



# International Covenant on Civil and Political Rights

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## Human Rights Committee 137th session

### Summary record of the 3968th meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 7 March 2023, at 3 p.m.

*Chair:* Ms. Abdo Rocholl

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

*Sixth periodic report of Peru (continued)*

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\* No summary record was issued for the 3967th 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](#); [HRI/CORE/PER/2019](#))

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), responding to questions raised at the previous meeting, said that the Attorney General's Office, the Public Prosecution Service and the inspectorates attached to the Ministry of the Interior and the Ministry of Defence were carrying out investigations to identify persons injured or killed in the protests that had been taking place since December 2022. A multisectoral commission had been set up to provide comprehensive support to victims and their families.
3. For two decades, Peru had been plagued by terrorist groups, not least the Shining Path (*Sendero Luminoso*), remnants of which continued to engage in drug trafficking. State agencies had to take action to preserve the peaceful society that had taken so much time and effort to achieve. The scars left by that dark period of the country's recent history were used by some segments of society to stigmatize the legitimate exercise of the right to peaceful protest. The Government was convinced that broad and inclusive social dialogue was the best way out of the country's predicament and was keenly aware of the important role played in that respect by civil society, the Church and the United Nations.
4. The country's efforts to search for and locate disappeared persons had been internationally recognized as an example of best practices. In 2022, Peru had been invited by the International Committee of the Red Cross to join the Global Alliance for the Missing, which sought to raise awareness of the issue of missing persons and separated families. The General Directorate for the Search for Disappeared Persons of the Ministry of Justice and Human Rights had organized well-attended seminars to promote an exchange of experiences among public and private actors from around the world who were involved in the search for disappeared persons. More detailed replies to the Committee's questions would be submitted in writing.
5. **Mr. Gómez Martínez** said that he would be grateful for information on the measures adopted by the State party to amend Legislative Decrees Nos. 1094 and 1095 to bring them into line with its Constitution and its human rights obligations under the Covenant and the steps it had taken to ensure that human rights violations remained outside the jurisdiction of military courts. Bearing in mind the Constitutional Court judgment of 8 July 2015 in Case No. 00022-2011-PI/TC, he wished to know whether the armed forces could legally intervene in the current protests without the Government having first declared a state of emergency, whether the involvement of military personnel in violent incidents while policing demonstrations meant that cases involving those incidents would fall under the jurisdiction of military courts and whether the Government had evaluated the extent to which the declaration of a state of emergency could encourage the excessive use of force by the police and the army.
6. Concerning access to justice, he would appreciate a description of the State party's system for providing free legal aid and an indication of the number of persons who had benefited from such assistance in 2021 and 2022. Details on the measures provided for in the Peruvian legal system to ensure the compatibility of traditional Indigenous justice systems with the Covenant would also be welcome.
7. **The Chair**, speaking as a member of the Committee, said that the State party had yet to respond to the request made in paragraph 17 of the list of issues prior to reporting ([CCPR/C/PER/QPR/6](#)) for a description of what had been done to ensure that a rights-based approach was taken to the treatment of migrants and that officials responsible for migration procedures were provided with appropriate training. In that connection, it would be interesting to know what action the Government was taking to prevent hate speech.

8. She wished to know whether the protocol guaranteeing the protection of human rights defenders that was mentioned in paragraph 192 of the State party's report (CCPR/C/PER/6) had been successfully implemented, how many complaints had been recorded in the official register established under the protocol, whether those complaints had led to legal action and, if so, whether any sentences had been handed down.

9. It would be helpful to learn whether there had been any proposals to amend articles 130 to 138 of the Criminal Code, which laid down punishments for defamation, libel and slander, in order to protect freedom of opinion and expression. In that regard, she would welcome an update on the status of bill No. 02862/2022-CR, which sought to increase those punishments.

10. The Committee was aware of multiple reports of attacks on journalists and therefore would like to know what measures had been taken to guarantee and promote freedom of opinion and expression. What steps had been taken to protect the integrity and safety of members of the press and human rights defenders? Were there official statistics on the numbers of journalists and human rights defenders who had been murdered, attacked, threatened or been the targets of acts of intimidation? Information would also be appreciated on the progress of any investigations into such incidents, on the sentences and punishments imposed on perpetrators of such acts and on the protection and reparation measures granted to victims in each case.

11. **Mr. Quezada Cabrera** said that he wished to know what had been done to protect and care for victims of trafficking in persons, especially in the area of mental health; what activities had been carried out under the National Plan of Action to Combat Trafficking in Persons 2017–2021; what that plan's impact had been; and whether a new plan had been developed. He would be keen to hear details on measures taken to combat trafficking in persons and forced labour in extractive industries, together with a description of the State party's efforts to protect the most vulnerable groups, including women and children and, in particular, Venezuelan migrant and refugee women. He would be interested to hear the delegation's response to reports that 40 migrant women alleged to be victims of trafficking and/or exploitation had been expelled from Peru. How did the State party protect the rights of migrants and refugees who were victims of trafficking and/or exploitation and ensure that they had access to justice? What progress had been made in coordinating anti-trafficking efforts with other countries in the region and what bilateral or multilateral agreements had been concluded in that respect?

12. Regarding the rights of persons belonging to minority groups, he wished to know whether Indigenous persons were entitled to interpretation into their mother tongue during judicial proceedings, whether investigations had been conducted into reports of Indigenous leaders being threatened and murdered during the coronavirus disease (COVID-19) pandemic and, if so, what their outcomes had been. He would also be grateful for an update on the status of the Multisectoral Standing Committee on the Application of the Right to Consultation and would like to know whether it was true that the Committee's mandate had been reduced in 2016 to cover only the monitoring of agreements, that the Committee operated without the participation of Indigenous organizations, that dialogues had not been equitable, that Indigenous persons had been pressured to conclude agreements and that there was a general lack of compliance with those agreements.

13. He invited the delegation to comment on reports that a lack of legal certainty regarding the titling of Indigenous territories opened the door to illegal activities, that the regulatory and administrative complexity of titling procedures led to the existence of overlapping rights to communal territories and that Indigenous communities in rural areas lacked essential public services and were exposed to severe levels of pollution from oil and mining industries. Could the delegation provide an update on any progress achieved by the Working Group on the Afro-Peruvian Population, which was mentioned in paragraph 228 of the State party's report?

14. **Ms. Kpatcha Tchamdja** said that she would be interested to receive further information on the use of alternatives to detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), and statistics illustrating the progress made in the use of such measures as electronic monitoring, probation

and community service. She would welcome a description of the steps taken to improve conditions in all places of detention, including police facilities, in line with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and especially in the case of persons accused of terrorism, who were allegedly held in small, poorly lit cells. Lastly, she invited the delegation to describe the steps taken to meet the specific needs of vulnerable detainees, including older persons, persons with disabilities and persons living with HIV/AIDS, and of the children of women detainees. Details of the measures adopted at Yanamayo and Challapalca prisons would be particularly appreciated.

15. **Mr. Santos Pais** said that it would be helpful to hear about the main outcomes of the implementation of the National Strategy for the Prevention and Eradication of Child Labour 2012–2021 and the delegation’s comments on allegations that investigations concerning child trafficking in mining areas and efforts to prosecute traffickers had fallen short of expectations owing to the insufficient training of investigators, police officers and members of the judiciary and inadequate allocations of human and financial resources. He would be grateful to receive statistics on such investigations and prosecutions and an indication of whether data on trafficking and forced labour in extractive and other industries were collected and published annually. A description of the criminal justice mechanisms in place to combat impunity for trafficking and forced labour and to provide redress and rehabilitation to victims would also be welcome.

16. He invited the delegation to comment on reports that migrant mothers who lacked identity documents were unable to obtain birth certificates for their children, that some migrant parents could not afford national identity cards for their Peruvian children and that others were not properly informed about the birth registration process. An estimate of the number of children in the State party who did not have an identity document would be appreciated.

*The meeting was suspended at 3.35 p.m. and resumed at 3.50 p.m.*

17. **A representative of Peru** said that the expulsion of asylum-seekers and refugees was prohibited in his country and there was no mass expulsion policy. The Special Commission for Refugees had organized meetings with immigration officials in Lima and in border areas to inform them about the prohibition on expelling persons who were applying or had received international protection in accordance with the Refugee Act and the country’s international commitments in that connection. The National Police Aliens Division, which was responsible for dealing with irregular migration, was represented on the Special Commission for Refugees and was aware of the need to verify whether an individual to be deported was an asylum-seeker or refugee. A working group of the Intersectoral Round Table for Migration Management received support from the World Bank to promote the integration of migrants into their host communities and combat discrimination and xenophobia.

18. Deportation was permitted in specific cases but only after all the requisite legal procedures had been concluded. The case law of the Constitutional Court set out the State’s obligations with respect to the rights of migrants, and those who considered their rights to have been violated were entitled to file a petition for *amparo*. The Special Commission for Refugees was consulted regarding any deportation procedure, and steps had been taken to verify that none of the more than 200 Venezuelan nationals who had been deported were asylum-seekers or refugees. Persons who were recognized as refugees in Peru received an alien’s identity card that allowed them to register the birth of their children without difficulty. Asylum-seekers could use their passports for that purpose or, failing that, they could obtain an asylum-seeker’s identity card. The Commission had an office where asylum-seekers or refugees who faced discrimination or rights violations could file a complaint and receive assistance.

19. **A representative of Peru** said that the Standing Commission on Access to Justice for Vulnerable Persons had established mobile justice units as part of the judiciary’s strategic plan for the period up to 2030 to ensure that persons living in poverty or in remote areas had timely access to justice. Mobile courts operated in 35 districts around the country. Local media campaigns were carried out to raise awareness of the availability of those services. The mobile units comprised prosecutors and public defenders and handled matters related to

the establishment of paternity, alimony, violence against women and family members, and the rectification of birth certificates. The Congress was currently considering legislative proposals to establish a nationwide mobile justice system. Events were held to educate the public about the legal system and human rights, and national guidelines had been approved for the prioritization of legal cases involving persons with disabilities and older persons in accordance with the Convention on the Rights of Persons with Disabilities and the Inter-American Convention on Protecting the Human Rights of Older Persons.

20. **A representative of Peru** said that 14 special prosecutor's offices had been established to deal with cases related to trafficking in persons. Various technical documents on the subject had been prepared, including a procedural guide for interviewing children and adolescents who had been victims of abuse, a protocol for the care of crime victims and an operational handbook for criminal investigators. In October 2022, the Special Prosecutor's Office for Human Rights had secured a 15-year prison sentence for a retired national police officer who had been found guilty of the enforced disappearance of journalist Hilario Ayuque Zuñiga in 1984, and various proceedings for crimes against other journalists were ongoing. Prosecutors had been issued with guidelines to prevent conduct that might violate the legal rights of human rights defenders, and the Public Prosecution Service worked with organizations of Indigenous Peoples to hear their concerns and initiate legal action where appropriate.

21. **A representative of Peru** said that various laws and legislative amendments had been introduced to combat trafficking in persons as a crime against human dignity, allow civil action to be taken on behalf of child victims, establish criteria for determining reparations, use confiscated assets to compensate victims and introduce harsher sentences for trafficking offences in cases where the victim was pregnant. The Ministry of the Interior was responsible for guiding the implementation of the National Policy on Trafficking in Persons and Related Forms of Exploitation in the period up to 2030, and regional offices had been tasked with the policy's implementation. To raise awareness of trafficking in persons, events were held to mark the World Day and National Day against Trafficking in Persons, workshops were held in regions where trafficking was prevalent and university lectures were organized. Campaigns to build the capacity of national police officers for investigating cases of disappeared persons, trafficking in persons and related cybercrimes had been conducted in 2021 and 2022, with over 2,000 officers having been trained during each campaign. In 2022, training had been provided to police officers on applying the operational guidelines for the investigation of trafficking in persons, and almost 1,000 trafficking victims had been rescued during anti-trafficking operations carried out across the country. Many of the victims had been Venezuelan nationals. Peru had signed bilateral cooperation agreements with Argentina, Ecuador, Colombia, the Plurinational State of Bolivia and Chile and was negotiating similar agreements with Paraguay and Uruguay. Lastly, a commission of the Ministry of Labour and Employment Promotion was currently developing a national policy on the prevention of forced labour.

22. **A representative of Peru** said that, in order to facilitate birth registration, auxiliary registry offices had been established at over 160 hospitals throughout the country where parents could register their newborn babies and obtain birth certificates and national identity documents for them. In cases of births outside hospitals, a sworn declaration from an appropriate civil authority such as a justice of the peace could be used to register the birth. Since Peru applied the *jus soli* principle, babies born in the country to migrant parents were entitled to Peruvian nationality, and the National Identity and Civil Status Registry took all necessary steps to ensure that they were registered. The Identity Restitution and Social Support Office provided assistance to undocumented persons and carried out campaigns for the issuance of national identity documents to the most vulnerable members of the population. Birth registration was always free of charge. Electronic national identity documents issued to children contained the fingerprint of one of their parents as an anti-trafficking measure.

23. Campaigns were under way to register the large numbers of babies who had been born during the COVID-19 pandemic, when the registries had been closed. Mobile units travelled to areas where the most births had gone unregistered, and the National Identity and Civil

Status Registry was working with the Ministry of Education to reach out to mothers of undocumented children.

24. **Mr. Santos Pais** said that he wished to hear about measures to protect children from trafficking and forced labour in mining areas and other remote locations.

25. **Mr. Gómez Martínez** asked whether the Ministry of Justice and Human Rights and the Public Defence Service were aware of certain shortcomings in the provision of free legal aid and, if so, whether they had put any measures in place to ensure that people on low incomes who were unable to hire a lawyer of their choice were provided with legal counsel.

26. **Mr. Quezada Cabrera** said that further information would be welcome on the situation of the 40 migrant women who had allegedly been expelled from the State party in 2022 despite having been identified as victims of trafficking. He would also appreciate responses to the five questions that he had posed earlier regarding the situation of Indigenous Peoples.

27. **Ms. Kpatcha Tchamdja** said that she would like to receive a detailed response to the questions she had asked regarding issues related to liberty and security of person and the humane treatment of persons deprived of their liberty. Responses had been provided regarding older adults and persons with disabilities, but there were a number of other issues that had not yet been covered.

28. **Mr. Tello Alfaro** (Peru) said that the Ministry of Justice and Human Rights provided criminal defence, victim representation and legal assistance services. Those services had been provided to over 1.2 million people at the national level in 2021 and over 1.2 million once again in 2022. There were teams of public defenders trained in handling Indigenous affairs in several regions of the country. Advisory services were provided to members of campesino and Indigenous communities, and a protocol was in place for the protection of human rights defenders. Situations in which human rights defenders were known to be at risk were monitored on an ongoing basis. Thus far in 2023, 42 petitions for the activation of early warning mechanisms on behalf of human rights defenders had been received; protective measures had been adopted in 9 of those cases to date, while 2 had been found to be inadmissible.

29. In 2019, legal sponsorship had been provided for trafficking victims in 627 cases; in 2020, it had been provided in 323 cases; in 2021, in 394 cases; and in 2022, in 214 cases. In total, 970 victims of human trafficking were currently receiving legal sponsorship and 532 accused persons were receiving criminal defence services.

30. **A representative of Peru** said that 72 consultations had been carried out with Indigenous communities concerning hydrocarbon mining projects, protected natural areas, cultural heritage issues and other matters, while others were under way. As a result, over 1,000 agreements had been concluded, of which 50.4 per cent had been fulfilled so far. A range of measures had been taken for the provision of services that respected linguistic diversity, such as the introduction of regulations for the implementation of the Indigenous Languages Act and the creation of the Indigenous People's Platform for Addressing Climate Change as part of the prior consultation process provided for under the Framework Act on Climate Change. A recent ruling issued by the Supreme Court had upheld a complaint lodged by Indigenous Peoples and, on that basis, had invalidated a provision of the implementing regulations of the Prior Consultation Act and a directive that provided for an exemption from the obligation to conduct prior consultations for certain infrastructure projects. Training regarding that ruling and prior consultation requirements for infrastructure projects had been provided to 444 regional government officials, 21 members of Indigenous communities and 78 members of other institutions. The Ministry of Culture had provided training on the right to prior consultation to 2,082 people, including public servants and members of Indigenous Peoples and of the general public. The Multisectoral Standing Committee on the Application of the Right to Consultation had met four times in 2017 and three times in 2022.

31. **A representative of Peru** said that work was proceeding on a project for the reintegration into the workforce of victims of forced labour or human trafficking for purposes of labour or sexual exploitation. Victims were receiving both soft and technical skills training to improve their access to employment and self-employment in areas in the regions of Puno

and Cuzco where trafficking was prevalent. The International Labour Organization had provided technical assistance for the project. Emotional and psychological support services would also be offered to such individuals and their families. Entrepreneurship loans had been provided to 40 victims of forced labour and human trafficking as part of an innovative pilot project which would gradually be extended to the entire country. A policy on the prevention and eradication of forced labour was being formulated. Information gathered using a survey on forced labour was being used to inform more precise and concrete measures to combat that crime and improve its detection. The Observatory on Forced Labour was also collating information that could be used to strengthen public policies.

32. A national strategy to prevent and eradicate child labour had been launched in 2012, and the rate of child labour had fallen steadily up to 2019. Then, in the context of the COVID-19 pandemic, the child labour rate had increased by 1.6 per cent in 2020 and had not fallen in 2021. A new strategy to combat child labour was being developed. More information on child labour would be provided in writing.

33. **A representative of Peru** said that guidelines had been issued by the Ministry of Health on mental health services for child and adolescent trafficking victims to support their reintegration into a family setting and their social rehabilitation. Regional coordination units for the implementation of the national policy to combat human trafficking had been established in regions where it was prevalent and where illegal mining operations were a particular concern. Provincial round tables were in place to facilitate local and multisectoral interventions, and 25 regional plans had been developed along the same lines as the National Plan of Action to Combat Trafficking in Persons 2017–2021.

34. **A representative of Peru** said that, under Act No. 21522, which amended Legislative Decree No. 1095 and had entered into force in July 2022, there was no situation in which the armed forces could intervene without a state of emergency having previously been declared. Any human rights violations were investigated by the Public Prosecution Service and did not fall under the jurisdiction of the military justice system.

35. **Mr. Chuquihuara Chil** (Peru) said that three months had passed since the coup d'état led by former President Pedro Castillo with the aim of destabilizing democracy in his country; President Dina Boluarte was making every effort to restore social peace. The loss of life and the injuries that had occurred during the ensuing demonstrations were deeply regrettable. However, when peaceful demonstrations were disrupted by groups engaging in vandalism or violence, law enforcement agencies were obliged to intervene to restore peace and, under those circumstances, deaths and injuries could unfortunately occur.

36. His country's commitment to democracy and to the international human rights system was evidenced by his delegation's presence before the Committee and its openness to scrutiny from the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights. His Government was eager to work with representatives of the Office of the United Nations High Commissioner for Human Rights to address the social and political crises that the country was facing.

*The meeting rose at 4.55 p.m.*