



**Optional Protocol to the  
Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment**

**Visit to Peru, 10-20 September 2013: observations  
and recommendations to the State party**

**Report of the Subcommittee\*, \*\***

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\* In accordance with article 16, paragraph 1, of the Optional Protocol, the present report was transmitted confidentially to the State party on 24 March 2014. The State party requested its publication, pursuant to article 16, paragraph 2, of the Protocol, on 12 July 2017.

\*\* The annexes to the present report are distributed in the original language only.



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## I. Introduction

1. In accordance with articles 1 and 11 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment conducted a visit to Peru from 10 to 20 September 2013.
2. The Subcommittee was represented by the following members: Enrique Font, Hans Draminsky Petersen, Margarida Pressburger, Judith Salgado and Wilder Tayler (Head of Delegation).
3. The Subcommittee was assisted by four human rights officers and two security officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR).
4. The Subcommittee visited places of deprivation of liberty in the provinces of Cajamarca, Chiclayo, Puno, Trujillo and Lima<sup>1</sup> and held meetings with government and legislative authorities, the Ombudsman's Office, United Nations officials and representatives of civil society.<sup>2</sup> The Subcommittee wishes to thank them for the valuable information provided.
5. At the end of the visit, the Subcommittee presented its confidential preliminary observations orally to the authorities.<sup>3</sup> In the present report, the Subcommittee presents its conclusions and recommendations concerning the prevention of torture and ill-treatment of persons deprived of their liberty. This report uses the generic term "ill-treatment" to refer to any form of cruel, inhuman or degrading treatment or punishment.<sup>4</sup>
6. **The Subcommittee requests the Peruvian authorities to reply within six months of the date of transmission of this report, giving a full account of the actions taken to implement the recommendations.**
7. The present report will remain confidential until such time as the State decides to make it public, as stipulated in article 16, paragraph 2, of the Optional Protocol. The Subcommittee firmly believes that the publication of this report would be a positive contribution to the prevention of torture and ill-treatment, as the widespread dissemination of the recommendations would contribute to a transparent and fruitful national dialogue on the issues covered in the report. **The Subcommittee recommends that Peru request that this report be published, as other States parties to the Optional Protocol have already done.**
8. The Subcommittee wishes to draw the State party's attention to the Special Fund established in accordance with article 26 of the Optional Protocol. Recommendations contained in Subcommittee visit reports that have been made public can form the basis of an application by the State party for funding of specific projects through the Fund.
9. The Subcommittee is grateful to the Peruvian authorities for their positive cooperation and facilitation of the visit.

## II. National preventive mechanism

10. Pursuant to article 17 of the Optional Protocol, Peru should have established or designated a national preventive mechanism by 14 September 2007. However, despite the efforts made at various levels to fulfil this obligation and the State's various legislative initiatives, and statements in international forums, at the time of the visit the process was not yet complete.

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<sup>1</sup> Please see annex II.

<sup>2</sup> Please see annex I.

<sup>3</sup> The preliminary observations were subsequently transmitted to the State party in writing on 4 October 2013.

<sup>4</sup> In accordance with article 16 of the Convention against Torture.

11. The establishment of the national preventive mechanism is a priority for the Subcommittee. Furthermore, in the light of the conclusions set out in this report concerning the situation of persons deprived of their liberty and the current absence of any body that makes unannounced visits to places of deprivation of liberty and maintains direct contact with persons deprived of their liberty, the Subcommittee believes that there is a clear need to establish such a mechanism in Peru. For this reason, during its visit the Subcommittee met with, inter alia, senior representatives of the executive and legislative branches of the Government, including the President of the Council of Ministers, the Minister and Deputy Minister of Justice and Human Rights, the President of Congress and the chairpersons of the congressional justice and budgetary committees, as well as the Ombudsman, in an effort to move the process towards completion.

12. The Subcommittee notes with satisfaction that on 10 December 2013 a bill (No. 1618/2012-CR) was approved by the Justice and Human Rights Committee of the Congress of the Republic. This bill designates the Ombudsman's Office as the body responsible for implementing the national preventive mechanism.

13. **The Subcommittee trusts that Congress will enact the law on the national preventive mechanism without delay this year. In this regard, it recommends that the authorities grant the national preventive mechanism functional independence and adequate human and material resources — including a technical secretariat of its own — to effectively carry out its functions in accordance with the Optional Protocol. The Subcommittee also trusts that the legislative framework will provide for collaboration between the national preventive mechanism and civil society, with a view to enhancing the effectiveness of the mechanism, and cooperation with the government agencies responsible for matters related to its mandate, in implementing its recommendations.**<sup>5</sup>

### III. Situation of persons deprived of their liberty

#### A. Detention in police stations and judicial police holding cells

##### 1. Physical conditions

14. The Subcommittee observed poor conditions in the holding cells in police stations and specialized police units and in the judicial police holding cells it visited, both in Lima and in the provinces. In many cases the cells have no natural light, are poorly ventilated and usually smell of dirt, urine and sewage. There are often no beds or mattresses, and detainees sleep on the floor and cover themselves with blankets that are usually provided by their families. The cells are generally small. For example, the cells in one of the police stations visited measured approximately 10 m<sup>2</sup> and could hold up to seven people. The situation is no better in the cells of the specialized police units such as the Directorate of Criminal Investigation and the Directorate of Narcotics Control. In these units, detainees can be held in dark, damp, cold cells for up to 15 days, or sometimes longer if they are transferred from other provinces. No provisions are made for detainees to have access to a yard or any type of exercise in any of the locations visited.

15. Detainees in police stations are not given any food and have nothing to drink except the water from the bathrooms, which is often dirty. The only available food is whatever their families may bring. **The Subcommittee recommends giving the police force a budget that will enable it to provide detainees with food and drinking water while they are held in police stations.**

16. The Subcommittee reviewed the registers at police stations and found that no records are kept of confiscated property. Several of the detainees interviewed stated that police officers had stolen items from them, such as telephones and watches. The Subcommittee recommends creating an official register of items confiscated in police stations, to be signed by detainees and the duty officer on admission and departure.

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<sup>5</sup> On 3 March 2014 the Subcommittee transmitted comments on the bill to the State party.

17. **The Subcommittee recommends taking measures to bring conditions of detention in police stations and judicial police holding cells into line with international standards and to ensure that they satisfy detainees' basic needs regarding sanitation, bedding, food, water and possibilities for recreation, taking into account the length of their stay. The Subcommittee recommends in particular renovating the judicial police holding cells and those in specialized police units, where detainees may be held for several days.**

## 2. Medical examinations

18. By law, all detainees must be examined by a doctor from the Institute of Forensic Medicine. Nevertheless, some detainees interviewed by the Subcommittee claimed that they had not been examined. Others stated that the examination had been extremely brief and superficial and had been conducted in front of police officers, and that the results had been transmitted to the police.

19. During the Subcommittee's visit to the judicial police holding cell in Lima, four detainees with injuries were admitted to the Medical Service, which is staffed by a nurse. Although their injuries were noted on their medical records, there was no mention of their possible cause or any follow-up action. In addition, in one of these cases not all the injuries described on the holding cell admission form were entered in the medical record.

20. **Medical examinations of persons admitted to detention centres and the proper reporting of injuries found during those examinations constitute important guarantees of the prevention of torture and ill-treatment and in combating impunity.<sup>6</sup> They can also protect police officers and prison staff against false allegations. It is recommended that such examinations be conducted in private by a health professional who is trained to describe and draw up a detailed and independent report of injuries, including medical and psychological aspects. The results should be kept confidential from police officers and prison staff and should be shared only with the detainee or their lawyer, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). In the event of allegations of ill-treatment and/or torture, the public prosecutor should be informed and the person deprived of their liberty should be given a full examination. The Institute of Forensic Medicine should draw up a form in line with the Istanbul Protocol, to be used when examining persons claiming to have suffered torture or ill-treatment.**

## 3. Torture and ill-treatment

21. The Subcommittee heard testimony from individuals and representatives of civil society organizations about cases of torture and ill-treatment inflicted during police operations. It was stated that the purpose of these practices is not to investigate crimes, but rather to punish and intimidate individuals, for example in cases related to social protests. Beatings and verbal abuse are the methods mainly used. The Subcommittee heard accounts of threats, extortion, attacks and scare tactics employed against lesbian, gay, bisexual and transgender (LGBT) persons — some of whom were not even under arrest — to clearly discriminatory ends. The testimony implicated not only members of the national police force but also members of Serenazgo, a civilian security service.

22. Many of the persons deprived of their liberty who were interviewed, both minors and adults, reported having been beaten by the police, some severely, some less so, either at the time of their arrest or at the police station. While some said they had been subjected to slaps and verbal abuse, others described beatings, including punches and kicks to the head, chest and other parts of the body, by police officers using their bare hands or objects such as rubber truncheons or the butt of a gun, in some cases while the victim was handcuffed. Some reported that they had been beaten for purposes of extortion.

23. The Subcommittee was also informed of incidents of excessive and disproportionate use of force in arrests at demonstrations. In particular, the Subcommittee was informed of

<sup>6</sup> Committee against Torture, general comment No. 2, para. 13.

cases in which human rights defenders, community leaders and peasants had been subjected to torture or ill-treatment after arrest at demonstrations.

24. The Subcommittee gained access to copies of criminal case files and footage from the video surveillance system in the city of Cajamarca containing evidence of excessive use of force by the police during arrests. One such video showed the arrest of a community leader in the street. It seems that this individual was subsequently tortured at police station No. 1 and suffered serious injuries. In other footage, a teenager could be seen being beaten with fists and truncheons and kicked until he lost consciousness, while another person who attempted to photograph the incident was forced into a police vehicle. In both cases the duty prosecutor was present but did not intervene.

25. The Subcommittee was also informed that private security companies protecting mining companies have committed abuses during arrests at demonstrations.

**26. The Subcommittee recommends adopting measures to effectively prevent torture and ill-treatment at the hands of the police in all circumstances, and to ensure that such practices are duly investigated and the perpetrators punished. The authorities should give clear instructions in order to prevent ill-treatment and torture and should punish those who engage in such practices at demonstrations, whether law enforcement officials or private security guards.**

**27. The Subcommittee recommends adopting effective measures to protect members of the lesbian, gay, bisexual and transgender community from assault, ill-treatment and arbitrary detention at the hands of security forces and to ensure that all cases of violence are subject to prompt, effective and impartial investigation, prosecution and punishment and that victims obtain redress.**

## **B. Prisons**

### **1. Conditions of detention**

#### *(a) Overpopulation and overcrowding*

28. The Subcommittee received information indicating that overcrowding is a recurring problem in Peruvian prisons, as it saw for itself in the prisons in Lurigancho, Chiclayo, Trujillo (prison for men) and Huacariz. The National Prison Institute told the Subcommittee it was concerned about the fact that, as at 9 September 2013, the prison population in the country stood at 66,700, with an overpopulation rate of 115 per cent. Between July 2011 and September 2013, the prison population increased by 37 per cent.

29. Due to overcrowding, not all persons deprived of their liberty have a bed. In Chiclayo, for example, the Subcommittee visited blocks where there were two prisoners per single bed and more who were sleeping on the ground. In the women's block there was one cell with 12 beds for 17 persons and another with 12 beds for 38 persons. There are about 3,200 prisoners in the Trujillo prison, which has a capacity of 1,000. The Subcommittee visited block A. In each cell, which measures approximately 30 m<sup>2</sup>, there were about 36 prisoners (some over 70 years of age) but only 17 or 18 beds. In the maximum security blocks, each cell has two beds but might hold up to six prisoners. None of the blocks have separate areas for conjugal visits.

30. Many of those interviewed, including the National Prison Institute, stated that there was an abuse of pretrial detention that was a consequence of security policies with a strong punitive bias, and that many of those in pretrial detention should not be in prison. As at September 2013, 55 per cent of persons deprived of liberty in Peru were in pretrial detention, compared with 45 per cent who were serving sentences. Generally speaking, there is no separation of the two groups in prisons.

31. In contrast to the situations described above, the Subcommittee noted an absence of overcrowding and, in general, a more orderly form of management at the Ancón II prison.

32. **The Subcommittee recommends that the State party: (a) review its public security policies with a view to reducing prison overcrowding;<sup>7</sup> (b) encourage the judicial authorities to use alternatives to deprivation of liberty, in accordance with international standards;<sup>8</sup> (c) take measures to ensure that persons deprived of their liberty are housed in conditions that comply with international standards, applying, for example, minimum standards with respect to the cubic content of air and floor space<sup>9</sup> and ensuring that each person deprived of their liberty is provided with their own bed and clean bedding;<sup>10</sup> and (d) ensure the separation of untried prisoners from convicted prisoners.<sup>11</sup>**

(b) *Physical conditions*

33. Generally speaking, the Subcommittee observed that the prisons visited were well below standard, as illustrated by the examples described below.

34. In the Lurigancho prison, the Subcommittee visited “La Candelaria”, which is a two-storey construction built by the prisoners themselves, measuring approximately 2 m x 6 m, where 24 prisoners sleep in triple bunks in extreme overcrowding. The building is damp and has no natural light sources or ventilation, and its latrines are full of standing water and in an appalling state. Alongside this building is another known as “the big brother”, measuring approximately 3 m x 6 m, where 20 prisoners sleep in two rows of bunk beds. Some detainees in this prison cannot afford to pay for a cell and therefore sleep out in the open in the yard.

35. In the Huacariz prison the cells measure approximately 3 m x 2 m, and each one houses three to five prisoners, many of whom sleep on the floor. Drinking water is turned on for only 15 minutes each morning and must be collected in containers for use for the rest of the day.

36. At the Yanamayo prison, located at an altitude of 3,800 m in a region with extremely low temperatures, there is no heating. The semi-open areas of the building, such as the cells, are covered with plastic sheeting put up by the prisoners themselves to provide a minimum of protection from the cold. Water is supplied only from 6 a.m. to 9 a.m., and there are only four latrines per block, which are foul-smelling and in very bad condition. Due to their poor state of repair, the electrical installations pose a safety risk to the prisoners.

37. In several of the prisons visited, the persons deprived of their liberty or their families have to provide their own mattresses, blankets and cleaning materials.

**38. The Subcommittee urges the State party to conduct a nationwide audit of the physical conditions in prisons, with a view to establishing and implementing realistic cleaning and renovation programmes, and in particular to renovate sanitary and electrical installations and enlarge the prison cells.**

(c) *Food*

39. The Subcommittee observed that the food provided by the State is insufficient, monotonous and of low quality, which was one of the complaints heard most often from persons deprived of their liberty. In some of the prisons visited, food may not be brought in by family members. In others it may, but only in very small quantities.

**40. The Subcommittee recommends stepping up food quality inspections and ensuring that meals are prepared in hygienic conditions, are sufficient in quantity and are of adequate nutritional quality and variety.<sup>12</sup>**

<sup>7</sup> Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, principle XVII.

<sup>8</sup> United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules).

<sup>9</sup> Standard Minimum Rules for the Treatment of Prisoners, rule 10.

<sup>10</sup> *Ibid.*, rule 19.

<sup>11</sup> International Covenant on Civil and Political Rights, art. 10, and Standard Minimum Rules for the Treatment of Prisoners, rule 8, para. (b).

<sup>12</sup> Standard Minimum Rules for the Treatment of Prisoners, rule 20, para. 1.

(d) *Contact with the outside world*

41. Many of the prisoners interviewed complained that the National Prison Institute had cut visiting hours for security reasons. In the Trujillo, Chiclayo and Cajamarca prisons, for example, visits are only allowed two days per week and only for immediate family members (father, mother, children and partner). Women who visit prisoners are often forced to undergo searches of their private parts, and the same glove is used for several searches. Items or food that visitors bring for their relatives are often confiscated, and visitors are often subjected to rude and discriminatory treatment. Some persons deprived of their liberty complained that they had not been allowed to attend the funerals of their immediate family members. National Prison Institute officials, for their part, complained that they did not have sufficient capacity or technology to screen visitors and thereby prevent the entry of prohibited objects or substances.

42. In some prisons the persons deprived of their liberty who were interviewed said that it was extremely rare for any bodies to come and inspect their living conditions. If representatives of the Ombudsman's Office showed up in response to a specific incident, they did not visit the cell blocks and the prisoners had no opportunity to meet with them. The Ombudsman's Office, for its part, said that it did not have the capacity to make regular visits to prisons or maintain direct contact with persons deprived of their liberty in order to monitor their living conditions. NGOs did not conduct visits either, apart from providing pastoral care in some prisons.

**43. The Subcommittee recommends training staff who deal with visitors in respect for visitors' rights. Body searches should comply with the criteria of necessity, reasonableness and proportionality and should be carried out under sanitary conditions by qualified personnel of the same sex as the person being searched. Searches of private parts should be prohibited.<sup>13</sup>**

**44. The Subcommittee recommends not limiting visiting hours except in very exceptional situations, and making it possible for persons deprived of their liberty to attend the funerals of immediate family members.**

(e) *Situations of self-governance*

45. In the Lurigancho prison, the Subcommittee observed a situation of self-governance whereby true control of the blocks is in the hands of groups of prisoners who make their own rules and arrangements. This leads to situations in which the other prisoners are under the thumb of the dominant group. In addition, the prison operates in such a way that commercial transactions of all kinds go on, including payment for particular areas or the best cells and for privileges that are available only to those with financial resources. Some prisoners explained to the Subcommittee that mandatory fees have to be paid to retain certain "rights" within the prison.

**46. The Subcommittee recommends carefully monitoring situations of self-governance so as to prevent abuses and corruption in prisons, and taking immediate action to enable the State to take full and effective control of all prisons.**

## 2. Health services

47. A shortage of human and material resources was evident in relation to the health services in the prisons visited. In the men's prison in Chiclayo, for example, where there are around 2,440 prisoners, there is only one doctor. In some prisons, one doctor has to see up to 80 patients in a 24-hour shift. Other prisons have no doctor assigned to them at all, such as the women's prisons in Trujillo, Huacariz and Yanamayo. In all prisons, a lack of basic medicines is the norm. The capacity to perform biochemical analyses, X-rays and other tests is very limited, making it difficult to diagnose and prevent diseases. Many persons deprived of their liberty said that they had to pay guards or representatives to gain access to first aid stations.

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<sup>13</sup> Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, principle XXI.

48. **The Subcommittee recommends that the prison authorities and the Ministry of Health immediately conduct an assessment of existing health services in prisons, followed by the necessary reforms to guarantee facilities and services of equivalent quality to those available to the general public. Each prison should have a doctor in attendance on a daily basis, which means doctors must be assigned as a matter of urgency to those prisons where there is currently no doctor at all. Women's prisons should have a gynaecologist and a paediatrician on site. Appropriate pay and working conditions should be guaranteed for medical staff so as to attract qualified professionals. Prison health issues cannot be the sole responsibility of the National Prison Institute, but must also be addressed by the Ministry of Health.**

49. The Subcommittee observed that specialist care is inadequate and that the procedure for obtaining it is long and complex, as it requires prior approval by a medical board. Moreover, the practice of transferring patients to hospitals with security staff poses logistical challenges, not to mention the financial difficulties faced by patients who are not covered by the Comprehensive Health Insurance (SIS) system and have to pay for their consultations and treatment. Some prisoners recounted how deaths had occurred for lack of timely specialized care due to excessive processing delays.

50. **Prisoners should be able to seek professional medical assistance in confidence and without their request being obstructed or filtered by guards or other prisoners. All forms of medical care should be free of charge. Access to prescription medicines, and their prompt delivery to patients, must be guaranteed; the same applies to any medical tests and examinations they may need.**

51. **The Subcommittee recommends that the criteria for SIS coverage should be modified as soon as possible so that all persons deprived of their liberty may access the system and enjoy the same benefits as persons at liberty who are members of the system.**

52. **The Subcommittee recommends making agreements with hospitals for specialists to visit prisons to examine persons deprived of their liberty who are in need of specialized care.**

53. In the Chorrillos I prison, the Subcommittee observed that psychopharmacological drugs are being administered to 48 persons deprived of their liberty. Monitoring, however, is left to a nurse, as the psychiatrist only visits the prison twice a month. In the Chorrillos annex the Subcommittee received complaints that the authorities administer psychopharmacological drugs to persons deprived of their liberty as a matter of course, without any proper individual psychiatric assessment or monitoring.

54. **The Subcommittee recommends close monitoring by specialists for persons deprived of their liberty who are given psychopharmacological drugs.**

55. The Subcommittee saw that the capacity to diagnose and prevent the spread of tuberculosis in large prisons is grossly inadequate. In the Lurigancho prison, the wing for patients with drug-resistant and multi-drug-resistant tuberculosis is in a deplorable state of repair.

56. **The Subcommittee recommends that the Ministry of Health conduct a study on the extent of the tuberculosis epidemic in prisons and provide clear guidelines on the detection, diagnosis, containment and prevention of transmission of tuberculosis among persons deprived of their liberty, staff and visitors. The wing for tuberculosis sufferers in Lurigancho should be renovated. Chest X-ray machines should be installed in all large prisons, and access to X-ray facilities should be ensured in small prisons.**

57. The Subcommittee found that in many cases medical examinations are conducted in front of prison staff. In addition, due to a lack of health workers, security officers of the National Prison Institute also assist in first aid stations and consequently have access to medical records.

58. **The Subcommittee wishes to remind the State party that medical confidentiality must be fully respected in all places of deprivation of liberty.**

59. When reviewing the health records in Yanamayo, the Subcommittee noted that respiratory diseases, including pneumonia, are quite prevalent. **It is essential to prevent these diseases by taking measures to counteract the cold weather that prevails in the region.**

### 3. Registers

60. The Subcommittee observed that each prison uses different methods to record information about persons deprived of their liberty, and that these methods are largely manual and the information often incomplete and scattered.

61. **The Subcommittee recommends: (a) intensifying efforts to establish a uniform, computerized register for the whole country that contains information on admission, release, disciplinary measures, judicial decisions and other relevant data on the situation of persons deprived of their liberty; (b) ensuring that clinics and first aid stations maintain records of all medical interventions and of infectious diseases, traumatic injuries and deaths; and (c) creating a central database containing information on deaths of persons deprived of their liberty, with a view to adopting appropriate public health policies.**

### 4. Ill-treatment and reprisals

62. Persons deprived of their liberty interviewed in various prisons informed the Subcommittee that they had been subjected to ill-treatment, including insults, arbitrary punishment and harassment, by prison staff. In Yanamayo, for example, they reported that non-prohibited items such as pans, furniture and craftwork were confiscated during searches and craftwork that they had made themselves was destroyed. Several individuals said that they worried that prohibited objects, such as mobile phones, would be planted during the searches, so that action could be taken against them in reprisal for having lodged a complaint.

63. The Subcommittee observed a general fear of reprisals among persons deprived of their liberty. Some claimed that complaining about their conditions of detention and even speaking to the Subcommittee could lead to reprisals in the form of, for example, inspecting of cells and confiscation of belongings, visits being cancelled, verbal and/or physical assault and transfer or the threat of transfer to another prison in a remote region with harsher conditions. In this regard, the possibility of transfer to Challapalca prison serves a symbolic purpose as a source of control and widespread fear.

64. One person deprived of their liberty reported having lodged a complaint of ill-treatment and torture with prosecutors. As a result, the detainee suffered constant harassment and barely left their cell out of fear. Although a forensic medical examination confirmed that there had been physical assault, the guards responsible continued to work in the prison.

65. In some prisons, the Subcommittee heard allegations of individual and collective reprisals taken after persons deprived of their liberty requested a visit by the Office of the Ombudsman to complain about their conditions of detention, or asked prosecutors to help them report ill-treatment or torture. In Yanamayo, the Subcommittee observed that persons deprived of their liberty were reluctant to serve as prisoner representatives since the previous representative had been transferred just for having lodged collective complaints concerning such issues as the quality of the food.

66. **The Subcommittee recommends that measures be taken, including regular training and refresher courses on human rights, to prevent ill-treatment of prisoners by prison staff. The State must guarantee the prompt and impartial investigation of all complaints of ill-treatment and torture in the prison system.**

67. **Persons deprived of their liberty should be informed of their right to submit complaints, directly and in confidence, to the prison authorities. This information should be provided in writing on admission and should be publicized on prominently displayed posters. Persons deprived of their liberty who make complaints, including for torture or ill-treatment, should not suffer reprisals for doing so. The competent**

**authorities should keep a record of all complaints received and any action taken as a result.**

**68. The Subcommittee urges the State party to guarantee effective compliance with article 15 of the Optional Protocol, which prohibits sanctions or reprisals against persons for having communicated information to the Subcommittee.**

## **5. Prison regimes and informal disciplinary mechanisms**

69. In prisons and prison blocks with an ordinary regime, persons deprived of their liberty can generally move about between cells and courtyards from 7 a.m. to 4 or 6 p.m. Under special regimes, however, persons deprived of their liberty spend most of their time in their cells, with between one and four hours in the yard and greater visiting restrictions.

70. The Subcommittee observed that the application of a special regime for women detained in the Chorrillos annex, whereby prisoners are in some cases kept in their cells for 23 hours a day with barely an hour outside in the yard, has a serious psychological impact on those affected, as evidenced by cases of suicide and attempted suicide and the widespread use of psychopharmacological substances.

71. The Subcommittee also observed arbitrariness and a lack of due process in the imposition of disciplinary sanctions — which normally consist of confinement in punishment cells — as well as inconsistencies in the recording of these sanctions. In some prisons, the corresponding administrative files showed that persons deprived of their liberty sometimes spent several days in these cells as a “preventive” measure before their hearing with the Technical Board, the body authorized to impose such sanctions. The Subcommittee did not find any cases in which a punishment was overturned in the administrative procedure.

72. The material conditions in all the punishment cells visited by the Subcommittee in the various prisons were inhuman and degrading. For instance, in Chiclayo and Trujillo, the cells were foul-smelling and fly-infested, with rotting matter and stagnant water and no sanitation. In the Chorrillos annex, the punishment cells have no ventilation or light. In some prisons, persons confined to punishment cells claimed to have been there for more than 30 days.

73. In Huacariz, the two punishment cells measured approximately 2 m x 3 m each, were foul-smelling, damp and dark and had no window, electric light or water. At the time of the visit, one of the cells had been occupied for 37 days by 11 persons deprived of their liberty who had been transferred from Chiclayo. All the members of that group who were interviewed individually claimed to have been beaten by prison staff on arrival at the prison. Three weeks later they were beaten again for refusing to eat, which is considered a serious offence, and placed in the punishment cell. They only leave the cell for between 30 minutes and an hour a day to stock up on water.

74. In general, the Subcommittee observed that the use of special regimes, punishment regimes and transfers is an informal and arbitrary method of discipline, not subject to external control.

**75. The Subcommittee urges the State party to ensure that the principle of due process is guaranteed in all actions related to disciplinary sanctions. Solitary confinement as a punishment should be exceptional and should be subject to judicial supervision. Conditions in solitary confinement cells should be such as to respect the physical integrity and dignity of persons. The rules governing disciplinary sanctions should be clear, known to both staff and persons deprived of their liberty, implemented in a transparent manner and duly recorded in a register. The person being punished should have the right to be heard and to appeal. There should also be clear rules, known to staff and persons deprived of their liberty, governing transfers, in order to prevent the improper use of transfers.**

## **6. Particular situation of women deprived of their liberty**

76. During its visit to the Chorrillos I and Chorrillos annex prisons, the Subcommittee was informed that some women who had asked to have their children under the age of 3

living with them had had their requests denied on grounds of lack of space in the cells. The Subcommittee also heard claims that there were no clear and objective criteria for the placement of children. The Subcommittee is concerned at the inadequate implementation of the already limited prison rules in that area and notes that separating women from their small children adds further suffering to the deprivation of liberty.

77. In the mixed prison of Cajamarca, the Subcommittee observed that women deprived of their liberty did not have access to work or educational activities as this would involve contact with the prison's male population. The Subcommittee heard allegations of sexual abuse of female prisoners by male prison staff.

78. The Subcommittee observed that the rules on access to conjugal visits were applied in discriminatory fashion.<sup>14</sup> Unlike men, women are required to go through a complex administrative procedure that involves showing proof of marriage or cohabitation, favourable reports from different departments of the prison (legal, psychological, health) and a visit by a social worker to the home of the person deprived of their liberty. Of a total of 802 persons deprived of their liberty in that prison, only 40 had access to conjugal visits.

**79. The Subcommittee recommends establishing independent mechanisms to monitor the application of regulations and taking measures to ensure that mothers can have their children under the age of 3 with them in prison if they so request.**

**80. The Subcommittee recommends establishing a prison policy with a gender perspective that includes addressing the particular needs of women deprived of their liberty, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), inter alia.**

**81. The Subcommittee recommends taking measures to guarantee equal treatment for men and women deprived of their liberty with respect to conjugal visiting rights by abolishing the complex procedure that applies to women.**

82. The Subcommittee was informed in establishments for adult and minor women that lesbian relations are punished as a serious offence incurring transfer to punishment cells, sometimes simply because two women deprived of their liberty kissed or hugged. This punishment, which arises from a broad interpretation of the rules of sentence enforcement in respect of acts contrary to morality and decency, constitutes inhuman and degrading treatment.

**83. The Subcommittee recommends the adoption of measures to guarantee that adult and minor women deprived of their liberty are not discriminated against and punished on grounds of sexual orientation.**

## **7. Curtailment of prison privileges**

84. The Subcommittee observed serious concern among the prison population and in some sectors of the legislative and executive branches, including the National Prison Institute, at a series of laws adopted in 2013 to curtail prison privileges for convicted prisoners. The result of this was a significant drop in prisoner morale and an increasing lack of motivation to participate in work and education workshops and activities to prepare for reintegration into society. The increased tension and risk of conflict in these prisons caused by these measures was evident.

85. Following the Subcommittee's visit, Act No. 30101 of 15 October 2013, on temporal application of the laws on prison privileges, was passed, to the effect that restrictions on prison privileges would apply only to persons convicted of crimes committed after the entry into force of the laws establishing the restrictions.

**86. The Subcommittee welcomes the adoption of Act No. 30101. However, it is concerned about the legislation restricting prison privileges, which it believes has an adverse effect on the principle of progressiveness of penalties and exacerbates prison overcrowding.**

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<sup>14</sup> See Code of Sentence Enforcement, arts. 42 and 58.

## C. Juvenile detention centres

### 1. General issues

#### (a) *Legislation on children and adolescents*

87. The Subcommittee noted with concern the amendments to the Code on Children and Adolescents introduced under Legislative Decree No. 990 (2007), which effectively promote deprivation of liberty over alternative measures by abolishing the legal provision establishing deprivation of liberty as a measure of last resort for adolescents in conflict with the law. These amendments also increase the maximum period of deprivation of liberty for an adolescent from 3 to 6 years. Criminal gangs' use of adolescents in crimes, and attempts to escape from juvenile detention centres were some of the factors that influenced the drafting of the recent legislative proposals, which will tighten penalties and prioritize deprivation of liberty over socio-educational reintegration measures or prevention policies, and reduce the age of criminal responsibility to 16.

**88. The Subcommittee recommends that the State party harmonize the Code on Children and Adolescents, and particularly Legislative Decree No. 990 (2007), with international standards, according to which deprivation of liberty for children and adolescents should be used as a measure of last resort, for the shortest possible period of time, and subject to periodic review.**

**89. The Subcommittee recommends prioritizing the development of public policies to prevent juvenile crime. Public policy in the area of juvenile justice should prioritize socio-educational reintegration measures. In this respect, juvenile detention centres should significantly increase the range of educational activities they provide for adolescents.**

#### (b) *Social reintegration of adolescents in conflict with the law*

90. According to information received by the Subcommittee, the fact that there are so few services available to guarantee the enforcement of sentences that do not involve the deprivation of liberty, such as community service or restricted release, is one of the factors that pushes judges to hand down custodial sentences. According to official statistics, as at July 2013, 64.74 per cent of adolescents in conflict with the law were detained in closed institutions.

**91. The Subcommittee recommends strengthening efforts to extend the Guidance Service for Adolescents to cover the entire country, with a view to ensuring that deprivation of liberty is used as a measure of last resort, and providing the Service with the necessary financial and human resources to provide appropriate support to adolescents in conflict with the law as they reintegrate into society.**

#### (c) *Protection measures in closed juvenile detention centres*

92. Although the programmes for the reintegration of adolescents into society have theoretically been designed with a focus on socio-educational measures and respect for human rights, during its visit to the Youth Assessment and Rehabilitation Centre for boys in Lima (Maranguita), the Subcommittee observed that they were subjected to ill-treatment, some of which even amounted to torture. It also noted the lack of effective complaint mechanisms and the lack of protection by prosecutor's offices. When adolescents report ill-treatment, the prosecutors inform the educators, exposing them to reprisals.

**93. The Subcommittee recommends establishing effective mechanisms for complaints about the treatment of minors in juvenile detention centres. Prosecutors should guarantee that complaints are treated confidentially and properly investigated.**

**94. The Subcommittee recommends taking measures to prevent ill-treatment of minors by the police, as well as ensuring proper legal assistance at all stages of judicial proceedings.**

## 2. Physical conditions

95. In the Maranguita and Santa Margarita centres, the Subcommittee generally found acceptable physical conditions. However, in Maranguita it noted that one of the rooms on the first floor and some sanitation facilities in the Domingo Savio courtyard were closed due to their poor condition. The punishment cells were very damp and had no windows, which made them dark and poorly ventilated; and the latrines inside were substandard and foul-smelling. In the event of an emergency evacuation, the lives of the adolescents, especially those in cells 3 and 4, would be at risk, given that the doors of the grilles get stuck and are secured with three padlocks that take time to open. In Santa Margarita, the Subcommittee noted that the punishment cells are very small, have no windows and are extremely dark.

96. On the day of the Subcommittee's visit, there were 732 adolescents in the Maranguita centre, which has a capacity of 560. The La Floresta centre in Trujillo, with a capacity of 70 beds, held 130 young persons. In the centres it visited, the Subcommittee found that the educators dealing with the adolescents, performed poorly, and there was a shortage of professionals such as teachers, psychologists and psychiatrists. It was also clear that the space and resources available to those professionals for their work were quite inadequate. The director of the La Floresta centre complained of inadequate facilities and a lack of qualified staff in the centre.

**97. The Subcommittee recommends drawing up a plan of action to substantially improve the facilities and training of staff working with adolescents in conflict with the law. With regard to the Maranguita centre, the Subcommittee recommends immediately closing the intensive intervention sector, particularly punishment cells 3 and 4, as their use puts the safety of the adolescents at risk.**

**98. The Subcommittee recommends accelerating the renovation and extension of the La Floresta centre in order to improve the conditions of detention and rehabilitation of the adolescents there.**

## 3. Torture and ill-treatment

99. In Maranguita, some adolescents informed the Subcommittee that they had been subjected to ill-treatment on arrest and in police stations, including treatment that amounted to torture. However, the most consistent and frequent allegations concerned the treatment received in the intensive intervention programme in that centre. They claimed that they are beaten by the educators, and even by the director, for the slightest offence, or when they complain about physical conditions and services, for instance the poor state of the mattresses. The Subcommittee noted that in the staff room of one of the blocks, there were three canes that fit the adolescents' description of the objects used to beat them. In that block, the Subcommittee also saw a room that, according to the allegations, is used as a punishment room. Some adolescents referred to suicides and suicide attempts in recent months. In the La Floresta centre, the minors did not answer the Subcommittee's questions about their treatment, but simply said that they spent much of the day locked in their cells doing nothing. The cells visited by the Subcommittee had 24 beds in an area of approximately 28 m<sup>2</sup>.

100. Although Administrative Resolution No. 040-2013-GG-PJ defines minor, serious and very serious disciplinary offences, it gives the authorities in those centres broad discretion in imposing sanctions. In practice, the intensive intervention programme takes the form of disciplinary measures that involve locking adolescents in punishment cells in solitary confinement for periods of up to 90 days, i.e., longer than in adult prisons (30 days plus a further 15). Adolescents interviewed in Maranguita claimed that some had been kept in punishment cells for 4 to 6 months. On the Subcommittee's first visit to this centre, there were 41 adolescents in punishment cells. Some claimed that before being put in the punishment cells, they were dragged around and beaten, handcuffed to trees and later beaten with canes and punched by the three shifts of security guards who work in the establishment, for between one and three days. The adolescents are then taken to a dark room, where they remain for a day before being transferred to the punishment cells. The Subcommittee also observed marks and bruises on the bodies of some of the adolescents

kept in those cells. The shape of these marks was strongly indicative of injuries caused by the use of instruments like canes or sticks, as alleged by those interviewed. The Subcommittee concludes that there is a common pattern in the type of physical punishments meted out to the adolescents in the intensive intervention programme, and that these constitute ill-treatment and even torture.

101. In Santa Margarita, the Subcommittee received information that lesbian relations are punished as indecent and that adolescents caught in a lesbian relationship are sent to punishment cells. In Maranguita, the Subcommittee did not receive any information on adolescents placed in the punishment cells because of their sexual orientation.

102. **The Subcommittee recommends:**

(a) **Establishing effective mechanisms for adolescents to submit complaints concerning any aspect of the functioning of the centre and the treatment they receive without fear of reprisals. These complaints should be dealt with by an independent authority with the power to take corrective actions;**

(b) **Establishing clear criteria in the centres' internal regulations as to what kind of disciplinary measures should be imposed on adolescents who have committed an offence. The measures should avoid any isolation or locking-up of the adolescents and physical ill-treatment should be totally prohibited;**

(c) **Conducting an evaluation of the intensive intervention programme and introducing the necessary changes to move from a punitive model to a model of reintegration of the adolescents;**

(d) **Guaranteeing that no adolescents, female or male, receive disciplinary punishments on grounds of sexual orientation;**

(e) **Drafting and implementing a suicide prevention policy for juvenile detention centres;**

(f) **With regard to the serious allegations concerning the situation in the Maranguita centre, the Subcommittee reiterates the recommendation contained in its preliminary observations on the need to adopt effective measures to stop the widespread use of ill-treatment and torture in this centre.**

## **D. Psychiatric institutions**

103. During the Subcommittee's visit to the Víctor Larco Herrera psychiatric hospital, the hospital authorities expressed concern regarding persons found not criminally responsible in the course of criminal proceedings and ordered by a judge to be interned as a security measure, with the internment consisting of admission to and treatment in a specialized hospital or other suitable establishment for therapeutic or custody purposes. The authorities' main concern was that, when such patients were medically ready to be discharged, the intervention measure should cease. When the hospital's management reports such situations to the judge who has ordered the measure, the judge often refuses the discharge request, allegedly to prevent the person from committing another offence, so that the patient stays in the hospital indefinitely. It is also common for the security measure to include a set period of internment, sometimes lasting several years, that takes no account of the patient's clinical condition or of the facility's physical capacity to accommodate the person. This judicial practice, which treats the security measure as a penalty, persists despite the High Court order of 20 September 2011, which restricts the use of internment where a person's health does not require it.

104. **The Subcommittee recommends that the State party take steps to ensure that judges regularly review the situation of persons subjected to internment measures, so as to safeguard the right to liberty of patients who can be discharged.**

105. In Peru there is no specific legislation governing the voluntary or involuntary internment of people with mental illnesses. Patients can be hospitalized involuntarily, usually on the initiative of a family member or doctor. Once they are in hospital, a decision

regarding the continuation of internment and treatment can be taken by the doctor, who may first consult the patient's family.

106. **The Subcommittee recommends that the State party adopt legislation protecting the patient's right to self-determination and setting clear criteria for exceptional cases in which patients may be interned and treated without their consent.**

#### **IV. Aspects of the legal and institutional framework for the prevention of torture and ill-treatment**

##### **A. Definition of torture in national law**

107. The definition of torture in article 321 of the Criminal Code does not include all the elements of the definition in article 1 of the Convention against Torture, as it does not include among the purposes of torture "any reason based on discrimination of any kind". The Code also does not define acts of cruel, inhuman or degrading treatment that do not amount to torture, which are included in article 16 of the Convention.

108. **The State party should amend its Criminal Code to include a definition of torture that covers all the elements contained in article 1 of the Convention.**

##### **B. Public Defender Service**

109. The prevention of torture and ill-treatment in places of deprivation of liberty is a responsibility shared by the various institutions dealing with the administration of justice. The Subcommittee is concerned that the current institutional framework does not provide sufficient protection against these practices.

110. According to information received by the Subcommittee, the public defender system is seriously flawed and cannot help prevent torture and ill-treatment. Persons deprived of their liberty repeatedly stated that the work of public defenders was negligible, a mere formality, that they sometimes asked for money to take cases, and that many defendants did not even have access to a public defender.

111. The Subcommittee was also informed that the workload of the few existing public defenders was too heavy for them to do their job properly. If they barely have the capacity to deal with their clients' cases, it is unrealistic to think that they will also file complaints concerning any torture or ill-treatment that those clients may have suffered. A public defender interviewed in Trujillo said that each public defender handled an average of 800 cases.

112. **The Subcommittee recommends that the State party adopt measures to significantly strengthen the Public Defender Service, in particular by providing financial and material resources so that the Service can provide adequate legal defence to all persons deprived of their liberty, including in relation to allegations of torture and ill-treatment that they may have suffered.**

##### **C. The problem of impunity**

113. Information received by the Subcommittee suggests that allegations of torture and ill-treatment are rarely investigated seriously by judges and prosecutors. When detainees present injuries, prosecutors generally do not request specific medical tests to detect possible torture. If no such request is made, doctors perform a simple examination, not a specialized one. It was pointed out that there is no official record of cases of torture in Peru: rather, cases are under-recorded. In general, if investigations get under way, it is only in very serious cases such as ones resulting in death, with extensive media coverage, and thanks to families' own determination, as illustrated by the testimony received by the Subcommittee from parents whose son died in 2011 after being beaten by the police.

114. The Subcommittee received information about the tendency of judges and prosecutors to categorize acts of torture not as a specific offence but as bodily harm or abuse of authority, crimes that are different in nature and carry a lesser penalty. In addition, in considering the evidence and determining the charges, judges often rely on the description of the injuries given in the medical certificate, and do not evaluate the context in which the injuries may have occurred or else apply an extremely narrow interpretation of the offence defined under article 321 of the Criminal Code. For example, the Subcommittee learned of one case in which the office of the prosecutor in Cajamarca determined that National Prison Institute officials could not be regarded as “public authorities”, and another in which the prosecutor’s office brought charges of “minor bodily harm” because the medical certificate prescribed only two weeks off work and the existence of severe and cruel suffering had not been established. **The Subcommittee is of the view that, in determining whether the crime of torture has occurred, it is not enough to equate the intensity of the suffering inflicted with the degree of physical disability resulting from the suffering, as if the crime in question were that of bodily injury.**

115. Other factors contributing to impunity, according to testimony received, have to do with the difficulty of identifying those responsible for torture or ill-treatment. For example, a practice cited in recent cases of arrests during demonstrations is that of officers covering their faces and not displaying their regulation service numbers. The Subcommittee heard claims of threats and intimidation in connection with some cases of torture in which complaints were filed, or even attacks on victims, their families and their lawyers because they had filed complaints.

116. This context suggests the existence of a large number of unreported cases. Many people who have suffered ill-treatment and torture do not even report them for fear of reprisals and the high personal, family and financial costs that seeing a complaint through would entail. The judicial system’s lack of credibility, because of the practically non-existent responses to the few cases that are actually reported, contributes to underreporting. On the basis of testimony by victims, civil society organizations and some lawyers, the Subcommittee has the impression that the restricted or passive role of prosecutors, public defenders and judges in trying cases of torture or ill-treatment reinforces the cycle of impunity.

**117. As the Committee against Torture and the Human Rights Committee have already done, the Subcommittee reiterates the State party’s obligation to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and independently investigated, that perpetrators of such acts are brought to justice and that victims receive adequate reparation, including health and rehabilitation services. Furthermore, the State party should ensure that judges, prosecutors, health workers and others working in spheres related to the documentation and investigation of torture and ill-treatment receive adequate training on the Istanbul Protocol and international standards relating to torture and ill-treatment, with particular attention to the appropriate classification of cases of torture and to the performance of specialized medical examinations.<sup>15</sup>**

**118. Over and above any criminal complaints that may be made, the Subcommittee recommends that the State party improve the police inspectorate system so that it can independently investigate responsibility in cases of torture and ill-treatment and impose appropriate disciplinary sanctions.**

**119. The Subcommittee recommends that the State party issue a strong condemnation, at the highest level of authority, declaring that torture will not be tolerated under any circumstances. Reminders of this message of zero tolerance of torture and ill-treatment should be issued periodically to all security officers and prison officers, for example as part of their training.**

**120. The Subcommittee is of the view that, given the gaps in effective legal protection of persons deprived of their liberty in prisons, it would be advisable to**

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<sup>15</sup> CCPR/C/PER/CO/5, concluding observations of the Human Rights Committee on the fifth periodic report of Peru, 29 April 2013, para. 19.

**establish the position of judge for sentence enforcement and prison oversight, a step already proposed by the Ombudsman's Office and some sectors of the judiciary.**

#### **D. The problem of corruption**

121. Corruption, a problem recognized by the National Prison Institute, permeates the entire prison system and involves all actors, including prison staff (in certain establishments even high-ranking officials), persons deprived of their liberty and outsiders. Corruption defines a system of relations in which every aspect of the daily life of persons deprived of their liberty is subject to a financial transaction. This includes, for example, the right to receive food from outside to supplement an inadequate diet; access to certain blocks or cells in the prison; doing paid work; communication with the outside, especially with family members, through visits or by telephone; administration of prison benefit claims; access to medical treatment; and paying to avoid transfers and solitary confinement in punishment cells, for example.

122. In the prisons visited by the Subcommittee, everything has a price. An exception to this was found in one of the women's prisons visited, where persons deprived of their liberty stated that they were only asked for money in the form of a fee in order to be paid for their work. A similar situation was observed in the female wing of Ancón II prison. At this prison the management appears to be making efforts to eliminate corruption and limit practices conducive to corruption, such as the persons deprived of their liberty having money in their possession. However, the persons deprived of their liberty being held in the foreigners' wing of this prison said that they had been forced to make illegal payments to prison staff.

123. Testimony about corrupt practices was also received in establishments other than prisons. For example, in the Lima courthouse cells some persons deprived of their liberty said that in exchange for money one could be sent to a prison near one's family and home. In some police stations persons deprived of their liberty complained that the police had stolen their money and belongings, and the Subcommittee witnessed one such incident.

124. The Subcommittee believes that corruption is related to the occurrence of torture and ill-treatment — that these are independent but mutually reinforcing issues. People are brought into the system of corruption under duress and then become corrupt so as not to suffer abuse (e.g., to avoid transfer or punishment). Corruption discriminates against those who do not join the system, making them vulnerable to ill-treatment. Corruption ensures silence, blocks complaints and guarantees impunity. In a system of corruption as closed and all-encompassing as the one observed by the Subcommittee there is no choice but to join and no way to get out. Prison workers' low pay exacerbates the problem.

125. The Subcommittee is concerned at allegations it received to the effect that the judicial system's attitude to the problem of corruption is one of indifference, ignorance or lack of interest. This is reflected in the lack of in-depth checks, particularly by the Public Prosecution Service, which, as guarantor of the rights of persons deprived of their liberty, is the competent authority in combating this problem.

126. The scale and entrenched nature of the problem of corruption require a very high level of political commitment and a proactive and comprehensive approach in order to achieve meaningful reform. The Subcommittee notes with interest the proposals by the National Prison Institute to fight corruption, and trusts that they can be implemented. In this connection, the Subcommittee wishes to reaffirm that (a) there will be no real solution without a thorough overhaul of prison and police staffing, including senior staff; and that (b) while it is possible that many officials could be reabsorbed into a new system imbued with a new ethic, many situations will require an impartial administrative investigation and possibly dismissal of the staff concerned.

127. **The Subcommittee recommends:**

(a) **The adoption and implementation by the Government of a firm and transparent zero-tolerance policy towards corruption that also addresses the structural conditions that lead to it;**

- (b) The adequate training of police and prison officers in fighting corruption, and a review of their salaries so that they are appropriately remunerated;**
- (c) The adoption of measures to increase public scrutiny as a way of increasing accountability;**
- (d) The conduct of campaigns to sensitize police and prison workers and the public to the need to combat corruption in places of detention, and to raise awareness of its adverse consequences;**
- (e) The investigation of allegations of corruption and, in cases where it is suspected that a crime has been committed, the channelling of relevant information to the prosecutors;**
- (f) The adoption of an action plan that includes goals, measures and a specific time frame for implementing the above recommendations.**

## Anexos

### Anexo I

[Spanish only]

#### Lista de las personas con quienes se reunió el Subcomité

##### A. Autoridades

- Juan Jiménez Mayor, Presidente del Consejo de Ministros
- Daniel Figallo, Ministro de Justicia y Derechos Humanos
- José Ávila Herrera, Viceministro de Derechos Humanos y Acceso a la Justicia
- Fredy Otárola, Presidente del Congreso de la República
- Juan Carlos Eguren Neuenchwander, Presidente de la Comisión de Justicia y Derechos Humanos del Congreso de la República
- Johnny Cárdenal Cerrón, Presidente de la Comisión de Presupuesto del Congreso de la República
- María Soledad Pérez Tello, Congresista, integrante de la Comisión de Justicia y Derechos Humanos del Congreso de la República
- José Luis Pérez Guadalupe, Presidente del INPE
- Oscar Ayzanoa Vigil, Miembro del Consejo Nacional Penitenciario, INPE
- Alejandro Juan Delgado Gutiérrez, Director de Derechos Fundamentales para la Gobernabilidad, Ministerio del Interior
- Luis Aragonés, Técnico de la Dirección de Salud Mental, Ministerio de Salud
- Janet Luna Muñoz, Gerente de Centros Juveniles, Poder Judicial
- Jenny Cerna, Coordinadora, Gerencia de Centros Juveniles, Poder Judicial
- Jesús Manuel Galarza Orrilla, Presidente de la Sala Suprema de Guerra, Fuero Militar Policial
- Cristina Eguiguren, Directora del Hospital Psiquiátrico Larco Herrera
- Manuel Estuardo Luján Túpez, Juez de la Corte Superior de Justicia de La Libertad
- Salvador Herencia Carrasco, Asesor de Derechos Humanos y Acceso a la Justicia, Ministerio de Justicia y Derechos Humanos
- Ana Rosa Valdivieso Santa María, Directora de Derechos Humanos, Ministerio de Relaciones Exteriores
- Gonzalo Bonifaz Tweddle, Subdirección de Derechos Humanos, Ministerio de Relaciones Exteriores
- Eduardo Vega Luna, Defensor del Pueblo
- Gisella Vignolo Huamaní, Defensora del Pueblo Adjunta
- Malena Pineda Ángeles, Jefa de Programa, Defensoría del Pueblo
- César Cárdenas, Jefe de Programa, Defensoría del Pueblo
- Julio Hidalgo Reyes, Jefe de la Oficina Defensorial de Lambayeque
- José Luis Agüero Lovatón, Jefe de la Oficina Defensorial de La Libertad

- Agustín Moreno Díaz, Jefe de la Oficina Defensorial de Cajamarca

## **B. Naciones Unidas**

- Rebeca Arias, Coordinadora Residente de las Naciones Unidas

## **C. Organismos de la sociedad civil**

- Amnistía Internacional
- Asociación Pro Derechos Humanos (APRODEH)
- Comisión Episcopal de Acción Social (CEAS)
- Comisión de Derechos Humanos (COMISED)
- Coordinadora Nacional de Derechos Humanos (CNDDHH)
- Fundación Ecuménica para el Desarrollo y la Paz (FEDEPAZ)
- Instituto de Defensa Legal (IDL)
- Grupo de Formación e Información para el Desarrollo Sostenible, Cajamarca (GRUFIDES)
- Centro de Desarrollo Humano, Puno (CEDER)
- Derechos Humanos y Medio Ambiente, Puno

## Anexo II

[Español solamente]

### Lugares de privación de libertad visitados

#### A. Establecimientos pertenecientes al INEP

- Establecimiento penitenciario de Lurigancho
- Establecimiento penitenciario de Mujeres Chorrillos I
- Establecimiento penitenciario de Mujeres Chorrillos II Anexo
- Establecimiento penitenciario de Ancón II
- Establecimiento penitenciario Huacariz en Cajamarca
- Establecimiento penitenciario de Chiclayo
- Establecimiento penitenciario Yanamayo en Puno
- Establecimiento penitenciario de Trujillo (varones)
- Establecimiento penitenciario de Trujillo (mujeres)

#### B. Establecimientos policiales

- Comisaría La Pascana de Comas (Lima)
- Comisaría Laura Caller de Los Olivos (Lima)
- Comisaría César Llatas (Chiclayo)
- Comisaría del Norte (Chiclayo)
- Comisaría I de Cajamarca
- Comisaría II de Cajamarca
- Comisaría I en Puno
- División Anti-Drogas, DIVANDRO (Lima)
- División de Investigación Criminal, DIVINCRI (Chiclayo)
- División Anti-Drogas, DIVANDRO (Puno)
- División de Investigación Criminal, DIVINCRI (Lima)

#### C. Establecimientos del Poder Judicial

- Centro Juvenil de Diagnóstico y Rehabilitación Maranguita (Lima)
- Centro Juvenil de Diagnóstico y Rehabilitación (Trujillo)
- Centro Juvenil de Diagnóstico y Rehabilitación Santa Margarita (Lima)
- Carceleta del Palacio de Justicia (Lima)
- Carceleta del Tribunal Superior de Justicia (Trujillo)
- Carceleta del Poder Judicial de Puno

**D. Establecimientos de rehabilitación de personas con drogodependencias**

- Casa de la Juventud (San Juan de Lurigancho, Lima)

**E. Instituciones psiquiátricas**

- Hospital psiquiátrico Víctor Larco Herrera (Lima)
-