



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the sixth periodic report of Peru*

1. The Committee considered the sixth periodic report of Peru¹ at its 3964th, 3966th and 3968th meetings,² held in hybrid format on 3, 6 and 7 March 2023. At its 3985th meeting, held on 20 March 2023, the Committee adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its sixth periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral replies provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The enactment of Act No. 31155 (2021), on preventing and punishing harassment against women in political life;

(b) The enactment of Act No. 31030 (2020), amending electoral legislation to ensure gender parity and alternation in candidate lists;

(c) The enactment of Act No. 30982 (2019), which strengthens the role of women in rural communities by establishing that both women and men must account for at least 30 per cent of the composition of community councils;

(d) Legislative Decree No. 1384 (2018), recognizing and regulating the legal capacity of persons with disabilities on an equal footing with others;

(e) Legislative Decree No. 1323 (2017), strengthening measures to tackle femicide, domestic violence and gender-based violence and establishing new offences and aggravating circumstances;

(f) The enactment of Act No. 30364 (2015) on preventing, punishing and eradicating violence against women and family members.

* Adopted by the Committee at its 137th session (27 February to 24 March 2023).

¹ [CCPR/C/PER/6](#).

² See [CCPR/C/SR.3964](#), [CCPR/C/SR.3966](#) and [CCPR/C/SR.3968](#).

³ [CCPR/C/PER/QPR/6](#).



4. The Committee welcomes the State party's efforts to improve its institutional and regulatory framework, in particular through the adoption of the following instruments:

- (a) National Policy on Combating Trafficking in Persons and Related Forms of Exploitation up to 2030, adopted by Supreme Decree No. 009-2021-IN of 27 July 2021;
- (b) National Action Plan on Business and Human Rights 2021–2025, adopted by Supreme Decree No. 0009-2021-JUS of 10 June 2021;
- (c) Sectoral Protocol for the Protection of Environmental Defenders, adopted by Ministerial Decision No. 134-2021-MINAM of 23 July 2021;
- (d) National Multisectoral Policy on Children and Adolescents up to 2030, adopted by Supreme Decree No. 008-2021-MIMP of 25 June 2021;
- (e) Public Policy on the Reform of the Justice System 2021–2025, adopted by Supreme Decree No. 012-021-JUS of 15 July 2021;
- (f) National Multisectoral Policy on Disability for Development up to 2030, adopted by Supreme Decree No. 007-2021-MIMP of 5 June 2021;
- (g) National Multisectoral Policy on Older Persons up to 2030, adopted by Supreme Decree No. 006-2021-MIMP of 5 June 2021;
- (h) National Prisons Policy up to 2030, adopted by Supreme Decree No. 011-2020-JUS of 25 September 2020;
- (i) National Culture Policy up to 2030, adopted by Supreme Decree No. 009-2020-MC of 21 July 2020;
- (j) Intersectoral Mechanism for the Protection of Human Rights Defenders, adopted by Supreme Decree No. 004-2021-JUS of 22 April 2021;
- (k) National Gender Equality Policy, adopted by Supreme Decree No. 008-2019-MIMP of 4 April 2019.

5. The Committee is pleased to note that, since its consideration of the previous report, the State party ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2015.

C. Principal matters of concern and recommendations

Implementation of the Covenant and its Optional Protocol

6. The Committee appreciates the positive steps taken by the State party to implement some of its Views on individual communications submitted under the Optional Protocol. It regrets, however, that the State party has not provided information on the concrete measures taken to implement the Committee's outstanding recommendations and Views, most of them more than 10 years old, and on the frequency with which the provisions of the Covenant have been invoked before the State party's courts and tribunals. It also regrets the lack of information on effective mechanisms and procedures that authors of communications can use, in law and in practice, to demand directly from the State party the full implementation of the Committee's Views (art. 2).

7. The State party should take all necessary steps to implement all concluding observations and Views adopted by the Committee, through appropriate and effective mechanisms, in accordance with article 2 (2) and (3) of the Covenant. In this regard, it should take measures to ensure that the Office of the Special Counsel General for Supranational Affairs performs its work efficiently and that the Committee's decisions are implemented effectively. It should also consider adopting legislation recognizing the right of authors of communications to whom the Committee has granted any measure of reparation to demand before the domestic courts the implementation of such measures. Additionally, the State party should make efforts to raise awareness of the Covenant and its domestic applicability among judges, prosecutors and lawyers to ensure that its provisions are taken into account by the courts.

National human rights institution

8. The Committee welcomes the fact that the Ombudsman's Office has been recredited with category A status by the Global Alliance of National Human Rights Institutions. However, the Committee notes with concern that, following the ruling handed down by the Constitutional Court on 23 February 2023, Congress has the power to reduce the parliamentary majorities required to elect the Ombudsman, which would obviate the need to obtain consensus among different political parties (art. 2).

9. The State party should ensure that any bills on the procedures for the selection and appointment of the Ombudsman guarantee full transparency and political independence, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Fight against impunity and past human rights violations

10. While welcoming the measures taken in response to the events that occurred during the period of violence from 1980 to 2000, in particular, the enactment of the Act on the Search for Persons Disappeared during the Period of Violence from 1980 to 2000 and the National Plan for the Search for Disappeared Persons (1980–2000) up to 2030 and the efforts made to implement the Comprehensive Reparations Plan, including the registration of more than 250,000 victims in the Unified Registry of Victims, the Committee is concerned about the obstacles to giving effect to the rights to justice, truth, reparation and guarantees of non-repetition, especially for victims of torture, rape and sexual violence and for victims of enforced disappearances during the period of violence from 1980 to 2000. It is also concerned about the delay in investigating and prosecuting those responsible for human rights violations. It is further concerned about reports of delays in giving effect to reparations relating to health, including mental health, and the lack of information on accountability and reparations afforded to victims of forced sterilization (arts. 2, 3, 6, 7 and 14).

11. The Committee reiterates its previous recommendations⁴ regarding impunity for serious human rights violations. The State party should comply with its obligation and, as a matter of priority, increase its efforts to investigate all human rights violations committed during the period of violence from 1980 to 2000, prosecute the perpetrators, impose penalties commensurate with the gravity of the offences where appropriate, provide measures of non-repetition and afford full reparation to all victims and their families, including adequate compensation. It should also provide adequate resources to strengthen efforts to acknowledge responsibility, ascertain the truth, locate missing persons and foster and preserve memory.

States of emergency

12. The Committee remains concerned about the frequency with which the State party has declared states of emergency and derogated from Covenant rights, including in connection with social protests, bearing in mind that derogations should be invoked only in truly exceptional situations. Also of concern is the frequent deployment of the armed forces during states of emergency and for domestic law and order tasks without prior declaration of a state of emergency, which increases the risk of human rights violations. It notes with concern reports of serious human rights violations, such as mass arbitrary arrests, extrajudicial killings, cruel, inhuman or degrading treatment and torture, allegedly committed by security forces, including the armed forces, during states of emergency, in particular those declared in the context of protests since December 2022. In this regard, the Committee deeply regrets the human rights violations allegedly committed during the military and police operations in Andahuaylas and Chincheros, Apurímac, on 11 and 12 December 2022; in Ayacucho on 15 December 2022; at the premises of the Confederación Campesina del Perú on 17 December 2022; in Juliaca, Puno, on 9 January 2023; at San Marcos National University on 21 January 2023; and in Iscahuaca, Apurímac, on 9 February 2023 (arts. 4, 6, 7 and 9).

⁴ CCPR/C/PER/CO/5, paras. 11–13.

13. In the light of the Committee's previous recommendation⁵ and in view of the information shared during the constructive dialogue, the State party should:

(a) Limit the use of states of emergency and ensure strict respect for the human rights enshrined in the Covenant and systematic compliance with all the conditions set forth in article 4 of the Covenant, as interpreted by the Committee in its general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency;

(b) Guarantee that any measures introduced to protect the population in the context of a state of emergency are temporary, proportionate and strictly necessary and are subject to judicial review;

(c) Take the necessary steps to ensure that the armed forces do not participate in law enforcement operations, and if they do, ensure that their involvement is restricted to exceptional circumstances and for a limited duration, in accordance with clear protocols and under civilian oversight mechanisms and accountability schemes;

(d) Increase its efforts, particularly through training and monitoring, to prevent human rights violations in military and police operations;

(e) Ensure that all allegations of human rights violations committed during states of emergency are promptly and effectively investigated, that those responsible are brought to justice, that investigations are initiated, conducted and concluded by the ordinary justice system with complete independence and impartiality and that victims receive full reparation.

Counter-terrorism measures

14. The Committee expresses its deep concern about the imprecise definition of "terrorism" set forth in the Counter-Terrorism Act (Decree-Law No. 25475), which may, in practice, lead to arbitrariness and abuse. The Committee notes with concern that the ambiguity in the legislation encourages *terruqueo*, a practice that consists of branding persons who exercise their rights to protest, freedom of expression, thought and assembly, and political participation as espousing behaviour or ideas akin to terrorism in order to discredit their discourse. In this regard, the increased application of the Act in the context of social protests since 7 December 2022 is of concern. Of particular concern are the recent raids at the Confederación Campesina del Perú on 17 December 2023 and at San Marcos National University on 21 January 2023, when more than 200 people were arrested and taken to the facilities of the Counter-Terrorism Directorate of the Peruvian National Police. It also deeply regrets the alleged instances of ill-treatment, physical and sexual assault and unwarranted touching and removal of clothing committed by State officials during counter-terrorism operations (arts. 4, 7, 9, 14, 19, 21 and 22).

15. The State party should carry out a process of legislative review and reform aimed at guaranteeing respect for human rights in all counter-terrorism activities, including the review of the definition of terrorism set forth in Decree-Law No. 25475, in order to ensure strict compliance with the principle of legality as set out in article 15 of the Covenant. The State party should also ensure that persons suspected of or charged with terrorist acts or related offences are provided, in law and in practice, with all appropriate legal safeguards, in accordance with the Covenant. It should also take measures to combat prejudice towards protesters, social leaders and political opponents and the stigmatization and dehumanization of those groups, including by justice officials, and to end the practice of *terruqueo*. It should also ensure that counter-terrorism legislation is not used to limit any of the rights enshrined in the Covenant, such as the rights to life, liberty and security of person, and that any allegations of ill-treatment and sexual assault are investigated promptly, thoroughly, impartially and effectively.

⁵ Ibid., para. 15.

Non-discrimination

16. The Committee acknowledges the many efforts made by the State party to combat discrimination, including the implementation of the National Human Rights Plan 2018–2021, the drafting and adoption of the National Action Plan on Business and Human Rights 2021–2025 and the plans that are under way to develop the National Multisectoral Policy on Human Rights to address discrimination and structural inequality. However, the Committee is concerned about the vulnerability of Indigenous persons, Afro-Peruvians, migrants and refugees and the persistent structural discrimination and hate speech directed against them, particularly against women and girls, in the areas of education, employment, health, including sexual and reproductive health, and public life. The Committee also notes with deep concern the impact on Indigenous persons of the social protests that have taken place since December 2022 and the disproportionate repression directed against such persons in the context of those protests (arts. 2, 3, 16, 25, 26 and 27).

17. The State party should continue to increase its efforts to prevent, combat and eradicate all forms of discrimination, particularly racial discrimination and xenophobia, including by:

(a) **Ensuring the allocation of sufficient resources for the full implementation of anti-discrimination plans and policies;**

(b) **Taking measures to prevent all hate speech, discrimination, violence or other alleged offences motivated by prejudice and stereotyping, including when such offences occur in the media or on the Internet, and responding to them promptly and effectively;**

(c) **Increasing public education and awareness campaigns and training for the public, private and teaching sectors to promote tolerance and respect for diversity;**

(d) **Stepping up efforts to train law enforcement officers so that they are aware of the need to act in ways that do not lead, even unintentionally, to ethnic and/or racial profiling and that avoid disproportionate repression of protests by Indigenous persons;**

(e) **Thoroughly investigating alleged offences motivated by prejudice and stereotypes, prosecuting the perpetrators and, if found guilty, imposing sanctions on them and providing victims with adequate reparations.**

Discrimination based on sexual orientation and gender identity

18. Despite many legislative and policy initiatives, the Committee is concerned about stigmatization, discriminatory attitudes and violence towards lesbian, gay, bisexual, transgender and intersex persons in the State party. It is also concerned at the absence of legal recognition of and protection for same-sex couples and regrets the lack of information provided by the State party in this regard (arts. 2, 3, 6, 7, 17, 23 and 26).

19. The State party should redouble its efforts to combat all forms of stigmatization and discrimination against lesbian, gay, bisexual, transgender and intersex persons, including the spread of so-called conversion therapies, hate speech and acts of violence. The State party should:

(a) **Ensure that offences motivated by the victim's sexual orientation or gender identity are investigated promptly, that those responsible are brought to justice and appropriately punished and that the victims receive comprehensive reparation;**

(b) **Develop sex education programmes that provide students with full, accurate and age-appropriate information on sexuality and different gender identities, organize public awareness campaigns and continue to provide training courses for public officials to promote awareness of and respect for diversity in relation to sexual orientation and gender identity;**

(c) **Consider amending article 234 of the Civil Code, which restricts marriage only to that between a woman and a man, and review the relevant legislation with a**

view to fully recognizing the equality of same-sex couples and guaranteeing for them all of the rights recognized in the Covenant.

Equality between men and women

20. The Committee welcomes the measures taken in the area of gender equality. However, it is concerned that women, in particular campesino women, Indigenous women and Afro-Peruvian women, remain underrepresented in decision-making positions at all levels of the executive and judicial branches and regrets that it has not received information on the steps taken to increase the number of women in decision-making bodies in the private sector. It also notes with concern the wage gap between men and women and the cases of harassment and threats against women politicians (arts. 2, 3, 25 and 26).

21. The State party should intensify its efforts to ensure effective equality between men and women in all spheres and in all areas of the country. In particular, it should strengthen measures to increase the participation of women, including campesino women, Indigenous women and Afro-Peruvian women, in political and public life, as well as their representation in the public and private sectors, especially in managerial and high-level positions. It should also pursue its efforts to address the wage gap between men and women and to eliminate gender-based stereotypes about the roles and responsibilities of women and men in the family and in society. It should also make greater efforts to prevent cases of harassment and political violence.

Violence against women, including domestic violence

22. The Committee notes the measures taken by the State party to prevent and combat violence against women. It is nonetheless concerned by reports that violence against women and girls, including disappearances, domestic violence, obstetric violence, femicide and sexual violence, remains widespread in the country (arts. 2, 3, 6, 7, 14, 24 and 26).

23. Recalling the Committee's previous recommendation,⁶ the State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls. The State party should also intensify efforts to prosecute and secure convictions for perpetrators of violence against women and girls, including by continuing and stepping up training of relevant public officials, including judges, prosecutors, lawyers and law enforcement officers. It should also continue efforts to ensure that victims have access to effective remedies, receive full reparation, including adequate compensation, and have access to appropriate protection and assistance.

Maternal mortality, voluntary termination of pregnancy and sexual and reproductive rights

24. The Committee commends the State party for the measures taken to improve access to health services and to information on sexual and reproductive health, as well as to combat and prevent teenage pregnancy and maternal mortality, in particular, the adoption of the Multisectoral Plan for the Prevention of Teenage Pregnancy 2013–2021 and the Technical Health Standard on Family Planning. The Committee also welcomes the information that the Ministry of Health has approved four bills on decriminalizing the voluntary termination of pregnancy in cases of rape or incest or when the fetus is unviable. However, the Committee is concerned that abortion continues to be criminalized, except in cases where the life or health of the pregnant woman is in serious danger, and that rates of rape and sexual violence against teenage girls remain high, leading to a high incidence of forced pregnancies. It is also concerned that teenage pregnancy and maternal mortality rates in rural areas remain high despite the preventive measures taken by the State party (arts. 2, 3, 6, 7, 17 and 26).

25. Bearing in mind the Committee's general comment No. 36 (2018) on the right to life, the State party should:

(a) Amend its legislation to guarantee safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where

⁶ Ibid., para. 10.

carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable;

(b) **Ensure that criminal penalties are not applied to women and girls who have abortions or to the professionals who provide them with medical care;**

(c) **Step up its efforts to prevent unwanted pregnancies, especially among teenage girls, and to ensure full access to adequate sexual and reproductive health services, including accessible and appropriate contraceptives, in all areas of the country, particularly for Afro-Peruvian and Indigenous women, women living in rural areas and women living in poverty or extreme poverty;**

(d) **Redouble its efforts to raise awareness of and provide education on sexual and reproductive rights.**

Use of force in the context of demonstrations

26. The Committee is concerned about reports of human rights violations allegedly committed in the context of social protests in November and December 2020 and since 7 December 2022, including cases of excessive, indiscriminate and disproportionate use of force and of firearms by security forces, extrajudicial executions, mass arbitrary detentions and cases of violence motivated by racism or discrimination, particularly against Indigenous persons, campesinos and people from especially disadvantaged areas who have historically been subjected to structural discrimination, such as Apurímac, Ayacucho, Arequipa, Cusco, Junín, La Libertad, Lima and Puno. While noting the ongoing investigations, the Committee is deeply concerned that Act No. 30151 (2014) recasts article 20 of the Criminal Code in a way that makes it difficult for members of the armed forces and the national police who cause death or injury while performing their duties or using their weapons to be held criminally liable. It also notes with deep concern that Act No. 31012 (2020) on Police Protection modifies the grounds for exemption from criminal liability for members of the armed forces and the national police, prohibits the imposition of pretrial detention on police officers accused of acts involving the use of their weapon and repeals the principle of proportionality in the use of force as recognized in article 4 (1) (c) of Legislative Decree No. 1186 (2015). It further notes that although the Act should be interpreted in accordance with the Constitution and the international treaties to which Peru is a party, its application could pose serious obstacles to the fight against impunity and to accountability and access to justice (arts. 2, 6, 7, 14, 19 and 21).

27. **Taking into account the Committee's general comments No. 37 (2020) on the right of peaceful assembly and No. 36 (2018) on the right to life, the State party should take measures to effectively prevent and eliminate all forms of excessive use of force by the security forces, in particular in the context of peaceful assemblies. Accordingly, it should:**

(a) **Urgently revise Acts No. 30151 (2014) and No. 31012 (2020) and bring the legislative framework into line with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Ensure that human rights violations allegedly committed during demonstrations, including those that may have taken place during social protests since 7 December 2022, are investigated promptly, thoroughly, impartially and effectively;**

(c) **Adopt measures to protect investigations of human rights violations from impunity, and to ensure that the alleged perpetrators are brought before the judicial body designated by law, which must offer full guarantees of independence and impartiality, that the individuals who are materially and intellectually responsible are appropriately punished, and that the victims receive full reparation, including compensation, rehabilitation, satisfaction and guarantees of non-repetition;**

(d) **Continue to take measures to effectively prevent and eliminate the excessive use of force by law enforcement officers, including those in the armed forces, especially in the context of demonstrations, including by stepping up the education and training of all officers deployed to control protests.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

28. While noting the actions taken to prevent torture and other cruel, inhuman or degrading treatment or punishment under the national preventive mechanism, the Committee is concerned about allegations of torture and ill-treatment, particularly during police operations and in the context of deprivation of liberty, especially in the aftermath of the social and political crisis triggered by the events of 7 December 2022 (arts. 3, 6, 7, 9, 14, 19 and 21).

29. **The State party should ensure prompt, thorough, impartial and effective investigation of all allegations of torture and other cruel, inhuman or degrading treatment or punishment, prosecute the perpetrators and, if convicted, punish them with penalties commensurate with the gravity of the offence, and provide effective remedies for the victims, including physical and mental rehabilitation. It should also intensify its efforts to prevent torture, in particular by increasing the budget of the national preventive mechanism and strengthening education and training for judges, prosecutors, police officers and the security forces.**

Persons deprived of their liberty and conditions of detention

30. While noting the State party's efforts to reduce prison overcrowding during the coronavirus disease (COVID-19) pandemic, the Committee remains concerned at the persistent high levels of overcrowding in the prison system, with some prisons at more than 400 per cent of capacity, and at the high number of persons deprived of their liberty who have not been sentenced or who are being held in pretrial detention. It regrets the lack of information on the application of non-custodial measures as an alternative to imprisonment. The Committee also notes with concern that many persons who are deprived of their liberty do not have adequate access to food, clean water and medical treatment. In addition, the information on the conditions of detention for persons under investigation for the alleged commission of the offence of terrorism, some of whom are confined in cells measuring 1.5 x 2 m, is disturbing (arts. 7, 9 and 10).

31. **The State party should intensify its efforts to ensure that conditions of detention fully comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, the State party should:**

(a) **Significantly reduce prison overcrowding, in particular by promoting alternatives to imprisonment, and ensure that pretrial detention is exceptional, reasonable, necessary and as short as possible;**

(b) **Intensify its efforts to improve conditions of detention and ensure adequate access to food, drinking water and health care for prisoners in all places of deprivation of liberty, particularly in places of detention where minors or persons who are being investigated for the alleged commission of the offence of terrorism are held.**

Trafficking in persons and forced labour

32. The Committee welcomes the State party's efforts to prevent and combat trafficking in persons and forced labour, especially measures to support the reintegration of victims into the labour market. However, it is concerned about information indicating that the practices of trafficking in persons and forced labour persist, especially in the extractive industries, including in areas with significant mining activities and in informal and small-scale mining. It also regrets not having received information on the assistance and protection provided to migrants and refugees who are victims of trafficking or exploitation (arts. 7, 8, 14 and 24).

33. **The State party should further strengthen its efforts to combat, prevent, eradicate and punish trafficking in persons and forced labour. In particular, the State party should:**

(a) **Ensure that cases of trafficking in persons and forced labour are investigated promptly, thoroughly, impartially and effectively, that those responsible are adequately punished, and that the victims receive full reparation;**

(b) **Continue and strengthen prevention and awareness-raising campaigns on the negative effects of trafficking in persons, as well as training, specialization and awareness-raising measures aimed at public officials and other persons responsible for investigating and prosecuting these offences, identifying victims and providing them with protection and assistance, especially at border posts and in areas of extractive industry;**

(c) **Ensure that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons and forced labour and for providing victims with protection and assistance;**

(d) **Redouble its efforts to identify victims of trafficking in persons, especially migrants and refugees who are victims of trafficking, to provide them with appropriate protection and assistance, including by ensuring that the geographical coverage of shelters that provide comprehensive services is sufficient and to provide support to families vulnerable to forced labour.**

Migrants, asylum-seekers and refugees

34. The Committee welcomes the progress made by the State party in developing public policies to respond to the needs of the refugee and migrant population in the country. However, the Committee is concerned about the introduction of legislative initiatives reportedly containing elements that discriminate against migrants and that seek to limit access to rights for refugees and migrants in the country, such as the amendment, in January 2023, of Legislative Decree No. 1350 (2017), which limits entry and transit for foreign nationals and obliges them to prove that they have regular migration status in order to rent a property. The Committee is also concerned that such legislative initiatives could perpetuate xenophobic stereotypes linking public safety to the increase of refugees and migrants in the country. The Committee is concerned about:

(a) Allegations of mass expulsions of migrants and asylum-seekers, in violation of due process and the principle of non-refoulement;

(b) Practical obstacles to obtaining proper documentation, which creates barriers to formal work and social services, and to birth registration for children of foreign nationals, including children of refugees and asylum-seekers, which can render such children stateless;

(c) Reports of an increase in instances of discrimination and hate speech towards migrants, asylum-seekers and refugees, in particular towards migrants of Venezuelan nationality, including by high-level authorities (arts. 2, 6, 7, 12, 13 and 14).

35. **The State party should redouble its efforts to:**

(a) **Review its legislation on recognition and oversight of refugee status with a view to eliminating any discriminatory elements and ensuring that it fully complies with the Covenant and relevant international standards;**

(b) **Ensure the implementation of legislation on the right to asylum and refugee status, and establish fair and efficient asylum procedures that provide effective protection against refoulement;**

(c) **Ensure that all requests for international protection made anywhere in the country are effectively received, registered and transmitted promptly to the processing authorities;**

(d) **Continue and increase the provision of training to migration and border officials in identifying persons in need of international protection and informing them of asylum procedures;**

(e) **Issue and renew identity documents for asylum-seekers and refugees in a timely manner in order to facilitate their access to basic social services and prevent their arbitrary detention, and continue efforts to remove practical obstacles to birth registration for all children born in the territory to foreign parents, including children of refugees and asylum-seekers;**

(f) **Ensure that law enforcement officials act in accordance with articles 6 and 7 of the Covenant when expelling foreign nationals, in particular by monitoring their activities, investigating and prosecuting the perpetrators of human rights violations and imposing appropriate penalties on them.**

Right to take part in public affairs and the right to a fair trial

36. The Committee is concerned about the political and social crisis that Peru has been experiencing since the events of 7 December 2022, which led to the installation of a new President, and the subsequent climate of polarization in the country, as reflected in the demonstrations referred to in previous paragraphs. In particular, the Committee is concerned that during these events, the rights derived from the Covenant have not been respected (arts. 2, 9, 14 and 25).

37. **The State party should:**

(a) **Ensure that the presidential impeachment process is always carried out in full compliance with the basic principles of due process and a fair trial, and with full respect for article 25 of the Covenant, if necessary by introducing relevant legislative reforms, including constitutional reform, so as to guarantee an adequate system of checks and balances among the various branches of government;**

(b) **Guarantee that the criminal proceedings against Pedro Castillo, who is currently in pretrial detention, are conducted in full compliance with the guarantees of the right to a fair trial, as recognized in article 14 of the Covenant.**

Freedom of expression and right of peaceful assembly

38. While noting the State's efforts to protect human rights defenders, such as the creation, in 2021, of the Intersectoral Mechanism for the Protection of Human Rights Defenders and, in 2020, of the register on situations of risk facing human rights defenders, the Committee is concerned about allegations of insults, threats, harassment and intimidation against human rights defenders, including lawyers, members of the National Electoral Authority and journalists. It is also concerned that the criminalization of defamation, libel and slander is being done in a way that impedes freedom of expression and information and the exercise thereof by journalists and human rights defenders. The Committee is concerned about the alleged violations of the right to freedom of expression and the right to peaceful assembly that took place in the context of the demonstrations of November 2020 and since 7 December 2022, in particular the excessive use of force against demonstrators and journalists by security forces, resulting in injuries and deaths (arts. 6, 7, 9, 14, 19, 21 and 26).

39. **The State party should take the measures necessary to ensure the full enjoyment of the rights to freedom of expression and to peaceful assembly by all persons, bearing in mind the Committee's general comments No. 34 (2011) on the freedoms of opinion and expression and No. 37 (2020) on the right of peaceful assembly. In particular, the Committee urges the State party to:**

(a) **Redouble its efforts to prevent acts of harassment and intimidation against human rights defenders and journalists, and take all necessary measures to guarantee their effective protection, including through the provision of sufficient resources to State protection mechanisms, and to ensure that journalists and media workers are free to carry out their work without fear of becoming victims of violence or reprisals;**

(b) **Ensure that all allegations of harassment and bullying are investigated promptly, thoroughly, impartially and effectively, that the perpetrators are brought to justice and duly punished and that victims receive comprehensive reparation;**

(c) **If defamation, slander and libel remain offences, it should ensure that the wording of the relevant articles of the Criminal Code does not place undue limits on freedom of expression and information, especially when exercised by journalists, members of the political opposition and other persons critical of the Government;**

(d) **Guarantee and respect the rights to peaceful assembly and demonstration, especially for Indigenous and campesino organizations, and ensure that the implementation of the rights to freedom of opinion and expression and peaceful assembly fully complies with the requirements of articles 19 (3) and 21 of the Covenant.**

Rights of the child

40. The Committee notes with satisfaction the extensive action taken to ensure birth registration for all children born on its territory and those born abroad to mothers or fathers with Peruvian nationality. While noting the important measures taken by the State party to protect children's rights and prevent child labour, such as the implementation of the National Strategy for the Prevention and Eradication of Child Labour and the adoption in 2020 of Supreme Decree No. 018-2020-TR, the Committee is concerned that the rate of child labour in the country remains high and has even increased in recent years (arts. 8, 16 and 24).

41. **The State party should:**

(a) **Continue its efforts to ensure that all children born on its territory are registered and receive an official birth certificate;**

(b) **Redouble its efforts to combat and eradicate the commercial exploitation of children and child labour, particularly in the extractive industry and illegal mining, including by increasing labour inspections;**

(c) **Establish child-friendly complaint mechanisms and ensure that all complaints are investigated, that the perpetrators are prosecuted and, where appropriate, punished proportionately, and that child victims have access to assistance and redress;**

(d) **Conduct awareness-raising and training activities aimed at the general public, civil society representatives, public officials and State agents in order to improve child protection.**

Rights of minorities and Indigenous communities

42. The Committee welcomes the State party's efforts to promote the rights of Indigenous and Afro-Peruvian communities, including the approval, in July 2021, of the National Policy on Indigenous Languages, Oral Tradition and Interculturality up to 2040, and, in June 2022, of the National Policy for Afro-Peruvian Persons up to 2030. However, notwithstanding the prior consultation processes conducted, the Committee continues to be concerned about reports of a lack of equitable and transparent dialogue and pressure to conclude agreements, as well as allegations that agreements are not duly complied with. The Committee is also concerned about the lack of legal certainty regarding the titling of Indigenous territories, which favours the interests of illegal activities, the overlapping rights to communal territories due to pressure from extractive industries, the lack of essential public services in the territories of Indigenous communities in rural areas and the high levels of pollution from hydrocarbons and minerals. The Committee is further concerned about the rise in threats against and murders of Indigenous leaders with the advance of illegal economic activities, such as drug trafficking, logging, mining and land trafficking, especially in the Peruvian Amazon (arts. 2, 6, 25, 26 and 27).

43. **The State party should redouble its efforts to ensure the promotion, protection and recognition, both in law and in practice, of the rights of Indigenous Peoples, particularly with respect to land, territory and natural resources. It should also:**

(a) **Strengthen and guarantee the effectiveness and systematic application of the participation and/or consultation processes necessary to obtain free, prior and informed consent and ensure equitable dialogue and compliance with the agreements reached with the State and public and private companies;**

(b) **Review the current regulations on the lands of Indigenous Peoples and communities to ensure that they are held, owned and/or used within the framework of the international agreements ratified by the country;**

(c) Improve the provision of essential public services, especially access to health facilities, goods and services, in Indigenous territories and address the issue of pollution in affected territories;

(d) Adopt measures to combat illegal economic activities, especially in the Peruvian Amazon, implement measures to protect Indigenous leaders and ensure access to effective remedies for all members of Indigenous groups if their rights are violated;

(e) Adopt all necessary measures to ensure that the National Policy for Afro-Peruvian Persons up to 2030 achieves real progress in the protection and recognition of the rights of such persons.

D. Dissemination and follow-up

44. The State party should widely disseminate the Covenant and the two Optional Protocols, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public, including members of minorities and Indigenous Peoples. The State party should ensure that the periodic report and the present concluding observations are translated into the official languages of the State party.

45. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 24 March 2026, information on the implementation of the recommendations made by the Committee in paragraphs 27 (use of force in the context of demonstrations), 37 (right to take part in public affairs and the right to a fair trial) and 43 (rights of minorities and Indigenous communities).

46. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its seventh periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2031.
