjoyed by older persons to include the right not to be discriminated against, the right to live and grow older in the family and the right to priority service in all public and private establishments.

67. In addition, in 2016, a judicial alert system for older persons was introduced to ensure that court proceedings involving older persons in situations of vulnerability move swiftly.<sup>68</sup> Furthermore, the National Accessibility Plan for 2018–2023 was adopted in 2018

<sup>58</sup> National Registry Office, official communication No. 002062-2019/SGEN/RENIEC of 6 August 2019.

<sup>59</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>60</sup> Congress of the Republic, Act No. 29792, published in the Official Gazette (*El Peruano*) on 20 October 2011.

<sup>61</sup> Central Reserve Bank, average monthly exchange rate for August 2019, bank buying rate for soles against the United States dollar. Accessed on 19 September 2019. Available at <https://estadisticas.bcrp.gob.pe/estadisticas/series/mensuales/resultados/PN01208PM/html/2017-09/2019-09/>.

<sup>62</sup> Ministry of Development and Social Inclusion, official communication No. 043-2019-MIDIS/VMPEs of 13 September 2019, p. 08.

<sup>63</sup> Central Reserve Bank, average monthly exchange rate for August 2019, bank buying rate for soles against the United States dollar. Accessed on 19 September 2019. Available at <https://estadisticas.bcrp.gob.pe/estadisticas/series/mensuales/resultados/PN01208PM/html/2017-09/2019-09/>.

<sup>64</sup> Ibid.

<sup>65</sup> Ministry for Women and Vulnerable Groups, Ministerial Decision No. 382-2014-MIMP, adopted on 17 October 2014.

<sup>66</sup> Congress of the Republic, Act No. 30490, published in the Official Gazette (*El Peruano*) on 21 July 2016.

<sup>67</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 007-2018-MIMP, published in the Official Gazette (*El Peruano*) on 26 August 2018.

<sup>68</sup> Judiciary, Administrative Decision No. 134-2016-CE-PJ, published in the Official Gazette (*El Peruano*) on 15 July 2016.

to facilitate the movement of persons with disabilities, including older persons with disabilities.<sup>69</sup>

68. The public defenders of the Ministry of Justice and Human Rights who work with victims provided legal assistance to 5,617 older persons in 2018, or 2,920 more than in 2014.

69. Additionally, in 2018, 1,878,140 older persons, accounting for 56.14 per cent of all older persons, were covered under the comprehensive health insurance scheme.<sup>70</sup>

### The Afro-Peruvian population

70. In the 2017 census conducted by the National Institute of Statistics and Data Processing, 828,894 people in Peru self-identified as Afro-Peruvian. Of that number, 449,248 were male and 379,646 were female.<sup>71</sup>

71. Guidelines for the implementation of government policies to benefit the Afro-Peruvian population<sup>72</sup> were adopted in 2014. The National Policy for Mainstreaming the Intercultural Approach,<sup>73</sup> adopted in 2015, shows that Afro-Peruvians' full enjoyment of their fundamental rights is regarded as a priority and a matter of national interest.

72. In addition, the National Development Plan for the Afro-Peruvian Population 2016–2020<sup>74</sup> was adopted in 2016. The main aims of the Plan are to ensure Afro-Peruvians' right to equality and non-discrimination and to promote their social, political, economic, productive and cultural development, with equal opportunities, in a manner respectful of their identity.

73. It should also be noted that the Directorate of Policies for the Afro-Peruvian Population is the organizational unit of the Ministry of Culture responsible for designing and implementing policies, plans and programmes to protect and promote the rights and the development of the Afro-Peruvian population and ensure its advancement within a framework of equal rights and respect for identity.<sup>75</sup> This Directorate is responsible for maintaining the Register of Representative Afro-Peruvian Organizations, which lists those organized groups of members of civil society who continuously work for the advancement of the Afro-Peruvian population.<sup>76</sup>

### Persons with disabilities

74. According to the National Institute of Statistics and Data Processing, in Peru, 3,051,612 people, or 10.4 per cent of the entire population, have some kind of disability. Of that number, 48.3 per cent have difficulty seeing, 15.1 per cent have difficulty moving or walking, 7.6 per cent have difficulty hearing, 4.2 per cent have difficulty learning or understanding, 3.2 per cent have problems relating to others, 3.1 per cent have difficulty speaking or communicating, and 18.2 per cent have two or more types of disability. With

<sup>69</sup> Ministry of Housing, Construction and Sanitation, Supreme Decree No. 12-2018-VIVIENDA, published in the Official Gazette (*El Peruano*) on 8 August 2018.

<sup>70</sup> Ministry of Justice and Human Rights, *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version.

<sup>71</sup> National Institute of Statistics and Data Processing, Ministry of Culture (2018), *La autoidentificación étnica: Población Indígena y Afroperuana*, p. 123. Accessed on 12 August 2019. Available at [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1642/](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1642/).

<sup>72</sup> Ministry of Culture, Ministerial Decision No. 339-2014-MC, published in the Official Gazette (*El Peruano*) on 25 November 2013.

<sup>73</sup> Ministry of Culture, Supreme Decree No. 003-2015-MC, adopted on 27 October 2015.

<sup>74</sup> Ministry of Culture, Supreme Decree No. 003-2016-MC, published in the Official Gazette (*El Peruano*) on 15 July 2016.

<sup>75</sup> Ministry of Culture, Directorate of Policies for the Afro-Peruvian Population. Accessed on 2 September 2019. Available at <http://poblacionafroperuana.cultura.pe/direccion-de-politicas-para-poblacion-afroperuana>.

<sup>76</sup> Ministry of Culture, Deputy Ministerial Decision No. 025-2016-VMI-MC, adopted on 9 November 2016.

respect to gender, of all persons with disabilities, 57 per cent, or 1,739,111 individuals, are female and 43 per cent, or 1,312,433 individuals, are male.<sup>77</sup>

75. It should be emphasized that Peru has been working to adapt its legislation. In 2012, Act No. 29973, the General Act on Persons with Disabilities,<sup>78</sup> was enacted in order to establish a legal framework for the promotion, protection and fulfilment, on an equal footing, of the rights of persons with disabilities. Peru has thus undertaken to gradually eliminate the barriers that give rise to and aggravate the exclusion of people on the basis of disability and to make the protection and support of this community a priority. The regulations implementing the Act were promulgated in 2014.<sup>79</sup>

76. During this period, laws have been enacted to promote the inclusion of persons with disabilities. These laws:

- Ensure access to mental health services, including promotion, prevention, treatment and rehabilitation services, under a community-based care model; fundamental respect for human rights and dignity, without discrimination; and an intercultural approach that stops the stigmatization of persons with mental health problems<sup>80</sup>
- Provide for the detection, early diagnosis, care and treatment from a health perspective of autism spectrum disorder<sup>81</sup>
- Promote urban accessibility for children and adolescents with disabilities and the access of those children and adolescents to assistive technologies, devices and compensatory aids<sup>82</sup>
- Promote and enhance the inclusion of persons with disabilities on an equal footing through specific measures that safeguard the exercise of their fundamental rights<sup>83</sup>
- Set out guidelines that enable justice officials to provide appropriate assistance to persons with disabilities<sup>84</sup>
- Facilitate the movement of persons with disabilities<sup>85</sup>
- Promote inclusive education by requiring that education institutions take measures to ensure that the education services they provide are accessible, available, acceptable and adaptable and establishing standards and guidelines for the school year that require both public and private regular and alternative basic education institutions to set aside at least two places per class for students with mild or moderate disabilities<sup>86</sup>

<sup>77</sup> National Institute of Statistics and Data Processing (2018), *Perú: Perfil Sociodemográfico*, p. 177.

<sup>78</sup> Congress of the Republic, Act No. 29973, published in the Official Gazette (*El Peruano*) on 24 December 2012.

<sup>79</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 002-2014-MIMP, published in the Official Gazette (*El Peruano*) on 8 April 2014.

<sup>80</sup> Congress of the Republic, Act No. 30947, published in the Official Gazette (*El Peruano*) on 23 May 2019.

<sup>81</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 001-2019-MIMP, published in the Official Gazette (*El Peruano*) on 10 January 2019.

<sup>82</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 006-2019-MIMP, published in the Official Gazette (*El Peruano*) on 11 March 2019.

<sup>83</sup> Executive branch, Legislative Decree No. 1417, published in the Official Gazette (*El Peruano*) on 13 October 2018.

<sup>84</sup> Judiciary, Administrative Decision No. 010-2018-CE-PJ, published in the Official Gazette (*El Peruano*) on 20 January 2018.

<sup>85</sup> Ministry of Housing, Construction and Sanitation, Supreme Decree No. 012-2018-VIVIENDA, published in the Official Gazette (*El Peruano*) on 8 August 2018.

<sup>86</sup> Congress of the Republic, Act No. 30797, published in the Official Gazette (*El Peruano*) on 21 June 2018.

- Provide for the prevention and treatment of Alzheimer’s disease and other forms of dementia<sup>87</sup>
- Promote urban accessibility for children and adolescents with disabilities, with particular emphasis on public and privately owned recreational spaces that feature playground equipment and are open to the public<sup>88</sup>
- Promote access to assistive technologies, devices and compensatory aids for persons with disabilities<sup>89</sup>
- Promote the rights of persons of short stature and a culture of respect and equal, non-discriminatory treatment<sup>90</sup>
- Establish offences and penalties applicable to situations where visually impaired persons accompanied by guide dogs are prevented from entering or remaining in a place or moving from one place to another<sup>91</sup>
- Provide for disability certificates to be issued by certifying doctors employed by public and private health facilities<sup>92</sup>
- Provide for free urban and intercity public land transport services for persons with severe disabilities<sup>93</sup>
- Establish a legal regime that promotes early detection and diagnosis, early intervention, health protection and comprehensive education for persons with autism spectrum disorder and their integration into the workforce and society<sup>94</sup>
- Regulate telecommuting <sup>95</sup> as a special labour arrangement that does not require the worker to be physically present and that relies on information and telecommunication technologies
- Extend postnatal leave for the mothers of children with disabilities<sup>96</sup>
- Grant public and private sector workers leave to attend to the health care and therapy of their minor children with disabilities, of children with disabilities under their guardianship or of persons with disabilities who are dependent on them or under their guardianship<sup>97</sup>

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<sup>87</sup> Congress of the Republic, Act No. 30795, published in the Official Gazette (*El Peruano*) on 18 June 2018.

<sup>88</sup> Congress of the Republic, Act No. 30603, published in the Official Gazette (*El Peruano*) on 5 July 2017.

<sup>89</sup> Congress of the Republic, Act No. 30669, published in the Official Gazette (*El Peruano*) on 4 July 2017.

<sup>90</sup> Congress of the Republic, Act No. 30687, published in the Official Gazette (*El Peruano*) on 29 November 2017.

<sup>91</sup> Congress of the Republic, Act No. 30433, published in the Official Gazette (*El Peruano*) on 13 May 2016.

<sup>92</sup> Executive branch, Legislative Decree No. 1246, published in the Official Gazette (*El Peruano*) on 10 November 2016.

<sup>93</sup> Congress of the Republic, Act No. 30412, published in the Official Gazette (*El Peruano*) on 13 January 2016.

<sup>94</sup> Congress of the Republic, Act No. 30150, published in the Official Gazette (*El Peruano*) on 8 January 2014.

<sup>95</sup> Congress of the Republic, Act No. 30036, published in the Official Gazette (*El Peruano*) on 5 June 2013.

<sup>96</sup> Congress of the Republic, Act No. 29992, published in the Official Gazette (*El Peruano*) on 6 February 2013.

<sup>97</sup> Congress of the Republic, Act No. 30119, published in the Official Gazette (*El Peruano*) on 3 December 2013.

- Provide for the official recognition of Peruvian Sign Language<sup>98</sup> as the language of hard-of-hearing persons throughout Peru and require entities to provide interpretation services

77. The Severe Disability Pension Programme was created in 2015 under the Ministry for Women and Vulnerable Groups<sup>99</sup> in order to ensure that persons with disabilities enjoy an adequate standard of living and social protection. The purpose of the Programme, which was transferred to the Ministry of Development and Social Inclusion in 2017,<sup>100</sup> is to provide a non-contributory pension, payable by the State, to persons with severe disabilities living in poverty, to help improve their quality of life.<sup>101</sup>

78. It is worth noting that the Programme benefited 54,235 persons with severe disabilities between 2017 and July 2019 and, in 2019, is operating in 14 of the country's departments.<sup>102</sup>

79. In 2018, the State of Peru recognized the legal capacity of persons with disabilities on an equal footing with others and issued the relevant regulations,<sup>103</sup> amending various articles of the Civil Code of 1984. It was established that persons with disabilities may exercise their rights fully, independently and on an equal footing with others, meaning that they do not need a representative in order to, for example, vote, buy or sell property, marry or exercise parental authority over their children, and may do so on their own. If they require it, they may receive help from a support person. Also significant is the fact that the role of "curator" was eliminated with respect to persons with disabilities and a new system of supports and safeguards was created. Similarly, the involuntary commitment of persons with disabilities was eliminated, and it is now possible to request the reversal of declarations of incapacity that were issued with respect to persons with disabilities before these rules entered into force.

80. The legal framework described above also addresses the necessary adjustments to be made to transition to the system of supports and safeguards. This led to the adoption by the judiciary of the Regulations on Transitioning to the System of Supports in Accordance with the Social Model of Disability,<sup>104</sup> which set out rules and procedures enabling justice officials to properly transition, as quickly as possible, to the system of supports for persons with disabilities for whom a curator has been appointed by order of a court or who are currently in incapacity proceedings.

81. The Guidelines for Providing Reasonable Accommodation to Persons with Disabilities in Hiring and the Workplace and Criteria for Establishing a Disproportionate or Undue Burden (Private Sector) have also been adopted.<sup>105</sup>

## Women

82. Peru has been intensifying its efforts to prevent and eliminate all forms of violence against women. Act No. 30364 on the Prevention, Punishment and Eradication of Violence

<sup>98</sup> Congress of the Republic, Act No. 29535, published in the Official Gazette (*El Peruano*) on 21 May 2010.

<sup>99</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 004-2015-MIMP, published in the Official Gazette (*El Peruano*) on 11 August 2015.

<sup>100</sup> Ministry of Development and Social Inclusion, Supreme Decree No. 008-2017-MIDIS, published in the Official Gazette (*El Peruano*) on 12 March 2017.

<sup>101</sup> Official communication No. 043-2019-MIDIS/VMPES of 13 September 2019, p. 09.

<sup>102</sup> *Ibid.*

<sup>103</sup> Executive branch, Legislative Decree No. 1384, published in the Official Gazette (*El Peruano*) on 4 October 2018. Regulations: Ministry for Women and Vulnerable Groups, Supreme Decree No. 016-2019-MIMP, published in the Official Gazette (*El Peruano*) on 25 August 2019.

<sup>104</sup> Judiciary, Administrative Decision No. 046-2019-CE-PJ, published in the Official Gazette (*El Peruano*) on 23 January 2019.

<sup>105</sup> Ministry of Labour and Employment Promotion, Ministerial Decision No. 171-2019-TR, published in the Official Gazette (*El Peruano*) on 3 July 2019.

against Women and Family Members<sup>106</sup> was adopted in 2015. It establishes comprehensive policies and mechanisms for prevention, victim support and protection, reparation for harm 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. The Act also takes an intersectional approach, recognizing that factors such as disability contribute to violence against women. The regulations for the Act were issued in 2016<sup>107</sup> and set out a new procedural framework for protecting women and family members and punishing acts of violence against them.

83. During this period, laws and policies have been enacted to eliminate all forms of gender-based violence against women and to remedy the disadvantages that have led to women's subordination, so that they can participate equally in all spheres of life, including those related to:

(i) The fight against gender-based violence, through the following general public policies:

- The National Gender Equality Policy,<sup>108</sup> which addresses structural discrimination against women, promotes equality and non-discrimination between men and women and guarantees that children, adolescents and women are protected from all types of violence
- The National Plan against Gender-based Violence 2016–2021,<sup>109</sup> the purpose of which is to improve inter-institutional coordination in order to address the complex problem of gender-based violence against women

(ii) Violence against women and family members:

- Amendment of the implementing regulations of Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members<sup>110</sup>
- Strengthening of measures to prevent, eradicate and punish all forms of violence against women and family members by improving care and support mechanisms for victims, especially in connection with the regulation of protection measures<sup>111</sup>
- Implementation, monitoring, evaluation and institutionalization of specialized services in coordination with the three levels of government in order to strengthen families and prevent domestic violence through actions and measures for identifying risk factors, managing disputes and eradicating discrimination and violence between family members, all of which undermine peaceful and democratic coexistence<sup>112</sup>
- Prohibition of the use of corporal punishment or other humiliating forms of punishment against children and adolescents<sup>113</sup>
- Establishment of identification, diagnosis and treatment procedures for restoring the mental health of women attending health-care facilities who have been subjected to acts of violence by a partner or former partner<sup>114</sup>

<sup>106</sup> Congress of the Republic, Act No. 30364, published in the Official Gazette (*El Peruano*) on 23 November 2015.

<sup>107</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 009-2016-MIMP, published in the Official Gazette (*El Peruano*) on 27 July 2016.

<sup>108</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2019-MIMP, adopted on 4 April 2019.

<sup>109</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2016-MIMP, published in the Official Gazette (*El Peruano*) on 26 July 2016.

<sup>110</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 004-2019-MIMP, published in the Official Gazette (*El Peruano*) on 7 March 2019.

<sup>111</sup> Executive branch, Legislative Decree No. 1386, published in the Official Gazette (*El Peruano*) on 4 September 2018.

<sup>112</sup> Executive branch, Legislative Decree No. 1408, published in the Official Gazette (*El Peruano*) on 12 September 2018.

<sup>113</sup> Congress of the Republic, Act No. 30403, published in the Official Gazette (*El Peruano*) on 30 December 2015.

- Measures to ensure that women and men may exercise their rights to equality, dignity, free development, well-being and autonomy by preventing discrimination in all areas of public and private life and promoting full equality<sup>115</sup>
- Strengthening of laws on the prevention, punishment and eradication of violence against women and family members<sup>116</sup>
- Strengthening of measures to address violations of the rights of men and women workers who are victims of violence<sup>117</sup>
- Establishment of mandatory guidelines on quality care in the above-mentioned women's emergency centres<sup>118</sup>

(iii) Femicide:

- Amendment of several articles of the Criminal Code in order to strengthen the fight against femicide, domestic violence and gender-based violence<sup>119</sup>
- Introduction of the offence of femicide into the Criminal Code<sup>120</sup>

(iv) Sexual harassment:

- Prevention and punishment of sexual harassment in relationships of authority or dependency, irrespective of the legal nature of the relationship in question<sup>121</sup>

(v) Sexual harassment in public places:

- Prevention and punishment of sexual harassment in public places that affects people's rights, especially women's rights<sup>122</sup>
- Punishment of all forms of harassment, including sexual harassment and sexual blackmail, and amendment of Act No. 27942 and Act No. 30057<sup>123</sup>

84. In 2017, 28 local governments and 5 provincial governments<sup>124</sup> passed regional and municipal ordinances to prevent and punish sexual harassment in public places.

85. In order to combat sexual harassment, guidelines on the preparation of internal policy documents for preventing and responding to cases of sexual harassment in universities were adopted.<sup>125</sup> Subsequently, in 2018, the protocol for joint action by

<sup>114</sup> Ministry of Health, Ministerial Decision No. 070-2017-MIMSA, adopted on 3 February 2017.

<sup>115</sup> Congress of the Republic, Act No. 28983, published in the Official Gazette (*El Peruano*) on 16 March 2007.

<sup>116</sup> Congress of the Republic, Act No. 30862, published in the Official Gazette (*El Peruano*) on 25 October 2018.

<sup>117</sup> Ministry of Labour and Employment Promotion, Ministerial Decision No. 052-2016-TR, published in the Official Gazette (*El Peruano*) on 10 March 2016.

<sup>118</sup> Ministry for Women and Vulnerable Groups, Ministerial Decision No. 157-2016-MIMP, published in the Official Gazette (*El Peruano*) on 26 July 2016.

<sup>119</sup> Executive branch, Legislative Decree No. 1323, published in the Official Gazette (*El Peruano*) on 6 January 2017.

<sup>120</sup> Congress of the Republic, Act No. 30068, published in the Official Gazette (*El Peruano*) on 18 July 2013.

<sup>121</sup> Congress of the Republic, Act No. 27942, published in the Official Gazette (*El Peruano*) on 27 February 2003.

<sup>122</sup> Congress of the Republic, Act No. 30314, published in the Official Gazette (*El Peruano*) on 26 March 2015.

<sup>123</sup> Executive branch, Legislative Decree No. 1410, published in the Official Gazette (*El Peruano*) on 12 September 2018.

<sup>124</sup> Ministry for Women and Vulnerable Groups, Directorate General against Gender-based Violence, official communication No. 288-2016-MIMO/DGCVG of 14 September 2016, p. 4.

<sup>125</sup> Ministry of Education, Ministerial Decision No. 380-2018-MINEDU, published in the Official Gazette (*El Peruano*) on 18 July 2018.

women's emergency centres and/or Peruvian National Police stations specializing in protection against family violence was adopted.<sup>126</sup>

86. In 2017, 295 appropriately equipped women's emergency centres dealt with a total of 95,317 cases of sexual violence and violence against women and family members. In 2017 the urgent care service provided under the National Programme to Combat Domestic and Sexual Violence<sup>127</sup> of the Ministry for Women and Vulnerable Groups dealt with 4,040 urgent cases involving victims of violence against women and family members.<sup>128</sup>

87. In 2017 the free helpline "Línea 100" received 65,068 calls, the vast majority of which were made by women (55,058 calls). The most common reasons for calls to the helpline were physical and psychological abuse (28,812 calls) and psychological abuse (31,860 calls). Some 35 per cent of callers were aged between 26 and 35 years, 31 per cent were aged between 36 and 45 years and 13 per cent were aged between 18 and 25 years. A total of 58 per cent of callers were referred to a women's emergency centre for interdisciplinary support.<sup>129</sup>

88. In electoral matters, efforts have also been made to promote the rights of women and other groups requiring special protection. To this end, the Constitution<sup>130</sup> establishes quotas for gender representation and the representation of rural and indigenous communities and original peoples on regional and municipal councils. In this regard, the national electoral system was changed in 2019 to establish that neither men nor women may account for fewer than 40 per cent of the candidates standing for primary elections and that men's and women's names must alternate on candidate lists. Following the primary elections, the candidates are listed in order of the votes that they receive and the 40 per cent quota mentioned above is respected. The candidates who obtain the most votes are ranked highest, but once the maximum number of candidates of one sex has been reached, candidates of the opposite sex are selected to ensure that the quota is met. In general elections, the results of internal votes are considered and the names of male and female candidates are alternated.<sup>131</sup>

89. Forced sterilizations, mainly among women, were carried out in Peru between 1995 and 2001, principally in the rural areas of the Peruvian Andes. In this regard, in 2015 the provision of priority support to victims of forced sterilizations carried out between 1995 and 2001 was declared to be a matter of national interest, and a register of victims of forced sterilization during this period was set up.<sup>132</sup> The purpose of the register, which is administered by the Ministry of Justice and Human Rights, is to promote access to justice through the provision of free legal aid, counselling and care.

90. The procedure for recording entries in the 1995–2001 register,<sup>133</sup> and an annex to the register containing a standardized form for collecting data, have both been approved. 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.<sup>134</sup> The

<sup>126</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 006-2018-MIMP, published in the Official Gazette (*El Peruano*) on 2 August 2018.

<sup>127</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2001-PROMUDEH, adopted on 24 April 2001.

<sup>128</sup> Ministry for Women and Vulnerable Groups, official communication No. 032-2019-MIMP/DVMM, p. 3.

<sup>129</sup> *Ibid.*

<sup>130</sup> Democratic Constituent Congress, Constitution of Peru (1993), art. 191.

<sup>131</sup> Congress of the Republic, Act No. 30996, published in the Official Gazette (*El Peruano*) on 27 August 2019.

<sup>132</sup> Ministry of Justice and Human Rights, Supreme Decree No. 006-2015-JUS, published in the Official Gazette (*El Peruano*) on 6 November 2015.

<sup>133</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 0319-2015-JUS, published in the Official Gazette (*El Peruano*) on 7 December 2015.

<sup>134</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 001-2016-JUS, published in the Official Gazette (*El Peruano*) on 11 January 2016.

second phase of the implementation of the register has been launched pursuant to Ministerial Decision No. 161-2016-JUS.

91. 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.<sup>135</sup> In September 2018, within the framework of the National Human Rights Plan, a working group including representatives of the State and civil society was set up to analyse and address the situation of victims of forced sterilization between 1995 and 2001.<sup>136</sup>

### Children and adolescents

92. According to the National Identity and Civil Status Registry, the child and adolescent population was 10,494,651 in 2018 (5,343,608 boys and 5,151,043 girls).<sup>137</sup> In 2018, an early childhood development module was incorporated into the Demographic and Family Health Survey, making it possible, for the first time, to generate information that may be used to measure secure attachment and the regulation of emotions and behaviour in children under 5 years of age.

93. Other measures related to children and adolescents include the setting up of the Cuna Más National Programme and the Qali Warma National School Nutrition Programme in conjunction with the establishment of the Ministry of Development and Social Inclusion. The main objective of the Cuna Más National Programme is to improve the development of children under 3 years of age in poor and extremely poor areas. To this end, two services are offered: the day-care service, which provides comprehensive care related to children's basic health, nutrition, play, learning and skills-development needs, and the family support service, which conducts visits to beneficiary families to promote good hygiene habits, learning through play and the expression of affection within families.<sup>138</sup>

94. Between 2013 and July 2019, the day-care service attended to 398,080 children while the family support service provided support to 574,591 families. During this period, the sum of 2,022,007,278.00 soles was spent on both services.<sup>139</sup>

95. The purpose of the Qali Warma National School Nutrition Programme is to provide a quality food service that is sustainable, healthy, tailored to local consumption habits and managed in conjunction with the community. It is targeted at children in early education (aged 3 years and over), children attending primary schools belonging to the regular basic education system, and children and adolescents attending public educational establishments in areas inhabited by indigenous peoples of the Amazon who are included in the official database of indigenous peoples.<sup>140</sup>

96. Between 2013 and July 2019, food was provided to 23,272,823 children in 349,209 educational establishments. An amount of 8,547,178,786.00 soles was spent during this period.<sup>141</sup>

97. In 2012, the National Plan of Action for Children and Adolescents 2012–2021<sup>142</sup> was adopted. The Plan is a framework public policy instrument of the Peruvian State that is

<sup>135</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 262-2015-MIMP, published in the Official Gazette (*El Peruano*) on 11 January 2016.

<sup>136</sup> Ministry of Justice and Human Rights, Directorate of Human Rights Policy and Management, document No. 1-2018-JUS-DGDH/DPGDH of 28 September 2019.

<sup>137</sup> National Identity and Civil Status Registry, official communication No. 002062-2019/SGEN/RENIEC of 6 August 2019.

<sup>138</sup> Official communication No. 043-2019-MIDIS/VMPES of 13 September 2019, p. 6.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

intended to coordinate and link up policies developed in the area of childhood and adolescence. In this regard, the following specific plans for the protection of this group have been adopted: (a) the National Plan for the Reduction and Monitoring of Anaemia among Mothers and Children and Chronic Child Malnutrition 2017–2021;<sup>143</sup> (b) the Plan for the Prevention of Teenage Pregnancy 2013–2021;<sup>144</sup> (c) the Multisectoral Plan to Combat Anaemia;<sup>145</sup> and (d) the National Strategy for the Prevention and Eradication of Child Labour 2012–2021.<sup>146</sup>

98. With regard to the sexual and reproductive rights of children and adolescents, regulations implementing the Act encouraging the continuation of studies during and after pregnancy were adopted in 2013.<sup>147</sup> In 2014, the Government adopted the national technical handbook on the standardization of comprehensive care procedures for women who, with their informed consent,<sup>148</sup> and in the framework of article 119 of the Criminal Code, undergo the voluntary interruption of a pregnancy under 22 weeks. This handbook was adopted with a view to standardizing these care procedures, which are to be applied in all health-care facilities, starting at secondary-level care within the national health system.

99. With regard to adolescents in conflict with the law, the National Plan on Preventive Measures and the Treatment of Adolescents in Conflict with the Law 2013–2018,<sup>149</sup> which sets out the doctrine of comprehensive protection and the best interests of the child, was adopted in 2013.

100. In 2013, the Government adopted the “Inclusion for Growth” National Development and Social Inclusion Strategy,<sup>150</sup> which sets out a life-cycle approach and establishes the following four key areas to address in the care of children and adolescents: (a) child nutrition; (b) early childhood development; (c) the comprehensive development of children and adolescents; and (d) economic inclusion.

101. With regard to violence against children and adolescents, the Act prohibiting the use of corporal and other humiliating forms of punishment against children and adolescents<sup>151</sup> was adopted in 2015 with a view to eliminating the use of corporal punishment. The Act prohibits such punishment in all settings.

102. In 2016, the Government adopted Act No. 30466, which establishes parameters and procedural guarantees for the primary consideration of the best interests of the child<sup>152</sup> in processes and procedures involving the rights of children and adolescents.

<sup>142</sup> Ministry for Women and Vulnerable Groups, Supreme Decree No. 001-2012-MIMP, published in the Official Gazette (*El Peruano*) on 20 April 2012.

<sup>143</sup> Ministry of Health, Ministerial Decision No. 258-2014-MINSA, published in the Official Gazette (*El Peruano*) on 31 March 2014.

<sup>144</sup> Ministry of Health, Supreme Decree No. 012-2013-SA, published in the Official Gazette (*El Peruano*) on 7 November 2013.

<sup>145</sup> Office of the President of the Council of Ministers, Supreme Decree No. 068-2018-PCM, published in the Official Gazette (*El Peruano*) on 3 July 2018.

<sup>146</sup> Ministry of Labour and Employment Promotion, Supreme Decree No. 015-2012-TR, published in the Official Gazette (*El Peruano*) on 5 September 2012.

<sup>147</sup> Ministry of Education, Supreme Decree No. 002-2013-ED, published in the Official Gazette (*El Peruano*) on 27 March 2013.

<sup>148</sup> Ministry of Health, Ministerial Decision No. 486-2014-MINSA, published in the Official Gazette (*El Peruano*) on 28 June 2014.

<sup>149</sup> Ministry of Justice and Human Rights, Supreme Decree No. 014-2013-JUS, published in the Official Gazette (*El Peruano*) on 1 December 2013.

<sup>150</sup> Ministry of Development and Social Inclusion, Supreme Decree No. 008-2013-MIDIS, published in the Official Gazette (*El Peruano*) on 26 April 2013.

<sup>151</sup> Congress of the Republic, Act No. 30403, published in the Official Gazette (*El Peruano*) on 30 December 2015.

<sup>152</sup> Congress of the Republic, Act No. 30466, published in the Official Gazette (*El Peruano*) on 17 June 2016.

103. As of 2018, public defenders employed by the Ministry of Justice and Human Rights to represent victims had provided support to 1,788 children and adolescents (1,150 more than in 2014).

104. The Government has adopted Legislative Decree No. 1348 on the Code of Criminal Responsibility for Adolescents, which regulates juvenile criminal responsibility for unlawful activities classified as serious or minor offences either in the Criminal Code or in special laws. The Code covers measures for taking action without recourse to legal proceedings as well as actions taken by the police, investigations into offences, the attribution of responsibility in legal proceedings and decisions relating to social and educational measures and their implementation.<sup>153</sup>

### Persons deprived of their liberty

105. According to the National Prison Institute, as of 2019, 117,720 persons deprived of their liberty<sup>154</sup> are in the prison system under one of two forms of custody. On the one hand, 69 closed prisons are holding 93,828 persons deprived of their liberty (88,683 men and 5,141 women), of whom 34,247 have not been convicted and 59,581 have been convicted. On the other hand, 23,892 persons deprived of their liberty are being held in semi-open facilities.<sup>155</sup>

106. The Government of Peru has adopted a National Prison Policy and a National Prison Policy Plan 2016–2020,<sup>156</sup> which reflects a human-rights-based, gender-sensitive and intercultural approach and is structured around three strategic areas: (i) the criminal justice system, (ii) rehabilitation and (iii) reintegration.

107. In 2016, all State prisons participated in the first national census of the prison population,<sup>157</sup> carried out by the National Institute of Statistics and Data Processing, in conjunction with the National Prison Institute and the Ministry of Justice and Human Rights. The census revealed that, of the 76,180 people held in prisons at that time, 74,296 were Peruvian (53,725 were born in the various regions of the country and 20,571 in metropolitan Lima) and 1,846 were foreign nationals (19.2 per cent Colombian, 14.3 per cent Mexican, 14 per cent Spanish, 4.9 per cent Bolivian and 4.8 per cent Ecuadorian).

108. The directive on the comprehensive care and treatment in prison of accused or convicted women held in closed and open prisons<sup>158</sup> incorporates international standards for the protection of women deprived of their liberty, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

109. The updated version of the human rights handbook for prison staff<sup>159</sup> was also adopted. This handbook incorporates the human rights approach and establishes a balance between the authority exercised by prison officers and the fundamental rights of persons deprived of their liberty. It also promotes the reintegration into society of persons deprived of their liberty by promoting respect for, and the protection of, human rights in the functions and activities carried out in prisons.<sup>160</sup>

<sup>153</sup> Executive branch, Legislative Decree No. 1348, Legislative Decree on the adoption of the Code of Criminal Responsibility for Adolescents, published in the Official Gazette (*El Peruano*) on 7 January 2017.

<sup>154</sup> National Prison Institute, 2019 statistical report, p. 6.

<sup>155</sup> National Prison Institute, official communication No. 881-2019-INPE/01 of 6 August 2019.

<sup>156</sup> Ministry of Justice and Human Rights, Supreme Decree No. 005-2016-JUS, published in the Official Gazette (*El Peruano*) on 15 May 2016.

<sup>157</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 0070-2016-JUS, adopted on 28 March 2016.

<sup>158</sup> National Prison Institute, Presidential Decision No. 119-2016/P, adopted on 22 April 2016.

<sup>159</sup> National Prison Institute, Presidential Decision No. 185-2018-INPE/P, adopted on 18 August 2018.

<sup>160</sup> National Prison Institute, official communication No. 881-2019-INPE/01 of 6 August 2019.

110. As far as health in prisons is concerned, a directive on the care of persons with tuberculosis in prisons<sup>161</sup> constitutes the normative framework for the treatment of such patients. An instruction and training manual for health facilitators on tuberculosis in persons deprived of their liberty<sup>162</sup> has also been approved and is aimed at health-care workers who are responsible for training inmates as health facilitators.

111. Regarding education in prisons, a directive on prison education management and development<sup>163</sup> has been adopted with a view to ensuring that persons deprived of their liberty, and any children living with them in prison, have access to the different levels and categories of education. At the end of the second quarter of 2019, 8,099 persons deprived of their liberty were benefiting from this educational service, an increase of 4,272 persons compared to 2013.<sup>164</sup>

112. With reference to the promotion of employment among persons deprived of their liberty, a “Productive Prisons” policy is being carried out under Legislative Decree No. 1343<sup>165</sup> and Supreme Decree No. 025-2017-JUS.<sup>166</sup> The aim is to provide for and bolster the rehabilitation of prisoners and former prisoners through the promotion and implementation of productive activities, thereby facilitating the prison population’s return to the labour market and reintegration into society. To this end, 314 workshops have been set up, benefiting 11,040 persons deprived of their liberty, and 185 agreements have been concluded between the National Prison Institute and private-sector companies, benefiting 1,459 persons deprived of their liberty.<sup>167</sup>

### Domestic workers

113. The National Institute of Statistics and Data Processing reports that, as of 2018, 381,011 persons in Peru are employed as domestic workers. Of these, 95.4 per cent are women.<sup>168</sup> If these figures are compared with the results of the 2014 National Household Survey, it can be seen that the number of domestic workers has risen but the gender gap has remained. The 2014 survey revealed that 95.8 per cent of domestic workers (342,192 people)<sup>169</sup> were women, 33.4 per cent were young,<sup>170</sup> 39.1 per cent had completed only primary education and 17.1 per cent had no education at all.<sup>171</sup> This profile shows that domestic work in Peru is mainly carried out by young migrant women<sup>172</sup> with a low level of education who see it as an alternative way of improving their lot. Such women often work on a live-in basis so that they can leave the countryside and settle in the city.<sup>173</sup>

<sup>161</sup> National Prison Institute, Presidential Decision No. 251-2017-INPE/P.

<sup>162</sup> National Prison Institute, Directorate Decision No. 167-2017-INPE/12.

<sup>163</sup> National Prison Institute, Presidential Decision No. 082-2016-INPE-DTP, adopted on 10 March 2016.

<sup>164</sup> National Prison Institute, official communication No. 881-2019-INPE/01 of 6 August 2019.

<sup>165</sup> Executive branch, Legislative Decree No. 1343, published on 7 January 2017.

<sup>166</sup> National Prison Institute, Supreme Decree No. 025-2017-JUS, published on 22 December 2017.

<sup>167</sup> National Prison Institute, official communication No. 881-2019-INPE/01 of 6 August 2019.

<sup>168</sup> Ministry of Justice and Human Rights (2019), *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version, p. 39.

<sup>169</sup> National Institute of Statistics and Data Processing, National Household Survey, Lima, 2014. Other sources indicate that the number of people engaged in this work is much higher. However, it is difficult to register such persons, as they work in the informal market in precarious working conditions. Cf. Bastidas, María and Edgardo Balbín, *Las mujeres y trabajo decente en el Perú*, Lima, Asociación de Desarrollo Comunal, 2011, 123.

<sup>170</sup> The minimum age for domestic work is 14 years and, under the National Youth Council Act (No. 27802), “young” persons are defined as those up to the age of 29.

<sup>171</sup> Office of the Ombudsperson, *Las Trabajadoras del Hogar en el Perú. Balance sobre el cumplimiento de las recomendaciones defensoriales*, Report No. 001-2016-DP/ADM, Lima, 2016, p. 12.

<sup>172</sup> Garavito, Cecilia, *Evolución del mercado de trabajo doméstico remunerado en el Perú (Documento de Trabajo No. 407)*, Lima, Department of Economics, Pontifical Catholic University of Peru, 2015, p. 3.

<sup>173</sup> *Ibid.*, p. 13.

114. The Domestic Workers Act (No. 27986)<sup>174</sup> was promulgated on 3 June 2003 and its implementing regulations<sup>175</sup> were adopted on 20 November 2003, providing a legal framework for the protection of domestic workers. In addition, a registry of domestic workers, their employers and their family members<sup>176</sup> was established in 2014.

115. As of 2018, 126,711 domestic workers (33.3 per cent of the total) are on the registry of domestic workers of the National Tax Office.<sup>177</sup>

#### **Lesbian, gay, bisexual, transgender and intersex persons**

116. There is no official information on the number of lesbian, gay, bisexual, transgender and intersex persons in Peru. In 2017, however, the first online survey of lesbian, gay, bisexual, transgender and intersex persons aged 18 and over received responses from 12,026 persons belonging to these groups. Out of the total number of respondents, 72 per cent were between 18 and 29 years of age. A total of 47.8 per cent gave their sex at birth as male and 52.2 per cent as female; 69.1 per cent self-identified as mestizo, followed by 16.4 per cent who identified as white. As regards sexual orientation, 35.2 per cent self-identified as gay, 27.4 per cent as bisexual and 21.4 per cent as lesbian.<sup>178</sup>

117. With regard to the adoption of measures to protect lesbian, gay, bisexual, transgender and intersex persons, the human rights handbook for police officers provides that the Peruvian National Police must avoid any discriminatory or degrading treatment of such persons.<sup>179</sup> The disciplinary regulations of the Peruvian National Police<sup>180</sup> establish that discrimination on any grounds and in any form in the performance of police duties constitutes a serious disciplinary offence.

118. In 2016, guidelines for supporting lesbian, gay, transgender, bisexual and intersex persons in care programmes managed under the National Programme to Combat Domestic and Sexual Violence of the Ministry for Women and Vulnerable Groups<sup>181</sup> were adopted to standardize criteria and methodologies for the provision of care to such persons under specialist service programmes for gender-based violence. 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.<sup>182</sup>

119. In 2016 a working group to promote the rights of gay, transsexual, bisexual and intersex persons<sup>183</sup> and a working group to promote the rights of lesbians<sup>184</sup> were set up to combat discrimination against those groups and to take measures to protect their fundamental rights.

<sup>174</sup> Congress of the Republic, Act No. 27986, published in the Official Gazette (*El Peruano*) on 3 June 2003.

<sup>175</sup> Ministry of Labour and Employment Promotion, Supreme Decree No. 015-2003-TR of 20 November 2003.

<sup>176</sup> National Tax Office, Decision No. 240-2014/SUNAT, published in the Official Gazette (*El Peruano*) on 30 July 2014.

<sup>177</sup> Ministry of Justice and Human Rights (2019), *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version, p. 44.

<sup>178</sup> National Institute of Statistics and Data Processing, first online survey of lesbian, gay, bisexual, transgender and intersex persons, key results for 2017. Accessed on 13 August 2019. Available at <https://www.inei.gob.pe/media/MenuRecursivo/boletines/lgbti.pdf>.

<sup>179</sup> Ministry of the Interior, official communication No. 001577-2015/IN/DGSD, p. 5.

<sup>180</sup> Executive branch, Legislative Decree No. 1268, annex II: table of serious offences and penalties against discipline, code G 33.

<sup>181</sup> Ministry for Women and Vulnerable Groups, Directorate Decision No. 017-2016-MIMP/PNCVFS-DE, adopted on 7 April 2016.

<sup>182</sup> *Ibid.*, p. 6.

<sup>183</sup> Ministry for Women and Vulnerable Groups, Ministerial Decision No. 294-2016-MIMP, published in the Official Gazette (*El Peruano*) on 7 November 2016.

<sup>184</sup> Ministry for Women and Vulnerable Groups, Ministerial Decision No. 099-2016-MIMP, published in the Official Gazette (*El Peruano*) on 22 April 2016, art. 1.

120. In 2019, a complaints box for registering complaints of discrimination on the basis of sexual orientation and gender identity was incorporated into the police complaints system.<sup>185</sup>

#### Persons with HIV/AIDS or tuberculosis

121. As of 2018, 115,797 cases of HIV infection and 41,684 cases of AIDS had been identified in Peru, 70 per cent of which were in the Lima region. In these cases, the virus was found to have been transmitted primarily by sexual means (97.6 per cent) and the ratio of males to females affected was 4 to 1.<sup>186</sup> As of 2018, 1,901,840 persons had been identified as having tuberculosis, with a total morbidity of 32,642 cases. This represents an increase of 474,348 cases of tuberculosis and 937 cases of morbidity in relation to the 2012 levels.<sup>187</sup>

122. As of 2018, there were 809 cumulative cases of HIV infection and 607 cumulative cases of persons receiving antiretroviral treatment in prisons. Between 2016 and 2018, a total of 96,302 rapid diagnostic tests for HIV were carried out in prisons nationwide.<sup>188</sup>

123. In 2010, the National Multisectoral Strategic Plan to Respond to Tuberculosis in Peru 2010–2019<sup>189</sup> was adopted in order to progressively and steadily reduce the incidence of tuberculosis and the associated morbidity and mortality rates. In 2013, the Technical Health Standard for the Comprehensive Care of Persons with Tuberculosis,<sup>190</sup> which sets new standards in the programmatic management of tuberculosis, was adopted.

124. In 2013, the Technical Health Standard for the Comprehensive Care and Antiretroviral Treatment of Children and Adolescents Infected with the Human Immunodeficiency Virus (HIV)<sup>191</sup> was adopted. In 2014, the Technical Health Standard for the Prevention of Mother-to-Child Transmission of HIV and Syphilis<sup>192</sup> was adopted.

125. In 2014, the Government adopted the Act on the Prevention and Control of Tuberculosis in Peru,<sup>193</sup> which provides for mechanisms to facilitate coordination with the sectors involved in the prevention and control of tuberculosis. Subsequently, in 2015, the Multisectoral Strategic Plan for the Prevention and Control of Sexually Transmitted Infections and HIV 2015–2019<sup>194</sup> was adopted.

126. On 13 March 2018, the Technical Standard for the Comprehensive Health Care of Adults Infected with HIV<sup>195</sup> was adopted. As of 2018, there has been a reduction in the national incidence rate of smear-positive cases of pulmonary tuberculosis, which stands at 51.6 per 100,000 inhabitants. Antiretroviral therapy coverage among persons living with HIV has reached 85 per cent.<sup>196</sup>

<sup>185</sup> Ministry of Justice and Human Rights (2019), *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version, p. 70.

<sup>186</sup> Ministry of Health, “Situación Actual del VIH-Sida en el Perú”, 2018. Accessed on 13 August 2019. Available at <http://www.digemid.minsa.gob.pe/UpLoad/UpLoaded/PDF/EAccMed/ReunionesTecnicas/PONENCIAS/2018/DIA3/SituacionActualVIH-SIDA.pdf>.

<sup>187</sup> Ministry of Health, “Perfil de la tuberculosis – Perú”. Accessed on 13 August 2019. Available at <http://www.tuberculosis.minsa.gob.pe/DashboardDPCTB/PerfilTB.aspx>.

<sup>188</sup> National Prison Institute, official communication No. 881-2019-INPE/01 of 6 August 2019.

<sup>189</sup> Ministry of Health, Supreme Decree No. 010-2010-SA, adopted on 6 June 2010.

<sup>190</sup> Ministry of Health, Ministerial Decision No. 715-2013/MINSA, adopted on 8 November 2013.

<sup>191</sup> Ministry of Health, Ministerial Decision No. 567-2013/MINSA, adopted on 6 September 2013.

<sup>192</sup> Ministry of Health, Ministerial Decision No. 619-2014/MINSA, adopted on 18 August 2014.

<sup>193</sup> Congress of the Republic, Act No. 30287, published in the Official Gazette (*El Peruano*) on 14 December 2014.

<sup>194</sup> Ministry of Health, Supreme Decree No. 035-2015-SA, published in the Official Gazette (*El Peruano*) on 22 October 2015.

<sup>195</sup> Ministry of Health, Ministerial Decision No. 215-2018/MINSA of 13 March 2018.

<sup>196</sup> Ministry of Justice and Human Rights (2019), *Informe Anual sobre los avances en el cumplimiento del PNDH, Año 2018*, preliminary version, p. 5.

## Human rights defenders

127. In 2019,<sup>197</sup> a protocol guaranteeing the protection of human rights defenders was adopted. The protocol establishes actions, procedures and coordination measures aimed at creating a suitable environment in which such persons can promote, protect and defend human rights. The protocol also provides for the creation of the first official register of complaints and information concerning attacks against human rights defenders and specific risk situations.

## Indigenous peoples

128. In the 2017 census, the ethnicity/race variable was included for the first time, making it possible to identify persons who self-identified as indigenous or original by area of residence and/or mother tongue learned in childhood. Of the 5,984,708 persons who self-identified as indigenous or original, 5,771,885 persons, mostly belonging to the Quechua and Aymara ethnic groups, lived in the Andes, while 212,823 persons, mostly belonging to the Asheninka and Awajún ethnic groups, lived in the Amazon region.<sup>198</sup>

129. According to the Ministry of Culture database of indigenous or original peoples, 55 such peoples have been identified in Peru as of 2018. Of these, 51 are from the Amazon region and 4 from the Andean region.<sup>199</sup>

130. Act No. 29785 on the Right of Indigenous Peoples to Prior Consultation<sup>200</sup> was promulgated in 2011 and its implementing regulations<sup>201</sup> were adopted in 2012. In 2013, the directive that regulates the registration of the official documents and rights of the indigenous communities in public registries<sup>202</sup> was adopted. In addition, regulations were adopted on the procedure by which indigenous peoples may exercise their right to submit a petition for inclusion in a prior consultation process or for such a process to be conducted.<sup>203</sup>

131. In 2014, the Working Group on Indigenous Policies was established as a forum for participation and dialogue between the executive branch and indigenous peoples for the coordination, proposal and monitoring of public policies affecting them.<sup>204</sup>

132. Subsequently, in 2015, administrative procedures were established for conducting prior consultations with indigenous or original peoples in situations where their collective rights are directly affected. The Multisectoral Standing Committee for the Preservation and Appreciation of the Traditional and Ancestral Knowledge and Practices of Indigenous and Original Peoples<sup>205</sup> was created in 2016.

<sup>197</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 0159-2019-JUS, published in the Official Gazette (*El Peruano*) on 27 April 2019.

<sup>198</sup> National Institute of Statistics and Data Processing, official communication No. 335-2019-INEI/DTDIS of 31 July 2019.

<sup>199</sup> Ministry of Culture (2019), database of indigenous or original peoples. Accessed on 7 August 2019. Available at <https://bdpi.cultura.gob.pe/pueblos-indigenas>.

<sup>200</sup> Congress of the Republic, Act No. 29785, published in the Official Gazette (*El Peruano*) on 7 September 2011.

<sup>201</sup> Ministry of Culture, Supreme Decree No. 001-2012-MC, published in the Official Gazette (*El Peruano*) on 3 April 2012.

<sup>202</sup> National Public Records Office, Decision No. 122-2013-SUNARP/SN, published in the Official Gazette (*El Peruano*) on 31 May 2013.

<sup>203</sup> Ministry of Culture, Deputy Ministerial Decision No. 010-2013-VMI-MC, published in the Official Gazette (*El Peruano*) on 12 December 2013.

<sup>204</sup> Ministry of Culture, Ministerial Decision No. 403-2014-MC, published in the Official Gazette (*El Peruano*) on 7 November 2014.

<sup>205</sup> Ministry of Culture, Supreme Decree No. 006-2016-MC, published in the Official Gazette (*El Peruano*) on 23 July 2016.

133. In 2018, the intercultural bilingual education service model was established pursuant to Ministerial Decision No. 519-2018-MINEDU.<sup>206</sup> In 2019, guidelines for incorporating an intercultural approach into the prevention of sexual violence against children, adolescents and indigenous women and the provision of care and protection to victims<sup>207</sup> were adopted in order to enhance access to culturally and linguistically relevant public services responsible for such prevention, care and protection within a framework in which cultural and linguistic diversity are recognized and valued.

134. The Ministry of Culture, acting through the Office of the Deputy Minister of Intercultural Affairs, is the lead agency in this area. The Ministry's Directorates General of Intercultural Citizenship and the Rights of Indigenous Peoples are responsible for designing and implementing policies, plans and programmes for the protection and development of indigenous peoples and the promotion of their rights. The Directorates also deal with the issues of cultural diversity, the elimination of discrimination, prior consultation, indigenous languages and indigenous peoples in a situation of voluntary isolation and/or initial contact.<sup>208</sup>

135. The Act on the protection of indigenous or original peoples living in isolation or in initial-contact situations<sup>209</sup> and its implementing regulations<sup>210</sup> are intended to protect such communities.

### Migrants

136. The importance of the issue of migration in Peru is shown by the fact that, according to the National Institute of Statistics and Data Processing, 3,089,123 Peruvians left the country between 1990 and 2017 and had not returned by 2018.<sup>211</sup> The National Migration Authority reports that more than 8 million foreign citizens enter or leave the country each year. Of these, over 90 per cent are tourists.<sup>212</sup>

137. Recently, the number of migrants entering Peru has increased. The National Migration Authority has reported that a cumulative total of 426,000 foreign nationals entered the country between January and September 2018. Of this total, 78 per cent (331,000 persons)<sup>213</sup> were Venezuelan nationals. Between 2014 and 2016, around 50,000 such persons entered the country each year. By contrast, this figure rose to over 223,000 in 2017, while the number who left the country was 113,340.

138. Where legislation is concerned, in order to consolidate a migration management system that focuses on migrants' human rights and procedures for regularizing their immigration status, the Government has adopted Legislative Decree No. 1350 on

<sup>206</sup> Peruvian Legal Information System: the intercultural bilingual education service model has not been published in the Official Gazette (*El Peruano*).

<sup>207</sup> Ministry of Culture, Supreme Decree No. 009-2019-MC, published in the Official Gazette (*El Peruano*) on 9 August 2019.

<sup>208</sup> Ministry of Culture, Supreme Decree No. 005-2013-MC, published in the Official Gazette (*El Peruano*) on 20 June 2013.

<sup>209</sup> Congress of the Republic, Act No. 28736, published in the Official Gazette (*El Peruano*) on 18 May 2006.

<sup>210</sup> Ministry of Culture, Supreme Decree No. 008-2007-MIMDES, adopted on 4 October 2007. Amended pursuant to Supreme Decree No. 008-2016-MC, published in the Official Gazette (*El Peruano*) on 24 July 2016.

<sup>211</sup> National Institute of Statistics and Data Processing, *Perú: Estadísticas de la Emigración Internacional de Peruanos e Inmigración de Extranjeros, 1990–2017*, Lima, 2018, p. 23. Available at [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1549/libro.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1549/libro.pdf).

<sup>212</sup> National Migration Authority, *Presencia de inmigrantes en situación de vulnerabilidad en el Perú: Estudio preliminar realizado desde una perspectiva de género*, Lima, 2018, p. 18. Available at [https://cdn.www.gob.pe/uploads/document/file/1260616/Presencia\\_inmigrantes\\_situacion\\_-vulnerabilidad\\_Peru.pdf](https://cdn.www.gob.pe/uploads/document/file/1260616/Presencia_inmigrantes_situacion_-vulnerabilidad_Peru.pdf).

<sup>213</sup> Central Reserve Bank of Peru (2018), *Memoria 2018*, p. 38. Accessed on 7 August 2019. Available at <http://www.bcrp.gob.pe/docs/Publicaciones/Memoria/2018/memoria-bcrp-2018.pdf>.

Migration<sup>214</sup> and its implementing regulations<sup>215</sup> and Supreme Decree No. 015-2017-RE, whereby the National Migration Policy 2017–2025 was adopted.<sup>216</sup>

139. In 2018, intersectoral guidelines on the prevention and prosecution of migrant-smuggling offences and the protection and care of victims of migrant smuggling and other migration-related offences<sup>217</sup> were adopted.

140. Refugees in Peru are afforded protection in accordance with the Convention relating to the Status of Refugees, the Refugees Act (No. 27891),<sup>218</sup> and the Act's implementing regulations, which were adopted by Supreme Decree No. 119-2003-RE.<sup>219</sup> These provisions establish a procedure that ensures due process and the application of the principles of international refugee law and the second-hearing principle. Decisions on the recognition of refugee status are made by the Special Commission for Refugees, in the first instance, and the Review Commission for Refugee Affairs, in the second instance. Such determinations must be set out in a reasoned decision.

#### **Victims of the violence that took place in Peru between 1980 and 2000**

141. A number of different offences, including many acts of violence, were committed during the period of violence that occurred in Peru between 1980 and 2000. In this regard, the Act establishing the Comprehensive Reparations Plan<sup>220</sup> was promulgated in 2005 and its implementing regulations<sup>221</sup> were adopted in 2006.

142. The above-mentioned Plan consists of seven programmes: (a) the Programme to Restore Citizens' Rights; (b) the Educational Reparations Programme; (c) the Health Reparations Programme; (d) the Collective Reparations Programme; (e) the Symbolic Reparations Programme; (f) the Programme to Promote and Facilitate Access to Housing; and (g) other programmes approved by the High-level Multisectoral Commission responsible for monitoring State actions and policies in the areas of peace, collective reparations and national reconciliation.

143. After the Act establishing the Comprehensive Reparations Plan had been promulgated, the following measures were implemented, among others. First, the authorities established the Reparations Board, a collegial body within the Ministry of Justice and Human Rights whose main task is to identify by name the victims of the violence that occurred between May 1980 and November 2000. On 27 March 2007, this Board began providing services to the public. It had 65 service units in operation in 2009 and 87 in 2019.

144. Second, the Central Register of Victims was established as a national public instrument in which the victims of the violence that occurred during the above-mentioned period are registered. The Register is organized in two volumes, the first of which is for individual victims and the second for collective victims. The Register is maintained by the Reparations Board, which is also responsible for the verification of information on victims prior to their registration.

<sup>214</sup> Executive branch, Legislative Decree No. 1350, published in the Official Gazette (*El Peruano*) on 7 January 2017.

<sup>215</sup> Ministry of the Interior, Supreme Decree No. 007-2017-IN, published in the Official Gazette (*El Peruano*) on 27 March 2017.

<sup>216</sup> Ministry of Foreign Affairs, Supreme Decree No. 015-2017-RE, published in the Official Gazette (*El Peruano*) on 27 April 2017.

<sup>217</sup> Ministry of the Interior, Supreme Decree No. 008-2018-IN, published in the Official Gazette (*El Peruano*) on 7 September 2018.

<sup>218</sup> Congress of the Republic, Act No. 27891, published in the Official Gazette (*El Peruano*) on 22 December 2002.

<sup>219</sup> Ministry of Foreign Affairs, Supreme Decree No. 119-2003-RE, published in the Official Gazette (*El Peruano*) on 14 October 2003.

<sup>220</sup> Congress of the Republic, Act No. 28592, published in the Official Gazette (*El Peruano*) on 28 July 2005.

<sup>221</sup> Ministry of Justice and Human Rights, Supreme Decree No. 015-2006-JUS, published in the Official Gazette (*El Peruano*) on 6 July 2006.

145. As of 2019, 250,821 persons have been added to the Register. They include 228,880 individual victims, 5,712 collective victims, 146 organized groups of non-returning displaced persons and 16,083 people included in the Special Register of Beneficiaries of Educational Reparations. In terms of disaggregation by sex, there are 84,797 individual male victims, 58,048 female victims, 36,666 male relatives of victims and 49,369 female relatives of victims.

146. In 2016, the Act on the Search for Persons Disappeared during the Period of Violence from 1980 to 2000<sup>222</sup> was enacted, establishing a policy on searches for disappeared persons that prioritizes the humanitarian approach (art. 2 (a)). Later in 2016, the National Plan for the Search for Disappeared Persons (1980–2000)<sup>223</sup> was adopted. Its main purpose is to provide a comprehensive response to the needs of the families of disappeared persons within the framework of Act No. 30470.

147. In 2017, the Directorate General for the Search for Disappeared Persons was established as a line agency of the Office of the Deputy Minister for Human Rights and Access to Justice within the Ministry of Justice and Human Rights.<sup>224</sup> The Directorate is responsible for designing, implementing and executing the National Plan for the Search for Disappeared Persons (1980–2000) and administering the National Register of Disappeared Persons and Burial Sites. As of 2019, the Directorate has four offices, located in the Departments of Lima, Ayacucho, Huánuco and Junín and staffed by people who speak both Spanish and Quechua.

148. In 2017, a directive to regulate the process of searching for disappeared persons with a humanitarian focus<sup>225</sup> was issued. In 2018, the Genetic Databank for the Search for Disappeared Persons in Peru<sup>226</sup> was created to validate and compare genetic profiles in order to determine family relationships and thereby facilitate the identification of disappeared persons.

149. On 23 April 2018, the Ministry of Justice and Human Rights presented the basic list of names in the National Register of Disappeared Persons and Burial Sites, which consolidates information from the main State and civil society sources and serves as the official list of persons disappeared in Peru during the period of violence from 1980 to 2000. The Register is fluid, as the number of persons recorded as disappeared may vary as new sources are drawn upon.<sup>227</sup>

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

151. Supreme Decree No. 015-2019-JUS, adopted in 2019, provides for exemption from fees for registration services and fees for sending, to public registry offices, documents

<sup>222</sup> Congress of the Republic, Act No. 30470, published in the Official Gazette (*El Peruano*) on 22 June 2016.

<sup>223</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 0363-2016-JUS, published in the Official Gazette (*El Peruano*) on 25 December 2016.

<sup>224</sup> Ministry of Justice and Human Rights, Supreme Decree No. 013-2017-JUS, published in the Official Gazette (*El Peruano*) on 22 June 2017.

<sup>225</sup> Ministry of Justice and Human Rights, Directorate Decision No. 001-2017-JUS/DGBPD of 27 October 2017.

<sup>226</sup> Executive branch, Legislative Decree No. 1398, published in the Official Gazette (*El Peruano*) on 8 September 2018.

<sup>227</sup> Ministry of Justice and Human Rights, official communication No. 455-2019-JUS/DGBPD of 17 July 2019.

related to reparations for persons affected by the period of violence between 1980 and 2000 who are registered in the Central Register of Victims.<sup>228</sup>

## Other relevant human rights issues

### Prohibition of torture and of inhuman or humiliating treatment

152. The prohibition of torture and of inhuman or humiliating treatment is enshrined in the Peruvian Constitution.<sup>229</sup> The offence of torture is defined in article 321 of the Criminal Code.

153. For medical examinations, the Institute of Legal Medicine and Forensic Science<sup>230</sup> follows a protocol for the investigation of torture and of cruel, inhuman or degrading treatment,<sup>231</sup> which 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).

154. The Institute of Legal Medicine and Forensic Science has adopted the following guidance documents:<sup>232</sup> (i) Guide for the Assessment of Psychological Damage in Adult Victims of Intentional Violence; (ii) Guide to the Procedure for the Single Interview of Victims under Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members, and of Male Child and Adolescent Victims of Violence; (iii) Guide to Forensic Psychological Assessment in Cases of Violence against Women and Family Members, and Other Cases of Violence; and (iv) Forensic Guide to the Comprehensive Assessment of Bodily Injuries.

### Combating human trafficking and migrant smuggling

155. The National Policy on Trafficking in Persons and its Forms of Exploitation and on Combating Trafficking in Persons and Smuggling of Migrants was adopted in 2015.<sup>233</sup> Previously, Act No. 28950 (Act against Trafficking in Persons and Smuggling of Migrants) was adopted in 2007 and the regulations pertaining thereto were adopted in 2016.<sup>234</sup>

156. In 2016, the Intersectoral Protocol for the Prevention and Prosecution of Human Trafficking Offences and for Victim Protection, Care and Reintegration was adopted.<sup>235</sup> It specifies the responsibilities of State bodies and provides for the implementation of joint and coordinated actions. In the same vein, the National Plan against Human Trafficking 2017–2021 was adopted in 2017.<sup>236</sup>

157. With regard to human trafficking prevention in the tourism sector, a law establishing conditions for the entry of children and adolescents into accommodation establishments<sup>237</sup> was promulgated in 2018, with a view to guaranteeing their protection and integrity. As a

<sup>228</sup> Ministry of Justice and Human Rights, Supreme Decree No. 015-2019-JUS, published in the Official Gazette (*El Peruano*) on 21 August 2019.

<sup>229</sup> Democratic Constituent Congress, Constitution of Peru (1993), art. 2 (24) (h).

<sup>230</sup> Public Prosecution Service, Institute of Legal Medicine and Forensic Science, official communication No. 3055-2016-MP-FN-IML-JN of 22 September 2016, p. 2.

<sup>231</sup> Public Prosecution Service, memorandum No. 271-2010-MP-FN-IML/JN, adopted on 6 April 2010.

<sup>232</sup> Public Prosecution Service, Decision No. 3963-2016-MP-FN, published in the Official Gazette (*El Peruano*) on 11 September 2016.

<sup>233</sup> Ministry of Justice and Human Rights, Supreme Decree No. 001-2015-JUS, published in the Official Gazette (*El Peruano*) on 24 January 2015.

<sup>234</sup> Ministry of the Interior, Supreme Decree No. 001-2016-IN, published in the Official Gazette (*El Peruano*) on 9 February 2016.

<sup>235</sup> Ministry of the Interior, Supreme Decree No. 005-2016-IN, published in the Official Gazette (*El Peruano*) on 11 May 2016.

<sup>236</sup> Ministry of the Interior, Supreme Decree No. 017-2017-IN, published in the Official Gazette (*El Peruano*) on 7 June 2017.

<sup>237</sup> Congress of the Republic, Act No. 30802, published in the Official Gazette (*El Peruano*) on 27 June 2018.

result, 4,167 tourism establishments nationwide have signed the Sworn Declaration of Compulsory Adherence to the Tourism Service Providers' Code of Conduct against Sexual Exploitation of Children and Adolescents in the Field of Tourism.<sup>238</sup>

158. The Tourism Service Providers' Code of Conduct against Sexual Exploitation of Children and Adolescents in the Field of Tourism was adopted in 2018, as was the Sworn Declaration of Compulsory Adherence to the Tourism Service Providers' Code of Conduct against Sexual Exploitation of Children and Adolescents in the Field of Tourism.<sup>239</sup>

159. Training in this regard has been provided to public officials, tourism service providers, secondary- and tertiary-level students and teachers, and the general population. In 2011, the number of participants was 2,520; in 2018, it was 5,570. Between 2011 and 2018, 26,187 people received such training.<sup>240</sup>

### **Law enforcement and human rights**

160. In 2003, the Armed Forces Centre for International Humanitarian Law and Human Rights was created.<sup>241</sup> As of 2019, the Centre had trained a total of 15,627 people (military personnel of the armed forces and civilian professionals) in international humanitarian law and human rights.<sup>242</sup>

161. With regard to the use of force, a legislative decree regulating the use of force by the National Police<sup>243</sup> was adopted in 2015 and the relevant regulations<sup>244</sup> were adopted in 2016, all within the framework of international human rights standards with respect to policing, in particular the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

162. In 2018, General Directive No. 002-MINDEF-SG-VPD/DIGEDOC was adopted,<sup>245</sup> whereby the educational system of the defence sector was approved and educational guidelines for the armed forces, academic institutions and public agencies attached to the Ministry of Defence were established. The Directive provides that the constitutional framework, international treaties, human rights and international humanitarian law are to be respected (para. 5.4.4).

163. Along these lines, a human rights handbook for police officers was approved in 2018.<sup>246</sup> This normative instrument provides information on the doctrinal and normative aspects of human rights that are related to the functions of the National Police. The aim is to ensure that police work is carried out appropriately, with a view to guaranteeing individuals' free exercise of their fundamental rights and minimizing risks to the integrity or life of those involved in police interventions.

### **Corruption and human rights**

164. In order to combine efforts, coordinate actions and propose medium- and long-term policies for preventing and combating corruption in the country, the High-level Anti-

<sup>238</sup> Ministry of Foreign Trade and Tourism, official communication No. 234-2019-MINCETUR/VMT of 25 July 2019.

<sup>239</sup> Ministry of Foreign Trade and Tourism, Ministerial Decision No. 430-2018-MINCETUR, published in the Official Gazette (*El Peruano*) on 31 October 2018.

<sup>240</sup> Ministry of Foreign Trade and Tourism, official communication No. 234-2019-MINCETUR/VMT of 25 July 2019.

<sup>241</sup> Ministry of Defence, Decision No. 036-CCFFAA/CDIHFFAA of 19 February 2003.

<sup>242</sup> Ministry of Defence, official communication No. 05582-2019-MINDEF/SG of 22 July 2019.

<sup>243</sup> Executive branch, Legislative Decree No. 1186, adopted on 16 August 2015.

<sup>244</sup> Ministry of the Interior, Supreme Decree No. 012-2016-IN, published in the Official Gazette (*El Peruano*) on 27 July 2016.

<sup>245</sup> Ministry of Defence, Ministerial Decision No. 0165-2018-DE-SG, published in the Official Gazette (*El Peruano*) on 7 February 2018.

<sup>246</sup> Ministry of the Interior, Ministerial Decision No. 952-2018-IN, published in the Official Gazette (*El Peruano*) on 13 August 2018.

Corruption Commission,<sup>247</sup> consisting of public and private institutions and representatives of civil society, was created in 2010. This body has given rise to various initiatives, such as the Anti-Corruption Strategy of the Executive Branch,<sup>248</sup> the National Integrity and Anti-Corruption Policy<sup>249</sup> and the National Integrity and Anti-Corruption Plan 2018–2021.<sup>250</sup> By 2018, 18 sectoral anti-corruption plans had been created and implemented.

165. It should be noted that, according to the National Institute of Statistics and Data Processing,<sup>251</sup> in 2018 some 49.5 per cent of the population identified corruption as the country's most serious problem, followed by crime. This percentage had increased by 5.2 percentage points since 2017.

### Environment and disaster management

166. In 2018, the Framework Act on Climate Change<sup>252</sup> was enacted for the purpose of establishing principles, approaches and general provisions for coordinating, articulating, designing, executing, reporting on, monitoring, evaluating and disseminating public policies for the comprehensive, participatory and transparent management of climate change adaptation and mitigation measures, in order to reduce the country's vulnerability to climate change, take advantage of low-carbon growth opportunities and meet the international commitments assumed by the State under the United Nations Framework Convention on Climate Change, with an intergenerational approach.

167. In 2019, the Regulations for Environmental Protection in the Electricity Sector<sup>253</sup> were promulgated with the aim of promoting and regulating environmental management in the generation, transmission and distribution of electric power, in order to prevent, minimize, remediate and/or offset the negative environmental impacts of such activities within a framework of sustainable development.

168. Over the period 2008–2018, a total of 53,780 emergencies were recorded nationwide, affecting 12,815,724 people and causing direct harm to 1,267,049. Of the total number of emergencies, the vast majority occurred in the country's mountains (32,702 emergencies), followed by coastal areas (9,569 emergencies); of the total number of people affected, the vast majority were located in the mountains (8,112,524 people), followed by the lowland forest (1,479,445 people); and, of the total number of people directly harmed, the majority were located in the lowland forest (431,145 people) or in the mountains (403,659 people).<sup>254</sup>

169. In 2018, a law was enacted to incorporate a rights-based approach into measures for assisting those who have been affected or harmed by disasters,<sup>255</sup> through the response,

<sup>247</sup> Office of the President of the Council of Ministers, Supreme Decree No. 016-2010-PCM, published in the Official Gazette (*El Peruano*) on 28 January 2010.

Congress of the Republic, Act No. 29976, published in the Official Gazette (*El Peruano*) on 4 January 2013.

<sup>248</sup> Office of the President of the Council of Ministers, Supreme Decree No. 046-2013-PCM, published in the Official Gazette (*El Peruano*) on 23 April 2013.

<sup>249</sup> Office of the President of the Council of Ministers, Supreme Decree No. 092-2017-PCM, published in the Official Gazette (*El Peruano*) on 17 September 2017.

<sup>250</sup> Office of the President of the Council of Ministers, Supreme Decree No. 044-2018-PCM, published in the Official Gazette (*El Peruano*) on 26 April 2018.

<sup>251</sup> National Institute of Statistics and Data Processing, technical report No. 02: *Perú: Percepción ciudadana sobre gobernabilidad, democracia y confianza en las instituciones, Setiembre 2017 – Febrero 2018*, pp. 5–9. Accessed on 8 August 2019. Available at <https://www.inei.gob.pe/media/MenuRecursivo/boletines/boletin-percepcion-gobernabilidad-abril-2018.pdf>.

<sup>252</sup> Congress of the Republic, Act No. 30754, published in the Official Gazette (*El Peruano*) on 18 April 2018.

<sup>253</sup> Ministry of Energy and Mining, Supreme Decree No. 014-2019-EM, published in the Official Gazette (*El Peruano*) on 7 July 2019.

<sup>254</sup> Office of the President of the Council of Ministers, email dated 6 September 2019.

<sup>255</sup> Congress of the Republic, Act No. 30787, published in the Official Gazette (*El Peruano*) on 9 June 2018.

rehabilitation and reconstruction of public services and infrastructure affected by disasters. This entails, among other things, a recognition that all persons affected or harmed are rights holders and that the State has a duty to promote, respect and protect their human rights and to expedite the restoration thereof, and to implement effective mechanisms at all three levels of government to enable persons affected or harmed by disasters to file complaints regarding any violations of their fundamental rights.

170. Also in 2018, the new Damage Assessment and Needs Analysis Manual<sup>256</sup> was adopted. It sets out the mechanism for collecting data and processing qualitative and quantitative information on the extent, severity and location of the effects of an adverse event and contains specific information on the identification of needs for the implementation of response, rehabilitation and reconstruction measures. To this end, the information is disaggregated by age and gender, and particularly vulnerable groups such as infants, children and adolescents, adults, older persons and pregnant women are identified.

### **Information on non-discrimination in national reporting**

171. The Ministry of Justice and Human Rights is the lead agency for such reporting, among other matters in the area of human rights. The Office of the Deputy Minister for Human Rights and Access to Justice is responsible for (a) formulating, coordinating, implementing and monitoring policy on the human rights and access to justice matters within its remit, in accordance with the respective national policy; (b) approving, through the appropriate channels, the periodic report or any other report requested by the bodies of the international human rights protection systems, once such report has been duly adopted by the respective lead agency; and (c) adopting minimum human rights standards, together with guidelines and directives for their fulfilment.

172. In this connection, the Directorate General of Human Rights, the line agency of the Office of the Deputy Minister, is responsible for (a) coordinating, with other State institutions, the preparation of reports requested by the organs of the international human rights protection systems established under treaties and other international agreements; (b) issuing the periodic report or any other report requested by the bodies of the international human rights protection systems, once such report has been duly adopted by the respective lead agency; and (c) establishing and maintaining relationships of coordination, collaboration and support with national and international entities working to protect and promote human rights and international humanitarian law.

173. The National Human Rights Council is responsible for issuing opinions on the initial or periodic reports that the Peruvian State must submit to the protection bodies of the international human rights systems in relation to treaties or the universal periodic review.<sup>257</sup>

174. The responsibilities of the Ministry of Foreign Affairs include directing foreign policy and international relations. One of its functions is to represent the State permanently in the international sphere through the Foreign Service and the Diplomatic Service of the Republic.

175. The Ministry's Human Rights Directorate, which is part of the Directorate General for Multilateral and Global Affairs, is responsible inter alia for formulating and proposing, in coordination with the Ministry of Justice and Human Rights and other related bodies of the public administration, the human rights position to be taken by the State in specialized multilateral forums. It also supports the National Human Rights Council of the Ministry of Justice and Human Rights in the preparation of national reports.<sup>258</sup>

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<sup>256</sup> Office of the President of the Council of Ministers, Ministerial Decision No. 171-2018-PCM, published in the Official Gazette (*El Peruano*) on 12 July 2018.

<sup>257</sup> Ministry of Justice and Human Rights, Ministerial Decision No. 0167-2012-JUS, published in the Official Gazette (*El Peruano*) on 3 July 2012, art. 4 (e).

<sup>258</sup> Ministry of Foreign Affairs, Supreme Decree No. 135-2010-RE, published in the Official Gazette (*El Peruano*) on 18 December 2010, art. 99 (e).

176. Under the National Human Rights Plan 2018–2021, one of the targets for which the Ministry of Justice and Human Rights and the Ministry of Foreign Affairs are responsible, in strategic area No. 4, is to have a national mechanism for the preparation and presentation of reports to the international human rights protection systems and for follow-up with those systems.<sup>259</sup>

### **Information on non-discrimination, equality and effective remedies**

177. The Constitutional Court<sup>260</sup> has stated that the principle and right of equality recognized in the Peruvian Constitution cannot be approached one-dimensionally, as a mere requirement that persons in similar conditions be treated equally (formal equality). The ethical imperatives derived from the principle of human dignity expand the concept of equality, demanding a more active role for the State, which is called upon to guarantee genuine or substantive equality by adopting specific measures in favour of disadvantaged groups.

178. In 2017, sexual orientation and gender identity were included as prohibited grounds of discrimination in the definition of the offence of discrimination (Criminal Code, art. 323);<sup>261</sup> those grounds were also defined as an aggravating circumstance in the commission of other offences (Criminal Code, art. 46).

179. The institutional framework against racism and ethnic and racial discrimination in Peru has been strengthened. For example, under Supreme Decree No. 005-2013-MC, the Directorate for Cultural Diversity and Elimination of Racial Discrimination was incorporated as an organizational unit within the Ministry of Culture. The Directorate is responsible for formulating, implementing and monitoring programmes that help to eliminate ethnic and racial discrimination and promote intercultural citizenship. The creation of this line agency is a milestone for Peru, since the effort to tackle racism and ethnic and racial discrimination is now, for the first time, reflected in the institutional structure of the State.

180. In addition, the “Racism Alert” platform has been created and, by Ministerial Decision No. 431-2015-MC, has been declared the official platform for providing and generating information on ethnic and racial discrimination in Peru. This initiative has created a system of information and interaction with the public to address discrimination, but it also operates as a way of monitoring this social problem and generating relevant information for the formulation of public policies aimed at improving State intervention.

181. The establishment of the National Commission against Discrimination<sup>262</sup> (Supreme Decree No. 015-2013-JUS) marked another policy advance. The Commission’s remit encompasses monitoring and inspection activities, the issuance of opinions and the provision of technical advice to the executive branch on the development of public policies, programmes, projects, strategies and action plans related to equality and non-discrimination.

<sup>259</sup> Ministry of Justice and Human Rights, Supreme Decree No. 002-2018-JUS, published in the Official Gazette (*El Peruano*) on 1 February 2018.

<sup>260</sup> Constitutional Court, judgment in case No. 0033-2010-PI/TC of 10 April 2012, legal ground No. 12.

<sup>261</sup> Executive branch, Legislative Decree No. 1323, published in the Official Gazette (*El Peruano*) on 6 January 2017, art. 1. On 12 May 2017, the approved draft of Legislative Decree No. 1323, which partially repeals article 1 of that Decree and reinstates 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).

The executive branch submitted comments on the draft on 2 June 2017. Available at [http://www.leyes.congreso.gob.pe/Documentos/2016\\_2021/Observacion\\_a\\_la\\_Autografa/OBAU0131920170602.pdf](http://www.leyes.congreso.gob.pe/Documentos/2016_2021/Observacion_a_la_Autografa/OBAU0131920170602.pdf).

<sup>262</sup> Ministry of Justice and Human Rights, Supreme Decree No. 015-2013-JUS, published in the Official Gazette (*El Peruano*) on 6 December 2013, art. 1.

182. The Commission has focused on the protection of groups in situations of vulnerability. As a result, it adopted two major reports in 2019 to promote equality and non-discrimination in the country. These reports concern, respectively, the situation regarding the gender identity of trans persons in Peru and discrimination in the media in Peru, with special emphasis on ethnic and racial discrimination.

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