



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 undertaken from 10 to 20 September 2013: observations and recommendations addressed to the State party

Report of the Subcommittee*

Addendum

Replies of Peru **, ***, ****

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to Peru on 24 March 2014. On 12 July 2017, Peru requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** On 12 July 2017, Peru requested the Subcommittee to publish its replies, in accordance with article 16 (2) of the Optional Protocol.

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

**** The annex to the present document is being circulated in the language of submission only.



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I. Introduction

1. Peru has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to that Convention, thereby committing itself to implementing the provisions of those instruments and to working with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the “Subcommittee”).
2. The Subcommittee prepared a report (CAT/OP/PER/R.1) following its visit to Peru in 2013, which recommended the adoption of various measures, including measures relating to: (i) the national preventive mechanism; (ii) the situation of persons deprived of their liberty; and (iii) aspects of the legal and institutional framework for the prevention of torture and ill-treatment.
3. In that regard, the recommendations contained in the aforementioned report are a starting point that can be used to identify remaining challenges in the implementation of the provisions established in the instruments relating to that subject.
4. Accordingly, Peru requests the Subcommittee to make its report public to enable its analysis, on the basis of which a commitment can be made to continuing to take various measures to ensure respect for the dignity of the human person in the face of torture and other cruel, inhuman or degrading treatment or punishment, with a view to ensuring that the relevant entities and institutions are able to make appropriate and effective interventions.
5. Peru also requests the Subcommittee to publish the present document containing its replies to the Subcommittee’s recommendations, in order to provide an account of the progress that has been achieved since the Subcommittee’s visit.

II. Adoption of the National Preventive Mechanism Act

6. In paragraph 13 of the Subcommittee’s report, the Subcommittee recommended that the Congress of the Republic adopt the National Preventive Mechanism Act without delay that year.
7. In that regard, it should be noted that in December 2015, Peru adopted Act No. 30394,¹ which expanded the functions of the Ombudsman’s Office, as the body responsible for the national preventive mechanism.
8. The Act also established that the national preventive mechanism would have organizational and functional autonomy, would be independent of the executive, legislative and judicial branches of government, and would, among other functions, regularly examine the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman or degrading treatment or punishment, if necessary.
9. Accordingly, under Decision No. 007-2017/DP of 20 April 2017 of the Ombudsman’s Office, the Regulations on the Organization and Functions of the Ombudsman’s Office were amended and the Directorate of the National Preventive Mechanism was incorporated into its institutional structure as a body that reported to the First Office of the Deputy Ombudsman but retaining implementation capacity and operational independence in the performance of its work.
10. It should be noted that the Ombudsman’s Office has indicated in its first annual report of the national preventive mechanism² that the executive branch has

¹ Congress of the Republic, Act No. 30394 expanding the functions of the Ombudsman’s Office as the body responsible for the national preventive mechanism, *El Peruano* (Official Gazette) (22 December 2015).

² Ombudsman’s Office, *First annual report of the national mechanism for the prevention of torture*

not provided the resources required for the national preventive mechanism to operate; nevertheless, various measures have been implemented for the establishment of the mechanism.

III. Situation of persons deprived of their liberty

3.1 Detention in police stations and judicial police holding cells

3.1.1 Physical conditions

11. Paragraph 17 of the Subcommittee's report recommends that Peru take measures to bring conditions of detention into line with international standards and to ensure that they satisfy detainees' basic needs with regard to sanitation, bedding, food, water and possibilities for recreation.

12. With the aim of improving prison conditions, the National Prison Policy and the National Plan on Prison Policy 2016-2020 were adopted in 2016 under Supreme Decree No. 005-2016-JUS.³

13. The National Prison Policy incorporates human rights, gender, human and intercultural approaches, and has three strategic axes: (i) a criminal justice system that is designed to streamline the entry of persons into and exit of persons from the prison system; (ii) treatment, which corresponds to all activities aimed at reintegrating prisoners who are in open institutions or have served their sentence; and (iii) streamlining to facilitate the building of a relationship and links between the prison population and society. On the basis of those axes, the Policy develops its proposal in 6 general guidelines and 23 specific guidelines.

14. It should also be noted that the "judicial police holding cells" referred to in the Subcommittee's report are not the responsibility of the judiciary but of the National Prison Institute⁴. Their official name is "temporary establishments for untried detainees in Lima and other regions of the country".⁵

3.1.2 Medical examinations

15. Paragraph 20 of the Subcommittee's report recommends, among other measures, the medical examination of persons admitted to detention centres and the proper reporting of injuries found during those examinations.

16. In that regard, it should be noted that, with respect to medical examinations, the Institute of Legal Medicine and Forensic Sciences⁶ is guided by the Protocol on the Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been adapted from the Istanbul Protocol, adopted under Memorandum No. 271-2010-MP-FN-IML/JN of 6 April 2010.

and other cruel, inhuman or degrading treatment or punishment, p. 11. Available from http://www.defensoria.gob.pe/modules/Downloads/informes/anauales/Informe_tortura_2016.1.pdf (accessed 23 June 2017).

³ Ministry of Justice and Human Rights, Supreme Decree No. 005-2016-JUS adopting the National Prison Policy and the National Plan on Prison Policy, *El Peruano* (Official Gazette) (15 July 2016). Available from <http://www.minjus.gob.pe/wp-content/uploads/2016/07/DS-N-005-2016-JUS.pdf> (accessed 1 July 2017).

⁴ Article 64 of the Regulations on the Organization and Functions of the National Prison Institute, adopted under Supreme Decree No. 009-2007-JUS, published in the *El Peruano* (Official Gazette) on 10 October 1997, states that "Temporary Establishments are organizational units that are responsible for the temporary reception of persons deprived of their liberty prior to their entry into prison, for the purposes of their identification and classification or transfer. They are under the responsibility of the Regional Director of the relevant Regional Office".

⁵ Judiciary, Official Letter No. 2215-2016-SG-CS-PJ of 28 March 2016, Report No. 32-2016-GA-P-PJ of 18 March 2016, p. 2.

⁶ Institute of Legal Medicine and Forensic Sciences of the Public Prosecution Service, Official Letter No. 4257-2015-MP-FN-IML-JN of 30 November 2015, p. 2.

17. Subsequently, in 2016, through Decision No. 3963-2016-MP-FN of the Public Prosecutor's Office, the Institute of Legal Medicine and Forensic Sciences adopted the following guides: (i) Guide to the Assessment of Mental Injury Suffered by Adults who are Victims of Intentional Violence; (ii) Guide to the Procedure for the Single Interview of Victims under Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members, and Male Children and Adolescent Victims of Violence; (iii) Guide to Forensic Psychological Assessment in Cases of Violence against Women and Family Members, and Other Cases of Violence; and (iv) Forensic Guide to the Comprehensive Assessment of Bodily Injuries.

3.1.3 Torture and ill-treatment

18. In paragraph 26 of the Subcommittee's report, the Subcommittee recommended, among other measures, the adoption of 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. That obligation should apply to law enforcement officials and private security guards.

19. In that regard, Legislative Decree No. 1186⁷ and its implementing regulations⁸ approved rules on the use of force by the National Police of Peru, the purpose of which was to establish a legislative basis for the proper exercise of police duties, setting out the circumstances and conditions under which those duties should be exercised, the procedures to be applied and the liabilities arising from their improper use, all within the framework of international standards in the area of human rights relating to police duties.

20. It should be noted that those provisions are consistent with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

21. The Ministry of the Interior has provided for the update of the Human Rights Manual of the Police,⁹ the formulation of guidelines for education and training in human rights, certification for the use of policing methods through training courses on human rights applied to police work, and the alignment of training plans relating to the use of force with the standards and provisions established in Legislative Decree No. 1186.¹⁰

22. In addition to implementing the aforementioned provisions and in relation to the treatment of detained persons, the National Police has implemented Directive No. 03-14-2015-DIRGEN-PNP/EMG-DIRINCRI-B, adopted under Directorate Decision No. 579-2015-DIRGEN/EMG-PNP, which establishes security standards and procedures in relation to detainees in the units and departments of the National Police, or in institutions under its responsibility, as well as during custody and/or their appearance before the competent authorities.

23. With regard to the actions undertaken in the area of human rights applied to police work, training was provided in 2013 to 3,031 police officers, in 2014 to 4,552 police officers and in 2015 to 5,560 police officers deployed in various police units throughout Peru. During the current year, the National Police, through its Directorate of Guidance on Human Rights of the General Staff of the National

⁷ Executive branch of government, Legislative Decree No. 1186, *El Peruano* (Official Gazette) (16 August 2015).

⁸ Ministry of the Interior, Supreme Decree No. 012-2006-IN, *El Peruano* (Official Gazette) (27 July 2016).

⁹ Ministry of the Interior, *Human Rights Manual of the Police*, Ministerial Decision No. 1452-2006-IN of 31 May 2006, *El Peruano* (Official Gazette) (12 June 2006). Available from https://www.pnp.gob.pe/normas_legales/manual_ddhh.pdf (accessed 14 March 2016).

¹⁰ Ministry of the Interior, Official Letter No. 001784-2016-IN-DGSD of 3 November 2016, p. 9.

Police, has reported that training has been provided to 8,000 police officers in 20 activities in various regions of Peru.¹¹

24. Furthermore, in accordance with article 263 of the New Code of Criminal Procedure, the duties of the National Police include: to inform detainees of the crime with which they are being charged, to notify the Public Prosecution Service, to immediately bring detainees before the preliminary investigation judge, to ensure the presence of a defence lawyer as soon as the first official steps are taken in the investigation and to ensure that detainees are examined by a forensic medical doctor.¹²

25. In addition, paragraph 2 (e) of article 71 of the aforementioned Code provides that judges, prosecutors or police officers must inform the accused immediately and in an easily understandable manner of their right not to be subject to “means that are coercive, intimidating or contrary to their dignity, or to techniques or methods that impair their free will or cause them to experience restrictions unauthorized by law”.

26. It is important to highlight that if the accused believes that those provisions have not been complied with during pretrial proceedings or the preparatory investigation, that their rights have been violated, or that they are subject to unlawful measures that restrict their rights or to illegal requirements, they may, by way of petition, apply to the preliminary investigation judge to remedy the failure or order the appropriate corrective or protective measures. Provided that the facts are verified and a hearing takes place with the participation of the parties, the accused’s application shall be dealt with immediately.¹³

27. With regard to private security companies, Legislative Decree No. 1213¹⁴ established the regime governing private security services. The purpose of the Decree is to regulate the performance of activities by private security services provided by public or private natural or legal persons for the protection of persons and property. It should also be noted that private security services are preventive in nature and complement the role of the National Police, thereby contributing to public safety.

28. Furthermore, the aforementioned Decree establishes that public or private natural and legal persons to which the Decree is addressed should maintain and promote respect for human rights in the performance of their activities.¹⁵

29. Paragraph 27 of the Subcommittee’s report recommends the adoption of effective measures to protect members of the LGBT 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.

30. With regard to the adoption of measures to protect members of the LGBTI community, the Human Rights Manual of the Police provides that the police must treat those persons with the same respect as any other individual and must avoid any discriminatory or degrading act.¹⁶

31. Similarly, Legislative Decree No. 1268¹⁷ governing the disciplinary rules of the National Police indicates that discrimination for any reason and of any kind during the performance of a police officer’s duties is a serious violation.

¹¹ Ibid.

¹² Article 263 of the New Code of Criminal Procedure, Legislative Decree No. 957, *El Peruano* (Official Gazette) (29 July 2004).

¹³ Article 71 (4) of the New Code of Criminal Procedure.

¹⁴ Executive branch of government, article 1 of Legislative Decree No. 1213, *El Peruano* (Official Gazette) (24 September 2015). In accordance with article 1 of the Decree, its implementing regulations should be adopted within 130 days.

¹⁵ Article 3 (1) of Legislative Decree No. 1213.

¹⁶ Ministry of the Interior, Official Letter No. 001577-2015/IN/DGSD, p. 5.

¹⁷ Executive branch of government, Legislative Decree No. 1268, Annex II: Table of serious violations and related penalties, Against discipline, G 33.

32. For its part, the Ministry of Women and Vulnerable Groups has been developing services that provide care and protection to victims of gender-based violence, with the adoption under Directorate Decision No. 017-2016-MIMP/PNCVFS-DE of the “Guidelines for assisting LGBTI persons through the services of the National Programme to Combat Domestic Violence and Sexual Abuse of the Ministry of Women and Vulnerable Groups”, with the aim of standardizing approaches and methodologies to assist persons who are lesbian, gay, bisexual, transsexual or intersex through the services of the Ministry of Women and Vulnerable Groups that specialize in gender-based violence.¹⁸

33. It is also important to note the creation of the Working Group to Promote the Rights of Gay, Transgender, Bisexual and Intersex Persons (Ministerial Decision No. 294-2016-MIMP), which is intended to act as a coordination mechanism between the Ministry of Women and Vulnerable Groups and civil society, to promote awareness-raising proposals aimed at society as a whole for combating discrimination against the gay, transgender, bisexual and intersex community and carry out activities for the protection of their fundamental rights and the promotion of the enjoyment of those rights, as well as for the development of proposals for inclusive public policy guidelines.¹⁹

34. Previously, the Working Group to Promote the Rights of Lesbians²⁰ was established under Ministerial Decision No. 099-2016-MIMP, to eliminate the exclusion and discrimination experienced by lesbians and implement actions to promote and protect their rights.

35. It should be noted that under Legislative Decree No. 1323, sexual orientation and gender identity were prohibited as grounds for discrimination in the criminal definition of discrimination (art. 323 of the Criminal Code);²¹ those factors were also regarded as aggravating circumstances of a crime (art. 46 (a) of the Criminal Code).

36. In addition, the National Commission against Discrimination was created²² in order to carry out monitoring work and auditing, and to issue opinions and provide technical assistance to the executive branch of government in the development of public policies, programmes, projects, action plans and strategies in the areas of equality and non-discrimination.

37. It is important to note that the Ministry of Justice has started drafting a new national human rights programme 2017-2021, which includes the LGBTI community as a group under special protection, to ensure that policies are designed and implemented in its favour and that it fully exercises its fundamental rights.

3.2 Prisons

¹⁸ Directorate General against Gender-based Violence of the Ministry of Women and Vulnerable Groups, Official Letter No. 288-2016-MIMO/DGCVG of 14 September 2016, pp. 5-6.

¹⁹ Ministry of Women and Vulnerable Groups, article 1 of Ministerial Decision No. 294-2016-MIMP, *El Peruano* (Official Gazette) (7 September 2016).

²⁰ Ministry of Women and Vulnerable Groups, article 1 of Ministerial Decision No. 099-2016-MIMP, *El Peruano* (Official Gazette) (22 April 2016).

²¹ Executive branch of government, article 1 of Legislative Decree No. 1323, *El Peruano* (Official Gazette) (6 January 2017).

On 12 May 2017, the Congress of the Republic submitted to the executive branch signed Legislative Decree No. 1323, which partially repeals article 1 and restores the validity of article 46 (2) (d) and article 323. Available from [http://www2.congreso.gob.pe/Sicr/RelatAgenda/proapro20112016.nsf/ProyectosAprobadosPortal/737054A2FA9D2CB80525811E008056E6/\\$FILE/AU0131920170512.pdf](http://www2.congreso.gob.pe/Sicr/RelatAgenda/proapro20112016.nsf/ProyectosAprobadosPortal/737054A2FA9D2CB80525811E008056E6/$FILE/AU0131920170512.pdf).

That signature was witnessed by the executive branch on 2 June 2017. Available from http://www.leyes.congreso.gob.pe/Documentos/2016_2021/Observacion_a_la_Autografa/OBAU0131920170602.pdf.

²² Ministry of Justice and Human Rights, article 1 of Supreme Decree No. 015-2013-JUS, *El Peruano* (Official Gazette) (6 December 2013).

3.2.1 Conditions of detention

38. Paragraphs 32, 38, 40, 43, 44 and 46 of the Subcommittee's report recommend that Peru review its policies and take measures to resolve the problems in prisons related to: (i) conditions of detention (overcrowding and overpopulation); (ii) physical conditions; (iii) food; (iv) contact with the outside world; and (v) situations of self-governance.

39. In that regard, with the aim of addressing the crisis in prisons, the adoption was encouraged of Legislative Decree No. 1325, which declared an emergency and the need for restructuring in respect the National Prison Service and the National Prison Institute, and prescribed measures in the areas of health, infrastructure, security, the fight against corruption and the strengthening of administrative management, to ensure the functioning and operation of prisons.²³

40. The results of the first National Census of the Prison Population 2016,²⁴ conducted jointly by the National Institute of Statistics and Informatics, the National Prison Institute and the National Criminality Monitoring Centre in the 67 State prisons, contributed to the adoption of those measures.

41. Previously, Legislative Decree No. 1229²⁵ was adopted, regulated by Supreme Decree No. 007-2016-JUS,²⁶ which declares that the adoption of measures to improve and implement services that improve infrastructure, management, treatment and prison security is of public interest and a national priority.

42. The adoption should be noted of Presidential Decision No. 017-2016-INPE²⁷ of the National Prison Institute, adopting a directive entitled "Creation, implementation and performance of activities in prison for reintegration into society", which aims to regulate and standardize the activities required to design, execute, implement and conduct social reintegration programmes in prison.

43. The National Prison Institute has indicated that it is implementing the "10 Measures for Reforming the Prison System", which include the construction of new prisons in order to reduce levels of overcrowding and to provide appropriate living and safety conditions, the sites being selected according to the prison regimes in question and the corresponding stages within those regimes.²⁸

44. For its part, the Office of Prison Infrastructure has taken a number of actions relating to the maintenance and refurbishment of living accommodation, improvement of infrastructure security, renovation of basic services and restoration of accommodation capacity²⁹ (see table in annex 1).

45. In that regard, measures have been taken to increase the accommodation capacity of Huacariz prison in Cajamarca, with the addition of 456 units, bringing the current total to 888 units and reducing overcrowding by 50 per cent.³⁰

46. With respect to Yanamayo prison, 426 sleeping units in rooms offering decent living conditions were added in 2016.³¹

²³ Executive branch of government, Legislative Decree No. 1325, *El Peruano* (Official Gazette) (6 January 2017).

²⁴ Ministry of Justice and Human Rights, Ministerial Decision No. 0070-2016-JUS of 28 June 2017. Available from <http://www.minjus.gob.pe/wp-content/uploads/2016/03/RESOLUCI%C3%93N.pdf> (accessed 20 April 2016).

²⁵ Executive branch of government, article 1 of Legislative Decree No. 1229, *El Peruano* (Official Gazette) (25 September 2015).

²⁶ Ministry of Justice and Human Rights, Supreme Decree No. 007-2016-JUS, *El Peruano* (Official Gazette) (21 July 2016).

²⁷ National Prison Institute, Presidential Decision No. 017-2016-INPE of 18 January 2016. Available from <http://app2.inpe.gob.pe/Resolucion/cache/Gestion/2016/Directiva/DI-007-2016-INPE-DTP.pdf> (accessed 23 June 2016).

²⁸ National Prison Institute, Official Letter No. 025-2016-INPE/14 of 8 January 2016, p. 1.

²⁹ National Prison Institute, Official Letter No. 377-2017-INPE/4 of 8 January 2016. Further information provided by email on 23 June 2017, pp. 1-5.

³⁰ *Ibid.*, p. 6.

47. However, the Ombudsman's Office has indicated that despite the building of new prisons, including Cochamarca prison in Pasco, which can accommodate 1224 persons, those efforts are insufficient given the scale of the problem of overcrowding.³²

48. Legislative Decree No. 1322³³ also applies, which seeks, inter alia, to contribute to reducing levels of overcrowding in prisons through a system of electronic tagging, which may be used: (i) in the case of accused persons, when the charge against them relates to the alleged commission of offences punishable by a term of imprisonment of up to eight years; and (ii) in the case of convicted persons who have been sentenced to a term of imprisonment of up to eight years.

49. That Decree establishes the following non-exhaustive priority criteria for electronic tagging: persons over 65 years of age, persons with a serious disease certified by a medical expert; persons with a permanent physical disability that affects their movement; pregnant women; women with children under three years of age; and mothers or fathers who are the head of the family and have a minor child or a child or spouse who has a permanent disability, provided that that individual is under their care.³⁴

50. In addition, amendments were made to the provisions of article 290 of the New Code of Criminal Procedure³⁵ on house arrest, which shall be imposed when, despite pretrial detention being applicable, the accused: (i) is over 65 years of age; (ii) has a serious or incurable disease; (iii) has a serious and permanent physical disability that severely affects their ability to move around; or (iv) is pregnant.

51. It should be noted that the National Plan on Access to Justice for Persons in Vulnerable Situations 2016-2021 of the judiciary³⁶ includes "Theme 9: Deprivation of Liberty", which establishes implementation strategies to benefit persons deprived of their liberty, including the following action points: "(i) coordinate with the National Prison Institute to identify vulnerable persons deprived of their liberty, in order to treat them in a manner appropriate to their situation; and (ii) update the statistical data on convicted and accused persons who are vulnerable in order to improve their medical care, diet, hygiene and other aspects of their welfare".

52. With regard to the reduction of visiting hours at Trujillo, Chiclayo and Cajamarca prisons, the National Prison Institute has reported that owing to high levels of overcrowding in those prisons and in order to prevent criminal activities, it has been established that visits must take place on Saturdays for women and Sundays for men, and that visitors must be immediate family members.³⁷

53. To date, the National Prison Institute has established that only female staff may conduct intimate body searches of women to "prevent the entry of toxic substances, weapons and other prohibited items into prisons".³⁸ For such searches,

³¹ Ibid.

³² Ombudsman's Office, *First annual report of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment*, p. 18.

³³ Executive branch of government, articles 2 and 5 (1) of Legislative Decree No. 1322, *El Peruano* (Official Gazette) (6 January 2017).

³⁴ Article 5 (2) of Legislative Decree No. 1322.

³⁵ Executive branch of government, Legislative Decree No. 957, Code of Criminal Procedure, *El Peruano* (Official Gazette) (29 July 2004).

Article amended by the Fourth Supplementary Provision amending Legislative Decree No. 1229.

³⁶ Judiciary, *National Plan on Access to Justice for Persons in Vulnerable Situations 2016-2021*, Administrative Decision No. 090-2016-CE-PJ, *El Peruano* (Official Gazette) (7 April 2016), pp. 104 and 105. Available from:

<https://scc.pj.gob.pe/wps/wcm/connect/2b4459804d160074ad7cbdd13fde886c/PLAN+NACIONAL+19-04+CORREGIDO+FINAL%5B1%5D.pdf?MOD=AJPERES&CACHEID=2b4459804d160074ad7cbdd13fde886c> (accessed 23 June 2016).

³⁷ National Prison Institute, Official Letter No. 377-2017-INPE/4 of 8 January 2016. Further information provided by email on 23 June 2017, p. 7.

³⁸ National Prison Institute, article 101 of Presidential Decision No. 003-2008-INPE/P of 3 January 2008. Available from <http://www.inpe.gob.pe/pdf/asistencias/ResPre-003-2008-INPE.pdf>.

technological devices and techniques are used, such as Garrett metal detectors. If those searches indicate the presence of prohibited items or substances, physical body searches are carried out.³⁹

3.2.2 Health services

54. In paragraphs 48, 50 to 52, 54, 56 and 58 of the Subcommittee's report, the Subcommittee recommended that the authorities of the National Prison Institute and the Ministry of Health adopt policies to adequately ensure the right to health of persons deprived of their liberty.

55. In accordance with the provisions of the Implementing Regulations of the Penal Enforcement Code,⁴⁰ prison authorities shall provide all prisoners with medical and health care equivalent to that dispensed to the non-prison population, providing prisoners with medicines and other basic health care services.

56. In addition, that instrument indicates that prison authorities must employ epidemiological surveillance systems that enable them to identify diseases prevalent in the prison population and the most at-risk groups, with the aim of tailoring assistance to the real needs identified.⁴¹

57. Accordingly, in 2014, an inter-agency cooperation framework agreement between the National Prison Institute and the Comprehensive Health Insurance Agency⁴² was signed with the aim of (i) insuring, within the framework of universal health insurance, persons deprived of their liberty in prisons at the national level under the responsibility of the National Prison Institute, as part of the Subsidized Financing Plan of the Comprehensive Health Insurance Agency, and thus providing health benefits coverage through health facilities; and (ii) establishing the financing of the health services provided by established health facilities to those persons insured by the Comprehensive Health Insurance Agency.

58. Under that agreement, the Comprehensive Health Insurance Agency pledged, inter alia, to coordinate with the authorities of the Ministry of Health and the National Prison Institute preventive medical campaigns and/or activities in every prison, to be conducted in accordance with the available budget and under the appropriate conditions.

59. At present, 93 per cent of the prison population is insured. The remaining 7 per cent comprises foreign prisoners, prisoners who hold insurance policies provided by the armed forces or the police, prisoners with private health insurance and undocumented prisoners. Prisoners who are not insured and require specialized emergency medical care are temporarily insured by the Comprehensive Health Insurance Agency (45 days' cover, which may be renewed),⁴³ in accordance with article 5 of Legislative Decree No. 1164.⁴⁴

60. In order to address problems relating to persons deprived of their liberty who are diagnosed with tuberculosis, Act No. 30287 on the prevention and control of

³⁹ National Prison Institute, Official Letter No. 377-2017-INPE/4 of 8 January 2016. Further information provided by email on 23 June 2017, p. 7.

⁴⁰ Ministry of Justice and Human Rights, article 124 of Supreme Decree No. 015-20003-JUS, adopting the Implementing Regulations of the Penal Enforcement Code, *El Peruano* (Official Gazette) (11 January 2003).

⁴¹ Ministry of Justice and Human Rights, article 130 of Supreme Decree No. 015-20003-JUS, adopting the Implementing Regulations of the Penal Enforcement Code, *El Peruano* (Official Gazette) (11 September 2003).

⁴² National Prison Institute, clause 5 of the Inter-agency Cooperation Framework Agreement between the National Prison Institute and the Comprehensive Health Insurance Agency of 23 September 2014. Available from http://www.inpe.gob.pe/pdf/65__a.pdf (accessed 20 March 2016).

⁴³ National Prison Institute, Official Letter No. 377-2017-INPE/04 of 16 June 2017, p. 6.

⁴⁴ Executive branch of government, Legislative Decree No. 1164 providing for the extension of coverage provided by the Comprehensive Health Insurance Agency in respect of membership of the Subsidized Financing Plan, *El Peruano* (Official Gazette) (7 September 2013).

tuberculosis in Peru⁴⁵ has been adopted. The Act provides that when persons deprived of their liberty⁴⁶ are diagnosed with tuberculosis, the Ministry of Justice, through the National Prison Institute and in coordination with the Ministry of Health, will implement the health strategy for the prevention and control of tuberculosis in accordance with the Multisectoral National Plan against Tuberculosis in the health centres of the prisons of Peru.

61. The aforementioned Act establishes that persons with tuberculosis are entitled to comprehensive,⁴⁷ continuous, permanent and free health care provided by the State, in all health facilities that it runs or manages, or in which it has a direct or indirect stake, and to temporary health cover, as required.

62. It is therefore provided that the Ministry of Justice,⁴⁸ through the National Prison Institute, will determine the location or relocation of persons affected by tuberculosis in prisons. One of the criteria will be the availability of medical treatment for tuberculosis; the prisons of Peru will establish special facilities to house prisoners affected by tuberculosis in any of its clinical forms, for the duration of their medical treatment, and will provide infection control measures for the persons visiting them.

63. It should be noted that in Huaral prison, an area has been equipped for the admission and treatment of prisoners with tuberculosis, comprising a hospitalization room, a room for storing and sterilizing instruments, a pharmacy, a laboratory, an area for preparing cultures, a nursing station, a consulting room and a first aid station, in order to provide appropriate facilities for the recovery of prisoners.⁴⁹

64. In turn, Legislative Decree No. 1325 established that the vulnerable prison population should receive specialized and comprehensive treatment, particularly for reasons of gender identity, sexual orientation and ethnicity. Such treatment should also be provided to female prisoners, their minor children, prisoners who are addicted to drugs, foreign prisoners, elderly prisoners and prisoners with disabilities.⁵⁰

65. With regard to medical confidentiality, General Health Act No. 26482⁵¹ provides that any information relating to a medical act that is carried out is confidential. Accordingly, any health care professional, technician or assistant who provides or discloses, by any means, information relating to a medical act in which he or she was involved or of which he or she is aware will incur civil or criminal liability, as the case may be, without prejudice to the penalties that apply under the relevant codes of professional ethics.⁵²

3.2.3 Registers

66. In paragraph 61 of the Subcommittee's report, the Subcommittee recommended, inter alia: (a) establishing a uniform, computerized register for the whole country that contains information on admissions, releases, 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 (c) creating a central database containing

⁴⁵ Congress of the Republic, article 1 of Act No. 30287, *El Peruano* (Official Gazette) (14 December 2014).

⁴⁶ Article 25 of Act No. 30287.

⁴⁷ Article 3 of Act No. 30287: "Comprehensive health care includes promotion, prevention, diagnosis, treatment, rehabilitation and specialized care, as required by the patient, and other services that may be incorporated into the national technical regulation."

⁴⁸ *Ibid.*, article 26.

⁴⁹ National Prison Institute, Official Letter No. 377-2017-INPE/04 of 16 June 2017, p. 59.

⁵⁰ Executive branch of government, article 3 (3) of Legislative Decree No. 1325.

⁵¹ Congress of the Republic, article 25 of Act No. 26842, entitled the "General Health Act", *El Peruano* (Official Gazette) (20 July 1997).

⁵² *Ibid.*

information on deaths of persons deprived of their liberty, with a view to adopting public health policies.

67. In that regard, the National Prison Institute has implemented a system that operates at the local level and transmits the prisoner's recorded information to the central server, known as SIP-POPE, via the Internet. The Prison Registration System is used to register prisoners who enter the prisons of Lima and Callao. Both systems contain information fields that enable the standardization of identification information and the registration of judicial decisions, reports and documents (certificate of criminal record, certificate of release, record of detention, identification sheet), thereby establishing those systems as the only official systems for the collection of information, in replacement of Excel and other systems that were previously used.⁵³

68. It should be noted that Legislative Decree No. 1325 provided that data identifying the entire prison population would be registered in the National Registry of Identification and Civil Status within 12 months. Once the identification process has been completed, the National Prison Institute will liaise with the National Registry of Identification and Civil Status to coordinate the delivery of national identity documents of prisoners to the prison authorities, so that prisoners can access health, education, employment and other services.⁵⁴

69. Furthermore, Legislative Decree No. 1328 provides that the National Prison Institute will implement the National Prison Register containing individual digital files for the national prison population.⁵⁵

70. Presidential Decision No. 296-2012-INPE/P established the Multidisciplinary Commission for the Diagnosis, Evaluation and Monitoring of the Death of Prisoners in Prisons, which is a national body responsible for collecting and processing information on deceased prisoners, in order to support the Office of the President of the National Prison Institute in making decisions in relation to the death of prisoners.⁵⁶

3.2.4 Ill-treatment and reprisals

71. Paragraph 66 of the Subcommittee's report recommends that Peru take measures including training and refresher courses on human rights, to prevent ill-treatment of prisoners by prison staff.

72. In that regard, it should be noted that the following strategic actions related to training and awareness-raising on human rights have been established under the National Plan for Education on Fundamental Rights and Duties to 2021: "include in the training provided to civil servants the subject of human rights, as required for the fulfilment of their duties".⁵⁷

73. In addition, one of the bodies of the National Prison Institute is the National Centre for Criminology and Prison Studies, which selects, trains and improves the skills of prison staff, as well as conducting studies and research in correctional science and criminology.⁵⁸

⁵³ National Prison Institute, Official Letter No. 968-2017-INPE/13 of 15 June 2017, p. 55.

⁵⁴ Executive branch of government, Fourth Final Supplementary Provision of Legislative Decree No. 1325.

⁵⁵ Executive branch of government, Legislative Decree No. 1328, *El Peruano* (Official Gazette) (6 January 2017).

⁵⁶ National Prison Institute., article 2 of Presidential Decision No. 296-2012-INPE/P.

⁵⁷ Ministry of Justice and Human Rights, *National Plan for Education on Fundamental Rights and Duties to 2021*, Supreme Decree No. 010-2014, *El Peruano* (Official Gazette) (12 December 2014), p. 43. Available from <http://www.minjus.gob.pe/wp-content/uploads/2014/12/PNDDF-2014.pdf> (accessed 23 June 2017).

⁵⁸ Ministry of Justice and Human Rights, articles 68 to 72 of Supreme Decree No. 009-2007-JUS adopting the Regulations on the Organization and Functions of the National Prison Institute, *El Peruano* (Official Gazette) (10 October 1997).

74. Paragraphs 67 and 68 of the Subcommittee's report recommend that the right of persons deprived of their liberty to submit complaints, directly and in confidence, to the prison authorities, should be guaranteed. Furthermore, if such persons make complaints, including for torture or ill-treatment, they should not suffer reprisals for doing so.

75. It should be highlighted that, in accordance with article 32, paragraph 14, of Act No. 29709 on careers in the public prison service,⁵⁹ one of the duties of prison staff is to have a firm but respectful attitude towards the rights of persons deprived of their liberty and released persons.

76. Furthermore, article 54, paragraph 29, of the implementing regulations of that Act, adopted under Supreme Decree No. 013-2012-JUS,⁶⁰ is one of several provisions prohibiting prison staff from any acts that might adversely affect the dignity of prisoners in their custody.

3.2.5 Prison regimes and informal disciplinary mechanisms

77. Paragraph 75 of the Subcommittee's report urges Peru 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. 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.

78. In that regard, Legislative Decree No. 1325 establishes that persons deprived of their liberty will be transferred if they jeopardize prison security or violate the integrity of prison or police staff, are found in flagrante delicto, are involved in the commission of an offence, or endanger public safety. Consequently, decisions regarding transfer to another prison are made by the National Prison Institute within a maximum of 48 hours, any contravention falling within the scope of administrative liability.⁶¹

3.2.6 Particular situation of women

79. In paragraphs 79 to 81 of the Subcommittee's report, the Subcommittee recommended establishing independent mechanisms to monitor the application of regulations, and taking measures to ensure that mothers can have their children under the age of three with them in prison if they so request. It also recommended establishing a prison policy with a gender perspective.

80. In that regard, article 12 of the Implementing Regulations of the Penal Enforcement Code⁶² states that "women deprived of their liberty are entitled to keep their children in prison with them until the children reach the age of three, at which point they must be handed over to the person indicated in the regulations on the subject or, failing that, they shall be placed by due legal process in a family or other guardian institution pursuant to the Code on Children and Adolescents".

81. It should be noted that in 2015, the Ministry of Women and Vulnerable Groups and the National Prison Institute signed an inter-agency cooperation framework agreement to improve the National Prison System.⁶³

⁵⁹ Congress of the Republic, Act No. 29709, *El Peruano* (Official Gazette) (17 June 2011).

⁶⁰ Ministry of Justice and Human Rights, Supreme Decree No. 013-2012-JUS, *El Peruano* (Official Gazette) (23 June 2012).

⁶¹ Executive branch of government, article 9 (1) (a) of Legislative Decree No. 1325.

⁶² Ministry of Justice and Human Rights, Supreme Decree No. 15-2003-JUS adopting the Implementing Regulations of the Penal Enforcement Code, *El Peruano* (Official Gazette) (11 November 2003).

⁶³ Ministry of Women and Vulnerable Groups, Directorate General for Children and Adolescents, Official Letter No. 542-2015-MIMP/DGNNA of 11 November 2015, Report No. 047-2015-MIMP-DGNNA-OAAA, p. 2.

82. The Guardianship Investigation Directorate of the Directorate General for Children and Adolescents of the Ministry of Women and Vulnerable Groups⁶⁴ has been carrying out the following activities in close coordination with the Directorate for Treatment and Recovery of the National Prison Institute:

82.1 Providing specialized intervention through professionals trained in family psychotherapy, with the aim of reducing the impact of physical separation on imprisoned mothers and their children, carrying out individual and group therapy sessions during the six months prior to the departure of children from the prison.

82.2 Assessment, preparation and resilience-building of family members to ensure that (i) children join a healthy environment, in which they can form an emotional attachment to the family with which they are placed, to ensure their comprehensive development; and (ii) physical separation does not affect children by disconnecting them from their mother.

83. Furthermore, Supreme Decree No. 006-2016-MIMP⁶⁵ adopted the Intersectoral Protocol between the Ministry of Women and Vulnerable Groups and the National Prison Institute for the appropriate care of minor children of mothers in prison. The purpose of that protocol is to restore the exercise of the rights of children and adolescents whose mothers are in prison, so that they develop in a comprehensive and healthy manner with their family.

84. In that regard, since 2016, in coordination with Cayetano Heredia University, the “sun-coloured lives” programme is being implemented, through which early stimulation services are provided to children living with their mothers in prisons.⁶⁶

85. Furthermore, in recognition of the importance of the gender perspective in prison policies, in 2015, the National Prison Institute, with technical assistance from the Directorate General for Gender Mainstreaming of the Ministry of Women and Vulnerable Groups, established the Permanent Commission for Gender Mainstreaming.

86. In addition, in 2016, Directive No. 012-2016-INPE-DTP, entitled “comprehensive care and prison treatment for women prosecuted or sentenced in prisons and open prisons” was adopted, with the aim of establishing guidelines for the care of the female population deprived of its liberty in such areas as entry, classification, accommodation, infrastructure and prison security.⁶⁷

3.2.7 Curtailment of prison privileges

87. With regard to the recommendation contained in paragraph 86 of the Subcommittee’s report, relating to the application of prison privileges, it should be noted that article VIII of the Preliminary Title of the Penal Enforcement Code indicates that the retroactive application and the interpretation of the Code are favourable to prisoners.⁶⁸

88. For its part, the judiciary adopted Plenary Decision No. 2-2015/CJ-116 in order to harmonize jurisprudence on the prison benefits that should be applied by all judges at all levels.⁶⁹

⁶⁴ Ibid., p. 1.

⁶⁵ Ministry of Women and Vulnerable Groups, Supreme Decision No. 006-2016-MIMP, *El Peruano* (Official Gazette) (22 July 2016).

⁶⁶ National Prison Institute, Official Letter No. 377-2017-INPE/04 of 16 June 2017, p. 4.

⁶⁷ National Prison Institute, Presidential Decision No. 119-2016-INPE/P of 22 April 2016. Available from <http://app2.inpe.gob.pe/resolucion/cache/Gestion/2016/Directiva/DI012-INPE-2016-DTP.pdf> (accessed 19 October 2016).

⁶⁸ Penal Enforcement Code. Legislative Decree No. 654. Published in the *El Peruano* Official Gazette on 2 August 1991.

⁶⁹ Judiciary. IX Full Court of the Permanent and Temporary Criminal Chambers. Plenary Decision No. 2-2015/CIJ-116. Published in the *El Peruano* Official Gazette on 21 June 2016. (accessed 26 June 2017). Available from <http://busquedas.elperuano.com.pe/normaslegales/ix-pleno->

3.3 Juvenile detention centres

3.3.1 General issues

89. In paragraph 88 of the Subcommittee's report, it is recommended that the Code on Children and Adolescents,⁷⁰ and particularly Legislative Decree No. 990 (2007), be harmonized with international standards, according to which deprivation of liberty for children and adolescents should be used as a measure of last resort.

90. Some of the provisions contained in Legislative Decree No. 990⁷¹ were abolished or amended through Legislative Decree No. 1204, which amends the Code on Children and Adolescents in order to establish and regulate the imposition of penalties on juvenile offenders.⁷²

91. Thus, in contrast to what had been established in Legislative Decree No. 990 with regard to the detainment of adolescents, Legislative Decree No. 1204 provides that a custodial sentence is an exceptional measure and is applied as a last resort. It also includes provisions to regulate the imposition of penalties for juvenile offenders.

92. Subsequently, the Code of Criminal Responsibility for Adolescents was adopted through Legislative Decree No. 1348,⁷³ with the purpose of amending the legislation related to the treatment of adolescents in conflict with the law. The Decree established the Permanent Multisectoral Commission for the Implementation of the Code of Criminal Responsibility for Adolescents, with responsibility for its implementation.

93. This provision incorporates, inter alia, the principle of the best interests of the child, the pro adolescent principle, the educational principle, the principle of specialized justice and the principle of diversion (use of non-judicial measures) or minimum intervention.

94. In turn, it establishes that adolescents between 14 and 17 years of age are responsible for the commission of an offence on the basis of special criminal responsibility, taking into account their age and personal characteristics.⁷⁴

95. In this regard, the rights of the adolescent should be comprehensively and simultaneously safeguarded during the process of criminal responsibility, and the development and exercise of their rights should be considered as guiding principles and should not be compromised by a negative interpretation of the best interests of the adolescent.⁷⁵

96. It also provides that the interpretation and application of the Code should take into account all the rights and guarantees recognized by the Political Constitution of Peru and in the special laws on the subject, the United Nations Convention on the Rights of the Child and other international instruments in force and ratified by Peru, as well as in international standards in the field of juvenile criminal justice.⁷⁶

97. In view of the above, it was determined that the deprivation of liberty of adolescents, even when preventive, is an **exceptional measure** and must be duly substantiated as it is a **measure of last resort**. The rationale for the measure must

jurisdiccional-de-las-salas-penales-permanente-y-tr-acuerdo-pleno-jurisdiccional-de-las-penales-permanente-1395131-1/

⁷⁰ Congress of the Republic, Act No. 27337 adopting the New Code on Adolescents, *El Peruano* (Official Gazette) (7 August 2000).

⁷¹ Executive branch of government, Legislative Decree No. 1204 amending the Code on Children and Adolescents in order to establish and regulate the imposition of penalties for juvenile offenders, *El Peruano* (Official Gazette) (23 September 2015).

⁷² Judiciary, Official Letter No. 2215-2016-SG-CS-PJ of 28 March 2016, p. 5.

⁷³ Executive branch of government, Legislative Decree No. 1348 adopting the Code of Criminal Responsibility for Adolescents, *El Peruano* (Official Gazette) (7 January 2017).

⁷⁴ Article I of the Preliminary Title of Legislative Decree No. 1348.

⁷⁵ Article II of the Preliminary Title of Legislative Decree No. 1348.

⁷⁶ Article XIV of the Preliminary Title of Legislative Decree No. 1348.

therefore indicate the reason why it was not possible to apply an alternative measure and the duration of the deprivation of liberty must be **as short as possible**⁷⁷ (emphasis added).

98. In effect, the duration of the socio-educational internment measure will be determined taking account of the following:

98.1 From one to a maximum of six years in the following cases:

- (i) Acts that are classified as intentional offences and punishable under the Criminal Code or under special laws, by a prison sentence of not less than six years, provided that the life or physical or psychological integrity of the person was deliberately endangered;
- (ii) When the adolescent offender has repeatedly and without reason failed to comply with socio-educational measures other than that of internment; and/or
- (iii) When the adolescent offender has repeatedly committed other criminal offences within a period not exceeding two years, for which the penalty is increased to six years' deprivation of liberty under the Criminal Code or under special laws.

98.2 Not less than 4 years and not more than six years, when the adolescent is between 16 or 17 years of age and in the case of the offences⁷⁸ referred to above, as well as when the adolescent is a member of a criminal organization, acts on its behalf or is linked to it.

98.3 Not less than three years and not more than five years, in the case of the offences referred to above and when the adolescent is aged 14 or 15 years.

98.4 Between six and eight years (adolescents of 14 or 15 years of age) and between eight and ten years (adolescents of 16 or 17 years of age) in the case of contract killing or rape of a minor followed by death or serious injury, as well as terrorist offences.

98.5 Not less than one year and not more than four years for adolescents between 14 and 17 years of age, in the case of offences other than those indicated in footnote 9.⁷⁹

⁷⁷ Article 6 of Legislative Decree No. 1348.

⁷⁸ Ibid., article 163.2.

“[...] offences

1. Parricide
 2. Qualified homicide
 3. Homicide qualified by the status of the victim
 4. Femicide
 5. Serious injury (second and third paragraph)
 6. Serious injury when the victim is a minor, elderly or disabled
 7. Serious injury as a result of violence against women and their family environment
 8. Instigation of or participation in pernicious gang violence
 9. Abduction
 10. Trafficking in persons
 11. Aggravated forms of trafficking in persons;
 12. Rape
 13. Rape of a person who is unconscious or unable to resist
 14. Rape of a person incapable of resistance
 15. Rape of a minor
 16. Aggravated robbery
 17. Extortion
 18. Promotion or encouragement of illicit trafficking in drugs and related offences
 19. Illicit trafficking in precursor chemicals and controlled substances
 20. Marketing and cultivation of poppy and marijuana and its compulsive planting
 21. Aggravated forms of trafficking in drugs
- [...].”

⁷⁹ Ibid., article 163.

99. It should be noted that the prison sentence can be modified if one third of the term imposed by such a measure has been served and on the recommendation of the juvenile detention centre's interdisciplinary technical team.

100. In this respect, the sentence may be: (i) reduced; (ii) considered as served; (iii) commuted; or (iv) kept unchanged. If the modification is rejected or declared unreasonable, the judge will conduct a review every six months after the last ruling.⁸⁰

101. It should be noted that Chapters III, IV, V, VI, VII and VII-A of Book IV, Title II of the new Code on Children and Adolescents (Act No. 27337), which contain provisions incorporated by Legislative Decrees Nos. 990 and 1204, will be repealed with the forthcoming entry into force of Legislative Decree No. 1348, to take effect on the day after the publication of its regulations.

102. Act No. 30466 was also adopted to establish parameters and procedural safeguards for the primary consideration of the best interests of the child in the processes and procedures involving the rights of children and adolescents, within the framework of the Convention on the Rights of the Child and its General Comment No. 14 and of Article IX of the Preliminary Title of the Code on Children and Adolescents.⁸¹

103. It is also worth noting the actions taken by the Ministry for Women and Vulnerable Groups, including as part of the National Plan of Action for Children and Adolescents 2012-2021,⁸² where the reduction in the number of adolescents in conflict with the law was included as intended outcome No. 11 of the third strategic objective, which establishes various intervention strategies.

104. In paragraph 89 of its report, the Subcommittee also recommends, inter alia, prioritizing the development of public policies to prevent juvenile crime.

105. In this regard, the National Plan for the Prevention and Treatment of Young People in Conflict with the Law⁸³ is being implemented with the main objective of reducing the number of adolescents in conflict with the law through: (i) the reduction of anti-social behaviour, (ii) the effective and rights-based administration of justice and (iii) the resocialization of the adolescent and reparation to the victim. These goals are being achieved through twenty multisectoral initiatives in the areas of family, school, work, peers, community, environment, the administration of justice and the social rehabilitation system.⁸⁴

106. In addition, in paragraph 91 of its report, 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 Guidance Service for Adolescents with the necessary financial and human resources to provide appropriate support to adolescents in conflict with the law as they reintegrate into society.

107. It should be noted that, through Administrative Resolution No. 190-2013-CE-PJ (28 August 2013), the Executive Council of the Judiciary, inter alia, ordered the open juvenile detention centre model developed by the Guidance Service for Adolescents to be replicated in the country's judicial districts, stating that the

⁸⁰ Ibid., article 164.

⁸¹ Congress of the Republic, article 1 of Act No. 30466, *El Peruano* (Official Gazette) (17 June 2016).

⁸² Ministry of Women and Vulnerable Groups, *National Plan of Action for Children and Adolescents 2012-2021*, Supreme Decree No. 001-2012-MIMP, *El Peruano* (Official Gazette) (14 April 2012), p. 76. Available from http://www.mimp.gob.pe/webs/mimp/pnaia/pdf/Documento_PNAIA.pdf (accessed 23 June 2016).

⁸³ Ministry of Justice and Human Rights, Supreme Decree No. 014-2014-JUS adopting the National Plan for Young People in Conflict with the Law, *El Peruano* (Official Gazette) (1 December 2013).

⁸⁴ Ministry of Justice and Human Rights, Directorate-General for Criminal and Prison Policy, Report No. 109-2015-JUS/DGPCP of 29 October 2015, p. 3.

Presidents of the High Courts of Justice should support the establishment of this type of centre in their jurisdiction and, to this end, ensure the physical space for its operation through the signing of inter-agency agreements with regional and local governments, and with public and private institutions, in coordination with the Juvenile Centres Unit of the Judiciary.

108. There are currently 23 Guidance Services for Adolescents, located in Ayacucho, Callao, Cañete, Cerro Colorado (Arequipa), Chiclayo, Cusco, Huancavelica, Huancayo, Huánuco, Huaura, Ica, Iquitos, Lima Esta, Lima Norte, Madre de Dios, Paucarpata (Arequipa), Puno, Rímac, Santa, Sullana, Trujillo, Tumbes and Ventanilla.⁸⁵

109. It should be noted that the National System of Social Reintegration of Adolescents in Conflict with the Law will be transferred to the Ministry of Justice. The deadline for the transfer is 365 working days from the establishment of the technical committee in charge of the process.⁸⁶

110. Furthermore, in paragraphs 93 and 94 and subparagraph 102 (a) of its report, the Subcommittee recommends establishing effective mechanisms for complaints about the treatment of minors in juvenile detention centres, and taking measures to prevent ill-treatment of minors by the police, as well as ensuring proper legal assistance at all stages of judicial proceedings.

111. In this regard, it should be noted that the national juvenile detention centres allow adolescents to report anonymously, without fear of reprisals.⁸⁷

112. Thus, technical regulatory oversight is also performed in order to verify compliance with regulations in each juvenile detention centre and Guidance Service for Adolescents at the national level. This measure also involves monitoring and follow-up action to ensure that the activities and tasks set out in the centre's operational plan are carried out and the practical and financial goals are met.⁸⁸

113. As part of the monitoring activities, staff of the Juvenile Centres Unit interview the adolescents at random, consulting them on the quality of service and the treatment received by young people detained within the reformed juvenile detention centre system.⁸⁹

114. Visits are received from judges and prosecutors, who monitor the facilities and interview the adolescents. Visits are also received from the Ombudsman's Office in order to address complaints, inquiries and requests from adolescents.⁹⁰

115. In addition, the Operational Guide for Mechanisms for Access to Justice for Adolescent Offenders in Juvenile Detention Centres, approved by Administrative Decision No. 390-2011-GG-PJ, serves as a guide for the receipt and processing of and timely response to requests and suggestions submitted by juvenile offenders.

116. It should be made clear that there are no punishment cells in juvenile detention centres given that the envisaged system includes an intensive intervention sector to help adolescents with severe and resistant behavioural problems to accept proposals for change based on education.⁹¹

⁸⁵ Judiciary, Official Letter No. 12-2017-DDHH-PJ of 17 April 2017, p. 3.

⁸⁶ Executive branch of government, article 1 of Legislative Decree No. 1299, *El Peruano* (Official Gazette) (30 December 2016).

⁸⁷ Judiciary, Official Letter No. 234-2015-DDHH-PJ of 18 November 2016. Attached Official Letter No. 919-2015-GCJ-GG/PJ (10 November 2015) of the Juvenile Centres Unit.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ Judiciary, Official Letter No. 12-2017-DDHH-PJ of 17 April 2017, p. 1.

⁹¹ *Ibid.*

117. According to the information provided by the judiciary, the Youth Assessment and Rehabilitation Centre in Lima has adequate infrastructure and the intensive intervention sector complies with sanitary conditions.⁹²

118. The Trujillo juvenile detention centre does not have an intensive intervention sector since it has a holding capacity of 50 persons and is currently overcrowded. It therefore chooses to transfer adolescents to other juvenile detention centres.⁹³

119. The Human Rights Handbook for Police Officers states that when a minor is arrested, his or her parents or guardian must be immediately notified; the circumstances and the place of detention shall be communicated as soon as possible to the competent prosecutor and judge.⁹⁴

120. In addition, the above-mentioned Handbook provides that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. To that end, children must be segregated from adults and have the right to maintain contact with their family.⁹⁵

3.3.2 Torture and ill-treatment

121. In paragraph 102 of its report, the Subcommittee recommends, inter alia, that clear criteria be established in the centres' internal regulations as to what kind of disciplinary measures should be imposed on adolescents who have committed an offence.

122. In this regard, the judiciary approved the Handbook of Procedural Rules for the Execution of Socio-educative Measures for the Social Reintegration of Adolescents in Conflict with the Law in Open Juvenile Detention Centres,⁹⁶ through Administrative Decision No. 072-2015-CE-PJ (13 March 2015).

123. The above-mentioned rules are intended to define the criteria for implementing the differential treatment model for adolescents in conflict with the law in open juvenile detention centres, and thus to establish a modern juvenile criminal justice system that is in accordance with reality, good practices and international standards and that guarantees the fundamental rights of adolescents subject to socio-educational measures in open juvenile detention centres.

124. Furthermore, Administrative Decision No. 040-2013-GG-PJ approves the Regulations on the Rights, Obligations and Punishment of Adolescents in Conflict with the Law in Closed Juvenile Detention Centres of the Judiciary.⁹⁷

⁹² Judiciary, Official Letter No. 12-2017-DDHH-PJ of 17 April 2017, p. 2.

⁹³ Ibid.

⁹⁴ Ministry of the Interior, General Directorate for Democratic Security, Official Letter No. 001577-2015/IN/DGSD, p. 3.

⁹⁵ Ministry of the Interior, General Directorate for Democratic Security, Official Letter No. 001577-2015/IN/DGSD, p. 3. Cf. Human Rights Handbook for Police Officers, p. 53.

⁹⁶ Judiciary, Administrative Decision No. 072-2015-CE-PJ of 13 March 2016 approving the Handbook of Procedural Rules for the Execution of Socio-educative Measures for the Social Reintegration of Adolescents in Conflict with the Law in Open Juvenile Detention Centres.

There are additional rules, including:

Administrative Decision No. 546-2013-GG-PJ approving the Operational Guide to Preparing the Management Report on National Open Juvenile Detention Centres.

Administrative Decision No. 318-2013-GG-PJ approving Directive No. 007-2013-GG-PJ on rules governing the organization and operation of the parenting classes programme in national open juvenile detention centres.

Administrative Decision No. 608-2013-GG-PJ approving Directive No. 002-2013-GCJ-GG/PJ on organizing the matrix file of adolescents in conflict with the law in national open juvenile detention centres.

⁹⁷ Judiciary, General management, Administrative Decision No. 040-2013-GG-PJ approving the Regulations on the Rights, Obligations and Punishment of Adolescents in Conflict with the Law in Closed Juvenile Detention Centres of the Judiciary of 22 January 2013. Available from

125. These regulations are intended to establish the provisions that will be taken into account in the management of the behaviour of adolescents who have been detained as a socio-educational measure in national juvenile detention centres, continuously supporting them in learning responsible behaviour so that they can interact harmoniously with other individuals in order to successfully reintegrate into society.

126. In addition, the following training courses were held in national juvenile detention centres:⁹⁸

126.1 Course on the management of aggressive and antisocial behaviour using a model of cognitive behavioural intervention, aimed at all psychologists in national juvenile detention centres.

126.2 Intervention programmes focused on behavioural change for adolescents with behavioural problems, aimed at all social educators in national juvenile detention centres.

126.3 Systematic family therapy with adolescents, aimed at all social workers in national juvenile detention centres.

126.4 The virtual course entitled “Key concepts for drug dependence intervention with persons in conflict with the law”, developed by the National Commission for Development and Life without Drugs (DEVIDA) and aimed at all psychologists in national juvenile detention centres.

127. Furthermore, in the judiciary’s National Plan for Access to Justice for Vulnerable Persons 2016-2021,⁹⁹ “adolescents in conflict with the law” has been established as the second strategic area, with the following objectives: (i) promote the application of alternative measures to deprivation of liberty for adolescents in conflict with the law; (ii) promote the protection of the rights of adolescents in conflict with the law in judicial proceedings; and (iii) promote the rehabilitation and social reintegration of adolescents in conflict with the law.

3.3.3 Psychiatric institutions

128. In paragraph 104 of its report, the Subcommittee recommends that steps be taken 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.

129. In this regard, article 3 of the Code of Criminal Enforcement¹⁰⁰ provides that the sentence shall be enforced with respect for the fundamental rights of the person enshrined in the Code of Criminal Procedure and in the rest of the Peruvian legislation. This protection extends to all prisoners, both persons held for trial and convicted persons, in accordance with the provisions established by international treaties on the subject.

130. Accordingly, article 4 of the Code of Criminal Enforcement indicates that the inmate shall exercise his or her rights within the limitations imposed by the law, the sentence awarded and the prison regime, in accordance with the provisions of its articles 21 and 22.

131. Paragraph 106 of the report contains the Subcommittee’s recommendation relating to the need to 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.

https://www.pj.gob.pe/wps/wcm/connect/007320804f05a4478dc4efef22a976ef/RA_040-2013-GG-PJ.PDF?MOD=AJPERES&CACHEID=007320804f05a4478dc4efef22a976ef (accessed 23 June 2016).

⁹⁸ Judiciary, Official Letter No. 234-2015-DDHH-PJ, Op. cit. p. 4.

⁹⁹ Judiciary, National Plan for Access to Justice for Vulnerable Persons 2016-2021, pp. 77-80.

¹⁰⁰ JUSTICIA, article 3 of Supreme Decree No. 15-2003-JUS, *El Peruano* (Official Gazette) (11 September 2003).

132. In this connection, Legislative Decree No. 1325 provides that, in order to improve mental health care, the public institutions of the national health system that provide these services shall coordinate with the National Prison Institute and promote comprehensive treatment programmes for the care and treatment of persons with mental health problems and/or their permanent transfer to a specialized centre.¹⁰¹

133. Supreme Decree No. 033-2015-SA¹⁰² approved the regulations of Act No. 29889 amending article 11 of Act No. 26842 (General Health Act), which establishes the obligation to ensure that persons with mental health problems have universal and equitable access to programmes for health promotion and protection, prevention, treatment, psychosocial recovery and rehabilitation, with a comprehensive approach centred around the community, human rights, gender and interculturalism at the various levels of care.

134. As a right of users of health services, the Decree also establishes: (i) access to inpatient care or hospitalization for treatment in exceptional circumstances; (ii) access to inpatient care or hospitalization in the least restrictive environment compatible with their health needs in order to ensure their dignity and physical safety; (iii) the freedom for users to give their informed, free and voluntary consent for the procedure or treatment prescribed,¹⁰³ without any mechanism that would go against their wishes.

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

4.1 The definition of torture in national law

135. In paragraph 108 of its report, the Subcommittee recommends that the Criminal Code be amended to include a definition of torture that covers all the elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

136. In this regard, it should be noted that the criminal definition of torture established in article 321 of the Criminal Code was amended by Legislative Decree No. 1351,¹⁰⁴ which provides that any official or public servant, or any person acting with his consent or acquiescence, who inflicts upon another serious pain or suffering, whether physical or mental, or subjects another to any method aimed at destroying his or her personality or impairing his or her physical or mental capacity, shall be punished by imprisonment for a term of not less than 8 years and not more than 14 years.

137. In the event that the victim is: (i) seriously injured; (ii) less than 18 years or over 60 years of age; (iii) suffering from any type of disability; or (iv) pregnant; and (v) is arrested or detained, and the law enforcement officer abuses his or her authority to commit the offence, the custodial penalty shall be not less than 15 years and not more than 20 years.

138. In the event of the death of the victim, which could have been foreseen by the law enforcement officer, the custodial penalty shall be not less than 20 years and not more than 25 years.

139. With the above-mentioned amendments, the element of completion of the offence of torture has been separated from tangible consequences that do not

¹⁰¹ Executive branch of government, article 3 (2) of Legislative Decree No. 1325.

¹⁰² Ministry of Health, article 1 of Supreme Decree No. 033-2015-SA implementing the regulations of Act No. 29889 amending article 11 of Act No. 26842 (General Health Act), *El Peruano* (Official Gazette) (6 October 2001).

¹⁰³ Article 4 (e) and (g) of Supreme Decree No. 033-2015-SA.

¹⁰⁴ Executive branch of government, article 2 of Legislative Decree No. 1351, *El Peruano* (Official Gazette) (7 January 2017).

constitute an element of the act in question. It is therefore considered important that a person is considered to have been subjected to torture if a specific method of torture is proven to have been used and that method was intended to cause physical or psychological harm. Thus, the implication of introducing the word “tendente” [“aimed at”] is that tangible harm to mental or physical capacity may be only potential, the true impact of the acts in question being thereby reflected.

140. Moreover, two previous amendments were made to the Criminal Code through Acts Nos. 30054¹⁰⁵ and 30077,¹⁰⁶ the scope of which has an effect on the determination of the penalty for the offence of torture, among other crimes.

141. With regard to Act No. 30054,¹⁰⁷ it has been established that if the perpetrator takes advantage of his or her status as a member of the Armed Forces or Peruvian National Police, or as a public authority, official or servant, to commit a punishable act or uses weapons for that purpose that have been provided by the State or whose use is authorized on account of his or her status as a public official, the judge may increase the maximum sentence established by law by up to 50 per cent, although the sentence may not exceed 35 years’ imprisonment.

142. Act No. 30077¹⁰⁸ establishes the rules and procedures for special techniques for the investigation, prosecution and punishment of crimes committed by criminal organizations, including torture.

143. In the category of special aggravating circumstances,¹⁰⁹ for example, the provision establishes the case where a public servant or official has abused or taken advantage of his or her position to commit, facilitate or cover up a crime as a criterion for determining the increase in the penalty.

144. In this case, when the offence is committed against the “physical or psychological integrity of minors or other persons not subject to criminal liability”, those responsible may not have access to sentence-reducing prison privileges in respect of work, education, semi-detention and conditional release.¹¹⁰

4.2 Public Defender Service

145. Paragraph 112 of the Subcommittee’s report 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.

146. Under article 139 (16) of the Code of Criminal Procedure and article IX of the New Code of Criminal Procedure,¹¹¹ it is the role of the Ministry of Justice to ensure free defence through the General Directorate of the Public Defence Service and Access to Justice,¹¹² which provides free legal assistance in criminal, family, civil and labour matters to victims of rights violations in any form, to juvenile offenders, in prisons when persons lack financial resources and in all other cases expressly provided for by law.¹¹³

¹⁰⁵ Congress of the Republic, Act No. 30054, *El Peruano* (Official Gazette) (30 June 2013).

¹⁰⁶ Congress of the Republic, articles 3 and 18 of Act No. 30077, *El Peruano* (Official Gazette) (20 August 2013).

¹⁰⁷ Article 2 of Act No. 30054.

¹⁰⁸ Articles 3 and 18 of Act No. 30077.

¹⁰⁹ Article 22 (1) (c) of Act No. 30077.

¹¹⁰ *Ibid.*, article 24 (1).

¹¹¹ Executive branch of government, article IX of Legislative Decree No. 957, *El Peruano* (Official Gazette) (29 July 2004).

¹¹² Ministry of Justice and Human Rights, article 101 of Supreme Decree No. 011-2012-JUS (20 April 2016).

¹¹³ Ministry of Justice and Human Rights, General Directorate of the Public Defence Service and Access to Justice, Official Letter No. 01014-2016-JUS-DGDP of 29 September 2016, Report No. 00018-2016-JUS/DGDP-DDP-FEVP of 26 September 2016, pp. 3-4.

147. The Directorate of Criminal Defence¹¹⁴ and the Directorate of Legal Aid and Defence of Victims¹¹⁵ have provided sponsorship to defendants and victims in criminal proceedings for torture (115 new sponsorships in the period from January 2014 to October 2016, 103 provided by the Directorate of Criminal Defence and 12 by the Directorate of Legal Aid and Defence of Victims).

148. There are currently 33 district-level directorates and 1,658 professionals nationwide, including: 972 public defenders for criminal courts, 223 public defenders for legal aid, 272 public defenders for victims, 12 forensic medical examiners, 8 criminology experts, 16 forensic psychologists, 68 social workers and 87 extrajudicial conciliators.¹¹⁶

149. Similarly, in the period from January to December 2015, 115 events were held on topics related to prison privileges, in which a total of 11,382 male and female inmates took part. From January to August 2016, there were 96 events, with the participation of 12,174 male and female inmates.¹¹⁷

4.3 The problem of impunity

150. In paragraph 117 of the report, the Subcommittee recommends, inter alia, that 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.

151. In this respect, it is worth noting the measures reported in paragraph 15.

4.4 The problem of corruption

152. In paragraph 127 of the report, the Subcommittee recommends that the Government adopt and implement a firm and transparent zero-tolerance policy towards corruption that also addresses the structural conditions that lead to it.

153. Legislative Decree No. 1325,¹¹⁸ which declares a state of emergency and provides measures for the restructuring of the national prison system and the National Prison Institute, provides for various anti-corruption measures, including the following:

153.1 The National Prison Institute, within a period not exceeding 90 days, shall establish reporting channels for citizens, inmates, public servants, supplier companies and others, for the receipt of complaints and reports of corruption in person, online and by telephone as part of its operational responsibility.

153.2 The National Prison Institute shall implement video surveillance systems in prisons and other national facilities, with priority being given to their location in prevention and treatment areas, corridor junction points, health care facilities and guard posts in the prison wings, among others, in accordance with the directive issued, provided that such surveillance does not violate the privacy of individuals.

153.3 The National Prison Institute shall coordinate and carry out on a permanent basis with the other constituent entities of the national prison system joint monitoring and oversight operations in the areas of its competence in its decentralized bodies, prisons and open prisons.

¹¹⁴ Ibid., pp. 5-6.

¹¹⁵ Ibid., p. 17.

¹¹⁶ Ministry of Justice and Human Rights, General Directorate of the Public Defence Service and Access to Justice, Official Letter No. 1037-2016-JUS-DGDP of 5 October 2016, Technical Report No. 032-2016-JUS/DGDP-WEM, p. 3.

¹¹⁷ Ibid., p. 7.

¹¹⁸ Executive branch of government, article 13 of Legislative Decree No. 1325.

153.4 In addition to the above, it should be noted that the Anti-Corruption Plan of the Ministry of Justice and Human Rights 2013-2016¹¹⁹ has a Template for the Follow-up to and Monitoring of the Anti-Corruption Plan of the National Prison Institute 2013-2016, which contains four specific objectives relating to: (i) inter-agency coordination in the fight against corruption; (ii) effective prevention of corruption; (iii) timely and effective investigation and punishment of corruption at the judicial and administrative level; and (iv) promotion and coordination of the active participation of the public, civil society and business sector in the fight against corruption.

V. Conclusions

154. The Peruvian State, being aware of the obligation to guarantee the rights of all persons against acts of torture and cruel, inhuman and degrading treatment, undertakes to continue providing continuity and support to the measures that have been mentioned.

155. Peru also undertakes to ensure wide dissemination of the Subcommittee's report [CAT/OP-PER/R.1] in order to promote the implementation of and compliance with the recommendations contained therein.

¹¹⁹ Ministry of Justice and Human Rights, *Anti-Corruption Plan of the Ministry of Justice and Human Rights 2013-2016*, Annex 3, pp. 62-64. Available from <http://www.minjus.gob.pe/wp-content/uploads/2013/11/plan-anticorrupcion-justicia-2013-2016.pdf> (accessed 23 June 2016).

Annex

National Prison Institute: consolidated holding capacity of prisons (May 2017)

Regional offices	Department	Holding capacity				Projected expansion of holding capacity by 2021	
						Holding capacity in 2017	
						Regional office	Office of Prison Infrastructure, Construction and Equipment Unit + Maintenance Unit
North Regional Office — Chiclayo							
Tumbes prison (new)	Tumbes	384		384	384		192
Piura prison	Piura	1 370		1 370	1 370		
Huancabamba prison		70		0	0		
Sullana prison (women)		50		50	50		
Chiclayo prison	Lambayeque	1 143		1 143	1 143		
Trujillo prison	La Libertad	1 134	384	1 518	1 518		
Trujillo women's prison		160		160	160		
Pacasmayo prison		0	72	72	72		
Cajamarca prison	Cajamarca	432	456	888	888		
Chota prison		65		65	65		
Jaen prison		50		50	50		
San Ignacio prison		78	72	150	150		
		4 936	984	5 850	5 850	0	192
Lima Regional Office — Lima							
Huaraz prison	Ancash	350		350	350		248
Chimbote prison		500	420	920	920		
Chorrillos women's prison	Lima	450		450	450		
Lurigancho prison		3 204		3 204	3 204		
Miguel Castro prison		1 142		1 142	1 142		
Lima prison		400			0		
Women's Annex in Chorrillos prison		288		288	288		
Huaral prison		823		823	823		270
Cañete prison		768		768	768		256
Huacho prison		644		644	644		
Callao prison		572		572	572		
Ancón prison		972	648	1 620	1 620		
Ancón II prison		2 200		2 200	2 200	16	
Ica prison	Ica	1 464		1 464	1 464		354
Barbadillo prison	Lima	1		1	1		
Chincha prison		0	1 152	1 152	1 152		
Yauyos prison		0		0	0		
Virgen de la Merced prison		0	42	42	42		
Virgen de Fátima prison — Tarapacá		536	12	548	548		
CEREC naval base							
		14 314	2 274	16 188	16 188	16	1 128

Regional offices	Department	Holding capacity			Projected expansion of holding capacity by 2021	
					Holding capacity in 2017	
					Regional office	Office of Prison Infrastructure, Construction and Equipment Unit + Maintenance Unit
East Regional Office — Pucallpa						
Huánuco prison	Huánuco	1 074		1 074	1 074	
Unión prison		80		0	0	
Cerro de Pasco prison	Cerro de Pasco	96		96	96	
Cochamarca prison	Cerro de Pasco	0	1 224	1 224	1 224	
Pucallpa prison	Ucayali	484	92	576	576	
Venadopampa prison						
		1 734	1 316	2 970	2 970	0
North-East Regional Office — San Martin						
Bagua Grande prison	Amazonas	119		119	119	
Chachapoyas prison		332		332	332	400
Juanjuí prison	Sint Maarten	80	490	570	570	400
Tarapoto prison		152	70	222	222	
Tarapoto prison (new)		30	636	666	666	300
Moyobamba prison		20	364	384	384	291
Yurimaguas prison	Loreto	42	236	278	278	128
Iquitos prison		496	288	784	784	400
Iquitos women's prison		64	14	78	78	
		1 335	2 098	3 433	3 433	1 919
Central Regional Office — Huancayo						
Huancayo prison		680		680	680	
Concepción women's prison		55	50	105	105	
Chanchamayo prison		120		120	120	
Satipo prison		50		50	50	216
Tarma prison		48		48	48	
Oroya prison		64		64	64	
Huancavelica prison	Huancavelica	60		60	60	
Huanta prison	Ayacucho	42		42	42	
Ayacucho prison		644		644	644	
Jauja prison	Huancayo	70	15	85	85	
		1 833	65	1 898	1 898	0
South-East Regional Office — Cusco						
Abancay prison	Apurimac	90		90	90	
Andahuaylas prison (new)		248		248	248	
Cusco prison	Cusco	800		800	800	816
Cusco women's prison		62		62	62	136
Sicuani prison		88	8	96	96	
Quillabamba prison		80		80	80	
Puerto Maldonado prison	Madre de Dios	422	168	590	590	
		1 790	176	1 966	1 966	0
						952

Regional offices	Department	Holding capacity		Projected expansion of holding capacity by 2021		
				Holding capacity in 2017		
				Regional office	Office of Prison Infrastructure, Construction and Equipment Unit + Maintenance Unit	
South Regional Office — Arequipa						
Arequipa prison	Arequipa	667		667	667	
Arequipa women's prison		67		67	67	
Camaná prison		78		78	78	
Moquegua prison	Moquegua	45	133	178	178	
Tacna prison	Tacna	180	42	222	222	
Tacna women's prison		40		40	40	
		1 077	175	1 252	1 252	0
Altiplano Regional Office — Puno						
Lampa prison	Puno	44		44	44	
Juliaca prison		420		420	420	
Puno Yanamayo prison		352	426	778	778	
Challapalca prison	Tacna	214		214	214	
		1 030	426	1 456	1 456	0
Subtotal (A)		28 049	7 514	35 013	35 013	1 935

Source: National Prison Institute, Official Letter No. 377-2017-INPE/4 of 8 January 2016. Further information provided by email on 23 June 2017.