



International Covenant on Civil and Political Rights

Distr.: General
10 March 2023

Original: English

Human Rights Committee 137th session

Summary record of the 3966th meeting*

Held at the Palais Wilson, Geneva, on Monday, 6 March 2023, at 3 p.m.

Chair: Ms. Abdo Rocholl

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* No summary record was issued for the 3965th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Peru (continued) ([CCPR/C/PER/6](#), [CCPR/C/PER/QPR/6](#);
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1. *At the invitation of the Chair, the delegation of Peru joined the meeting. The Chair, welcoming the Permanent Representative of Peru to the meeting, explained that the other members of the delegation would be participating via video link.*
2. **Mr. Chuquihuara Chil** (Peru) said that former President Pedro Castillo was being held in pretrial detention by judicial decision on charges relating to the coup d'état that he had staged on 7 December 2022. He was being held at the Barbadillo prison with full guarantees for his human rights and under permanent medical supervision. He had access to his lawyer and frequently received visits, including from the Ombudsman and representatives of the Inter-American Commission on Human Rights.
3. Following the events at the Confederación Campesina del Perú and San Marcos National University, several ministries and government agencies had taken swift action to provide legal guidance or aid to the persons who had been arrested. All of the detainees had been released after a short period. If there had been any excesses, they were being investigated.
4. Although challenges remained with regard to women's political representation, his country was making progress in that area. A woman held the office of president for the first time in the country's history, and the Cabinet was made up of 8 women and 11 men. In 2022, women had held 44.6 per cent of the decision-making positions in the civil service.
5. **Mr. Quezada Cabrera** said that he would like to know whether investigations had been carried out with a view to identifying, prosecuting and punishing those responsible for the serious human rights violations committed in the State party between 1980 and 2000. If so, statistics on the results of those efforts would be appreciated. It would also be useful to learn whether the Ministry of the Interior and the Ministry of Defence had provided information concerning the military personnel stationed in the areas where violations had occurred in order to assist in identifying the perpetrators of those violations.
6. He would like the delegation to outline the progress made in implementing the National Plan for the Search for Disappeared Persons and provide statistics on the results achieved to date. According to the periodic report, a follow-up report on the recommendations of the Working Group on Enforced or Involuntary Disappearances had been referred to the relevant sectors for implementation. He wished to know what concrete measures had subsequently been adopted and in which sectors and what the outcome of those measures had been.
7. **The Chair** said that the Committee had received reports concerning delays in the implementation of the Comprehensive Reparations Plan, particularly with regard to health care, which indicated that medical centres were turning away victims who had the right to health services under the plan. She would like the delegation to explain the reasons for the delays, especially in relation to health care, and outline the measures taken to make the plan sustainable.
8. It was her understanding that a friendly settlement agreement had been concluded through the good offices of the Inter-American Commission on Human Rights between the State party and victims of forced sterilization but that the State party had yet to comply with the terms of the agreement. She would like to know why. It would also be useful to learn how many victims of forced sterilization had received monetary compensation; how much compensation each victim had received; how many investigations into forced sterilization were ongoing; whether those responsible had been sentenced or penalized; and who was being investigated.
9. **Ms. Kpatcha Tchamdja** said that she would like further information on the congressional debate concerning the decriminalization of abortion in cases of rape and any

measures taken to repeal criminal penalties for women and girls who underwent abortions and for health-care providers who assisted them in doing so. She invited the delegation to provide disaggregated statistics on the number of women and girls who had been criminalized for seeking abortions and the number of health-care providers who had been prosecuted for providing abortion services.

10. It would be useful to learn more about the impact of the measures adopted to reduce the teenage pregnancy and maternal mortality rates and to ensure that women did not have to resort to unsafe abortions that could endanger their lives or health. Information would be welcome on the steps taken to ensure that sexual and reproductive health services and emergency oral contraception were available to all women throughout the country. Further information would be appreciated about any measures taken to ensure equal access to health facilities, especially emergency kits for victims of sexual violence. She would like the delegation to describe the existing education and awareness programmes on contraceptive use and the right to sexual and reproductive health, especially for adolescents.

11. **Mr. Santos País** said that, in the light of legislation that protected the police and armed forces from prosecution in the State party, he would like to know whether any measures were planned to ensure the accountability of perpetrators and instigators of torture or the inappropriate use of force and to secure access to justice for victims. He wondered whether the State party had a centralized national register of complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment that was accessible to victims, their families and advocates.

12. Recent demonstrations had reportedly led to numerous injuries, murders and extrajudicial executions. Could the delegation confirm reports that, by order of the Ministry of Health and the national police force, the personal information of injured demonstrators being treated in public hospitals was being recorded for the purpose of initiating criminal investigations? He would welcome further information regarding the lists of those who had been wounded and those who had died in the course of the demonstrations that had begun on 7 December 2022. He would also be interested in learning how many investigations had been opened; whether the investigations were of a disciplinary or criminal nature; the current status of those investigations; whether there were investigations into members of the police and armed forces, as well as civilians; and whether investigations concerning the security forces covered only the suspected perpetrators or also the possible instigators higher up in the chain of command.

13. He would like to know whether the Public Prosecution Service was pursuing any pending investigations in connection with reports from the Office of the Ombudsman of the excessive use of force and the use of firearms by the police and armed forces in total disregard of international standards. The Committee would like to hear the delegation's response to reports that repressive action was mainly directed at Indigenous Peoples and campesino communities in disadvantaged areas that had historically been subject to structural discrimination, such as Apurímac, Ayacucho and Puno.

14. With respect to the issue of arbitrary detention, he would like to know whether investigations were being carried out into the 608 cases of detention that allegedly involved violations of several articles of the Covenant. Would the delegation also comment on reports that *terruqueo* – the practice of branding political opponents as terrorists – had become a State strategy for persecuting and imprisoning citizens who exercised their rights to protest, expression, thought, assembly and political participation?

15. In 2020, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism had sent a letter to the State party encouraging it to bring the definition of terrorism contained in Decree Law No. 25475 into line with international standards in order to avoid its arbitrary application. In that context, it would be useful to learn what measures would be adopted to provide support to prosecutors and forensic teams with a view to ensuring impartial investigations and the punishment of those responsible for human rights violations. Information would also be welcome on any steps taken to furnish free legal assistance and effective reparation for victims of such violations, along with comprehensive, timely assistance to the injured and the relatives of those who had been executed.

16. It would be helpful to know how the State party was planning to improve the training of the security, police and armed forces in matters of public order. He would be keen to hear about any steps that were to be taken to strictly enforce the principles of necessity, proportionality, reasonableness and legitimate purpose in the use of force in accordance with international standards. He would like the delegation to outline the measures adopted for the immediate and effective launch of the national mechanism for the prevention of torture as a function of the Ombudsman's Office.

The meeting was suspended at 3.35 p.m. and resumed at 4.45 p.m.

17. **A representative of Peru** said that the delegation was surprised by the statistics and reports cited by Mr. Santos Pais and would be interested to learn the precise nature of the sources of that information.

18. With respect to events that had taken place from the 1980s onward, the Truth and Reconciliation Commission had provided valuable information permitting the initiation of countless investigations leading to prosecutions and convictions for serious human rights violations, including in the Accamarca, Cabitos and Pomatanta cases.

19. **A representative of Peru** said that, since 2003, the Public Prosecution Service had specialized prosecutors on staff who dealt with cases involving serious human rights violations perpetrated between 1980 and 2000. A specialized court of that nature existed as well. A supra-provincial criminal prosecutor's office specialized in human rights and interculturality had very recently been set up in Puno to investigate historical cases of human rights violations involving enforced disappearances, torture and rape. Nationally, more than 600 cases were under investigation and, in recent months, a conviction had been obtained in the Hilario Ayuque enforced disappearance case. By 2022, the Public Prosecution Service had managed to identify and hand over the remains of more than 3,000 victims of enforced disappearance.

20. The Ministry of the Interior and the national police were committed to providing any information required to conduct investigations into human rights violations. Members of the Ministry had recently met with the Public Prosecution Service for that purpose. In order to prevent torture and the cruel, inhuman or degrading treatment of persons detained on suspicion of committing a crime, members of the Public Prosecution Service visited police stations where suspects were held to ensure that human rights standards were being maintained.

21. **A representative of Peru** said that the regulatory framework governing the use of force and the use of firearms by police and the code of conduct for officers had been aligned with international standards. In October 2022, the police had issued technical guidelines for interventions in demonstrations that emphasized respect for human rights and the appropriate use of force. Those two areas had also been the focus of a major police training initiative that same year which had seen 67 instructors and 7,500 officers receive training. It would be run on a larger scale in 2023.

22. Since 4 March, the Government had registered 933 persons injured in social protests, including 651 police officers. Deaths that had occurred in the demonstrations were under investigation by the Public Prosecution Service and the National Police Inspectorate.

23. **A representative of Peru** said that the Centre for International Humanitarian Law and Human Rights had been active in the Ministry of Defence since 2004; it conducted training courses for law enforcement agencies and ran a legal adviser programme and workshops. In total, more than 6,000 members of the armed forces had received training on the prohibition of torture and cruel and inhuman treatment. The Public Prosecution Service, not the military police, was responsible for investigating possible human rights violations.

24. **A representative of Peru** said that the Ministry of Health had issued a favourable opinion on four bills, most recently in January 2023, to decriminalize the voluntary termination of pregnancies in cases of rape, incest or when the fetus was unviable. No cases of harassment of women or doctors undertaking abortion procedures had been reported to the Ministry of Health. Technical standards for the voluntary termination of pregnancies of less than 22 weeks for medical reasons had been incorporated into the Criminal Code in 2014.

The associated budget was, on average, 150 million soles annually. In 2021, 85 such procedures had been performed, and a further 62 had been performed by September of 2022.

25. The Multisectoral Adolescent Pregnancy Prevention Plan for 2013–2021 had reduced the teenage pregnancy rate from 12.7 per cent in 2013 to 8.9 per cent in 2021. It had included training for health professionals and teachers and worked largely with the development, social inclusion and education sectors and with women and vulnerable groups. Methods of contraception and individual counselling had been provided for adolescents, and 26 information campaigns had been held in 2021 and 2022.

26. A determined effort had been made to reduce maternal mortality and, while the rate was still high, it had decreased significantly. Emergency obstetric services had been strengthened through training and workshops, and culturally sensitive health services were now available in 29 facilities located in 9 of the country's 25 regions. Various contraceptive methods, including emergency contraceptives, were provided in all of the country's 8,000 public health facilities. Contraceptives had been issued on 990,000 occasions in 2021 and 1,028,000 times in 2022. The most widely used method was quarterly contraceptive injections, followed by condoms. In 2021, the morning-after pill had been used by 11,147 women, 16 per cent of whom had been under the age of 18 and 2,052 of whom had been victims of sexual abuse. In 2022, 12,400 women had taken the morning-after pill; 18 per cent of them had been under 18 years of age and 3,124 had been victims of sexual abuse. Multisectoral work undertaken in the education sector by the Ministry for Women and Vulnerable Groups included the provision of training for peer counsellors to support young university students and to help prevent teenage pregnancy and sexual violence.

27. **A representative of Peru** said that economic reparations had been paid to 99.64 per cent of the victims of the violations that had occurred between 1980 and 2000, in compliance with Act No. 28592 and the Comprehensive Reparations Plan. Collective reparations had been paid in 76.41 per cent of cases. Access to health benefits had been increased by introducing special identifiers to improve victim services based on protocols for insurance providers. More than 120,000 people had benefited from comprehensive health insurance coverage and the services provided by 229 community mental health centres nationwide. During the coronavirus disease (COVID-19) pandemic, a remote health monitoring mechanism had been used to identify actual rates of timely and differentiated care.

28. Since Act No. 30470 had entered into force, the State had provided information on the whereabouts of more than 600 missing persons. Psychosocial support had been provided to 3,773 relatives of missing persons and material support to 20,050 relatives. A databank containing 1,200 genetic profiles was used to identify missing persons. The National Register of Disappeared Persons had listed 21,918 missing persons and 5,043 burial sites as of July 2021. The National Plan for the Search for Disappeared Persons had been approved in July 2021 and was being implemented by the Public Prosecution Service and the Ministry of Health.

29. **A representative of Peru** said that victims of forced sterilizations between 1995 and 2001 had been placed on a register and were provided with psychological and social support on a priority basis by the Ministry for Women and Vulnerable Groups. In 2016, the Ministry of Health had carried out the Community Intervention Plan in priority regions, attending to a total of 870 victims of forced sterilization. Two major investigations into cases of forced sterilization were currently being conducted in line with international standards.

30. **The Chair** said that she wished to make it clear to the delegation that the Committee adhered to the Guidelines against Intimidation or Reprisals and was unfortunately not at liberty to reveal the sources of the information it cited.

31. **Mr. Santos País** said that, in any event, the information used by the Committee was accessible to the State party. It could be found either on the website of the Office of the United Nations High Commissioner for Human Rights, in reports from the Office of the Ombudsperson or in the media.

32. The Committee was aware that the State party had devoted a great deal of effort to developing its legal framework in areas such as the use of force and the training of security forces. However, the results on the ground did not reflect those efforts, and actions by the

police and armed forces had resulted in numerous injuries and deaths. He would like to know how many cases were being investigated by the Public Prosecution Service and whether those investigations were focused on members of the police force, the military or only civilians. Were the arrests of demonstrators being conducted legally or arbitrarily? He also wished to know how many convictions there had been and on what charges.

33. **Mr. Quezada Cabrera** said that he would like to know whether the State party was implementing a historical memory policy at the national, regional and local levels to promote an awareness on the part of all Peruvians of the events of 1980–2000 and the serious human rights violations committed during that time.

34. **Mr. Carazo** said that he would like to know whether the detention of Mr. Pedro Castillo complied with the international standards established by the Committee and the Working Group on Arbitrary Detention. He also wished to know whether due process guarantees and the right to a defence were being observed in Mr. Castillo's case and whether the procedures of the Subcommittee on Constitutional Impeachment had been abided by with respect to his removal from the presidency in accordance with article 89 of the Rules of Procedure of Congress. He would appreciate clarification as to whether any members of Mr. Castillo's family were facing prosecution and, if so, whether due process was being applied. Lastly, he would like to receive information on the preliminary investigation opened by the National Board of Justice concerning the Attorney General's possible involvement in certain irregularities.

35. **Ms. Tigroudja** said that she would like to invite the delegation to respond to reports by the Special Rapporteur on violence against women and girls, its causes and consequences and the Inter-American Commission on Human Rights concerning acts of obstetric violence committed against Indigenous women in Peru.

36. **Mr. Gómez Martínez** said that he would be interested to know what the impact had been of the human rights training provided to police officers and how the Ministry of the Interior assessed the outcome of the training courses, especially in the light of the large numbers of protesters who had died at the hands of the police since December 2022.

37. **The Chair** asked what the status was of the amicable settlement reached between victims of forced sterilization and the Peruvian State.

38. **Mr. Chuquihuara Chil** (Peru) said that several institutions, including Congress, the Constitutional Court, the Ombudsman's Office and the Public Prosecution Service had acted to forestall the attempted coup d'état by former President Castillo on 7 December 2022. Within a matter of hours, Congress had removed Mr. Castillo from office and replaced him with Ms. Dina Boluarte, the current President, in accordance with article 113 of the Constitution. Mr. Castillo's human rights were being fully respected and his detention was being conducted under the supervision of the Ombudsman's Office and the Inter-American Commission on Human Rights. In the event of flagrant crimes such as a coup d'état, Congress, meeting in plenary, had the authority to take direct action and was not obliged to act through the Subcommittee on Constitutional Impeachment.

39. **A representative of Peru** said that the Constitutional Court had found the country's anti-terrorism law to be constitutional, and judges and prosecutors applied the law in accordance with the Constitution and the international human rights treaties to which Peru was a party. The Public Prosecution Service had taken immediate action to determine the legal status of the persons arrested following the raid at the National University of San Marcos. All detainees had been released within the custody time limit established by law, apart from one individual who had been held longer by court order. The Public Prosecution Service had visited police stations and hospitals to ensure that such persons were being treated properly. A special prosecutor's office for corruption cases was investigating Mr. Castillo for offences of rebellion, conspiracy and membership in a criminal organization, and a judge had been assigned to the case to ensure that all legal safeguards were respected during the investigation and trial. The right of Mr. Castillo's lawyers to access all the prosecutor's case files was guaranteed under the Code of Criminal Procedure.

40. Two multi-party cases regarding forced sterilizations were under investigation by a special team of prosecutors. The first had been opened in 2016 on behalf of over 2,600

victims, and the second, which had been instituted in 2019, involved more than 1,200 victims. Significant progress had been made in both of the investigations thus far.

41. Of the 60 deaths occurring during the recent protests, 48 had allegedly been due to the use of force by law enforcement officials. Investigations were being carried out in line with national and international standards to determine whether law enforcement officials had acted in accordance with the principles of necessity, legality and proportionality, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials.

42. **A representative of Peru** said that improvements had been made to the legislative framework regarding the use of force by the police and the training of officers. All new recruits received training on human rights, humanitarian law and the appropriate use of force. The level of violence in the country during the protests was unprecedented and had resulted in deaths, injuries and damage to buildings and vehicles, including ambulances and police and public transport vehicles.

43. **A representative of Peru** said that the Symbolic Reparations Programme had been introduced to commemorate victims of acts of violence committed between 1980 and 2000, acknowledge the harm caused and create memorials. To date, over 70 public apologies had been made to almost 200 individual victims of violence, and 18 memorials had been set up in 7 departments. In August 2022, construction had begun on the La Hoyada Remembrance Sanctuary, an emblematic space for the recognition and commemoration of victims, and a national plan for remembrance, peace and reconciliation was being developed based on guidelines approved by the High-level Multisectoral Commission, whose members included public officials and human rights activists. In 2020, a constructive dialogue had been held with the support of the German Embassy among over a hundred representatives of victims, the State, human rights organizations and academic institutions. With assistance from the Swiss Embassy, proposals formulated in the course of the dialogue had been assessed by experts, and a strategy had been developed to provide recognition for victims, guarantee their right to the truth and establish safeguards to prevent any repetition of such violence in the future.

44. **A representative of Peru** said that, since the enactment of the law on universal health insurance, the vast majority of the population had access to health insurance of some kind. In 2020, Peru had adopted a national multisectoral health policy which took an intercultural and rights-based approach and, in 2022, technical standards on the prevention and eradication of gender-based violence in sexual and reproductive health services had been approved to prevent violations of the rights of the Indigenous, rural and lesbian, gay, bisexual and transgender populations. Furthermore, standards had been introduced for the comprehensive care of women and lesbian, gay, bisexual and transgender persons who had been targets of sexual violence. Mental health care was provided in accordance with those standards at almost 250 community health-care centres nationwide. The *Código Violeta* (“code violet”) platform had been launched to ensure women victims of violence received timely and confidential care.

45. **A representative of Peru** said that the Ministry of Defence had provided information to further criminal investigations into serious human rights violations committed between 1980 and 2000 to the Public Prosecution Service and other relevant institutions.

46. **Mr. Santos Pais** said that the fact that the anti-terrorism law was constitutional did not necessarily mean that it complied with international standards. He wished to know how the Public Prosecution Service applied the law in practice, given that it might be tempted to misapply the law in order to secure convictions in the wake of the recent protests. Was the Police Protection Act (No. 31012) still in force? He wondered when the Public Prosecution Service was going to investigate actions by members of the armed forces or the police force and, when it did, whether it would do so in accordance with that law or in line with international standards on the use of force.

47. **A representative of Peru** said that investigations into human rights violations were carried out in accordance with international standards.

48. **A representative of Peru** said that, under the Police Protection Act, police officers who used their weapons or other means of defence in violation of the Constitution or international human rights standards could be held criminally responsible and would not benefit from the provisions established in that law.

49. **Mr. Chuquihuara Chil** (Peru) said that the Site of Remembrance, Tolerance and Social Inclusion had been built in Lima to commemorate victims of the violence in Peru that had occurred over the period 1980–2000, and there were plans to build similar monuments in Ayacucho and Andahuaylas.

The meeting rose at 5 p.m.