



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

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**Committee on Enforced Disappearances**

**Information received from Peru on follow-up to  
the concluding observations on its report  
submitted under article 29 (1) of the Convention\***

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## I. Introduction

1. In accordance with article 29 (3) of the International Convention for the Protection of All Persons from Enforced Disappearance (the Convention), Peru hereby submits its report on follow-up to paragraphs 15, 29 and 33 of the concluding observations<sup>1</sup> formulated with respect to its initial report, which it presented to the Committee on Enforced Disappearances (the Committee) in April 2019.
2. The present report was prepared with information received from the judicial branch; the Attorney General's Office, which is part of the Public Prosecution Service; the Ombudsman's Office; and entities under the Ministry of Justice and Human Rights – namely, the Directorate General for the Search for Disappeared Persons, the Executive Secretariat of the High-level Multisectoral Commission and the Reparations Board.
3. Furthermore, the consultations process reflected the approaches and principles that guide the implementation of Supreme Decree No. 010-2020-JUS,<sup>2</sup> under which the Intersectoral Protocol on the Participation of Peru in International Human Rights Protection Systems was adopted, and a national mechanism, headed by the Ministry of Justice and Human Rights, for preparing, submitting and following up on reports to international human rights protection systems was set up.<sup>3</sup>

## II. Follow-up information on paragraphs 15, 29 and 33 of the concluding observations (CED/C/PER/CO/1)

### A. Follow-up information on paragraph 15

4. The crime of enforced disappearance was incorporated into article 320 of the Criminal Code by Act No. 26926,<sup>4</sup> which amended various articles and inserted title XIV-A, on crimes against humanity.
5. Article 320 was amended by Legislative Decree No. 1351<sup>5</sup> in January 2017, with the definition of enforced disappearance then reading as follows:

“An official or a public servant, or any person acting with the consent or acquiescence of an official or a public servant, who deprives a person of his or her liberty and refuses to acknowledge such deprivation of liberty or to provide accurate information on the fate or whereabouts of the victim shall be liable to imprisonment for a term of at least 15 and no more than 30 years and disqualification from office under article 36 (1) and (2).

The term of imprisonment shall be at least 30 and no more than 35 years, with disqualification under article 36 (1) and (2), if the victim:

- (a) Is under 18 or over 60 years of age;
- (b) Has any type of disability;
- (c) Is pregnant.”

<sup>1</sup> Committee on Enforced Disappearances. [CED/C/PER/CO/1](#). Date: 8 May 2019.

<sup>2</sup> Ministry of Justice and Human Rights. Supreme Decree No. 010-2020-JUS. Published in the country's official gazette, *El Peruano*, on 21 August 2020.

<sup>3</sup> Ministry of Justice and Human Rights. 2018–2021 National Human Rights Plan. Supreme Decree No. 002-2018-JUS. Published in *El Peruano* on 1 February 2018.

Strategic Guideline No. 4 of the Plan provides for the strengthening of the domestic legal system through the implementation of international instruments and a plan that establishes the strategic priorities of the State and its inter-institutional guidelines as a policy framework that sets the direction for the promotion and protection of human rights, and for the setting up of a national mechanism for preparing, submitting and following up on reports to international human rights protection systems.

<sup>4</sup> Congress. Act No. 26926. Published in *El Peruano* on 21 February 1998.

<sup>5</sup> Executive branch. Legislative Decree No. 1351. Published in *El Peruano* on 7 January 2017.

6. This amendment brings the definition of enforced disappearance into line with article 2 of the Convention,<sup>6</sup> eliminates the requirement that the disappearance be proven and adds the element regarding denial of the deprivation of liberty or refusal to provide information on the person's whereabouts. In addition, under the definition, the conduct constitutes an offence regardless of the context in which it occurs, and the aggravating circumstances it sets out reflect the three categories of victim referred to in article 7 (2) (b) of the Convention.

7. Furthermore, article 46-A of the Criminal Code makes it an aggravating circumstance<sup>7</sup> for a perpetrator to take advantage of his or her status as a member of the armed forces, the Peruvian National Police or a State authority, or as an official or public servant, to commit a punishable act or to use in its commission weapons that have been provided by the State or that he or she is authorized to use by virtue of his or her status as a public official. In such cases, judges will increase the sentence by up to one half of the legal maximum for the offence committed, provided that the sentence does not exceed 35 years' imprisonment.

8. Moreover, the crime of enforced disappearance is covered by article 3 of Act No. 30077,<sup>8</sup> the Organized Crime Act. Article 22 of the Act specifies that, if an offence is committed by an official or public servant who has taken advantage of his or her position or has made use of it to commit, facilitate or cover up the offence, the judge will increase the sentence by up to one third of the legal maximum for the offence committed, but in no event may the sentence exceed 35 years.<sup>9</sup>

9. The new Code of Criminal Procedure, adopted by Legislative Decree No. 957,<sup>10</sup> entered into force in the Lima Centro judicial district on 15 June 2021, in accordance with Supreme Decree No. 005-2021-JUS,<sup>11</sup> thus bringing to a close the 15-year-long process of implementing this procedural tool, which had taken place progressively in the country's various prosecutorial and judicial districts. This represents a significant step forward in the consolidation and strengthening of the Peruvian criminal justice system.<sup>12</sup>

10. In addition, article 2 (b) of Act No. 30470 on the Search for Persons Who Disappeared during the Violence of 1980–2000<sup>13</sup> states that “disappeared person” is understood to mean “any person whose whereabouts are unknown to his or her relatives or whose location cannot be established with legal certainty, as a consequence of the violence of 1980–2000”, which is consistent with the definition contained in article 2 of the Convention.<sup>14</sup>

11. Similarly, under the regulations of the Central Register of Victims,<sup>15</sup> “enforced disappearance” is understood to mean any form of deprivation of a person's liberty that can be attributed to members of subversive organizations or agents of the State, followed by a lack of information or a refusal to acknowledge the deprivation of liberty or to provide information on the whereabouts of the person, where that lack of information or refusal hinders access to the applicable legal remedies and procedural guarantees and provided that that situation continues in the present. This definition also encompasses cases of enforced

<sup>6</sup> Peru. Replies of Peru to the list of issues. CED/C/PER/Q/1/Add.1. Paras. 11 and 14.

<sup>7</sup> Congress. Act No. 30054. Published in *El Peruano* on 30 June 2013. Art. 2.

<sup>8</sup> Congress. Act No. 30077. Published in *El Peruano* on 20 August 2013.

<sup>9</sup> Act No. 30077. Art. 22, para. 1 (c).

<sup>10</sup> Executive branch. Legislative Decree No. 957. Published in *El Peruano* on 29 July 2004.

<sup>11</sup> Ministry of Justice and Human Rights. Supreme Decree No. 005-2021-JUS. Published in *El Peruano* on 29 April 2021.

<sup>12</sup> Attorney General's Office. Code of Criminal Procedure entered into force in 16 districts of Lima Centro. Consulted on 1 September 2021. Available at <https://www.gob.pe/institucion/mpfn/noticias/500585-codigo-procesal-penal-entro-en-vigencia-en-16-distritos-de-lima-centro>.

<sup>13</sup> Congress. Act No. 30470. Published in *El Peruano* on 22 June 2016.

<sup>14</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Report No. 003-2021/DRIF. Date: 19 January 2021.

<sup>15</sup> Reparations Board. Adopted by Reparations Board Decision No. 9-08-04 (Date: 27 February 2008).

disappearance where there is certainty, in one form or another, as to the death of the victim, even if his or her remains have not been found or identified.<sup>16</sup>

12. The definition was supplemented as follows:<sup>17</sup> “Enforced disappearance entails deprivation of liberty followed by a lack of information regarding the person’s whereabouts; it is therefore important, regardless of who the perpetrator is, for all the sources of information listed in the rules and procedures on registering victims of violence to have been consulted up to the date on which the case is evaluated and characterized and for no new information to have been obtained that would alter the status of the victim as a disappeared person”.<sup>18</sup>

13. The Supreme Court of Justice has indicated that the ratification by Peru of the American Convention on Human Rights places an obligation on judges to ensure that the international standards contained in the Convention are observed. Therefore, when pardons are granted in cases involving offences classified by the Inter-American Court of Human Rights as crimes against humanity, where they could contravene the victims’ right to access to justice, the sentence enforcement judge must review the pardon’s compatibility with the treaty.<sup>19</sup>

14. The Supreme Court of Justice also stated that victims’ right of access to justice is another compelling ground for dealing with treaty compatibility reviews as a separate interlocutory matter in cases where there have been convictions for crimes against humanity.<sup>20</sup> It added that, when a trial is carried out to completion and achieves what it was meant to, it gives a very clear sign that human rights violations are not tolerated because it helps to provide reparation to the victims and to demonstrate to the public that justice has been done. In addition, when penalties handed down by the competent authorities are commensurate with the seriousness of the facts and have the proper legal basis, others can see that they are not arbitrary and do not contribute to any form of de facto impunity.<sup>21</sup>

15. It therefore concluded that humanitarian pardons granted to individuals who have been tried and convicted of offences considered crimes against humanity are subject to review.<sup>22</sup>

16. Finally, it should be noted that Supreme Decree No. 004-2020-JUS,<sup>23</sup> which establishes special criteria and sets out the procedures for evaluating and putting forward recommendations for presidential pardons during the coronavirus disease (COVID-19) health emergency, states that “with respect to the conditions set forth in article 3.1 (d) and (e) [(d) that the sentence handed down does not exceed four years; and (e) that he or she is over 60 years of age], a presidential pardon should not be recommended for prisoners who have been sentenced for any of the offences set out in book two, special part, of the Criminal Code and special laws, which include: ... (g) Title XIV-A, Crimes against Humanity, arts. 319, 320 and 321”.

## **B. Follow-up information on paragraph 29**

17. Article 3 of Act No. 28592,<sup>24</sup> the law under which the Reparations Board was created, accords the status of “victim” to persons or groups of persons who have been subjected to acts or omissions that violate human rights norms, such as enforced disappearance,

<sup>16</sup> Ministry of Justice and Human Rights. Reparations Board. Report No. 33-2021-MINJUS-CR/REC. Date: 15 July 2021.

<sup>17</sup> Reparations Board. Meeting of 26 December 2008. Since that date, the Reparations Board has, in practice, used a broad definition in line with the definition contained in article 2 of the Convention.

<sup>18</sup> Ministry of Justice and Human Rights. Reparations Board. Op. cit., pp. 4–5.

<sup>19</sup> Supreme Court of Justice. Special Criminal Chamber. Case file No. 00006-2001-4-50001-SU-PE-01. Review of compatibility with treaty – Alberto Fujimori Fujimori or Kenya Fujimori. Para. 2.9, p. 34.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ministry of Justice and Human Rights. Supreme Decree No. 004-2020-JUS. Published in *El Peruano* on 23 April 2020.

<sup>24</sup> Congress. Act No. 28592. Published in *El Peruano* on 29 July 2005.

kidnapping, extrajudicial execution, murder, forced displacement, arbitrary detention, forced recruitment, torture, sexual violence in its various forms or death, and to the relatives of persons who died or disappeared between May 1980 and November 2000.<sup>25</sup>

- (i) As at July 2021, the Reparations Board had registered 230,383 persons as individual victims in the Central Register of Victims;
- (ii) Of that number, 86,675 were registered as relatives of victims who had died (the violations of death or enforced disappearance) and/or children born of rape;<sup>26</sup>
- (iii) The Register contains records for 9,286 victims of enforced disappearance (7,813 men and 1,473 women);<sup>27</sup>
- (iv) In addition, 22,213 relatives of victims of enforced disappearance and persons holding the status of “beneficiary” appear in the Register (8,988 men and 13,225 women).<sup>28</sup>

18. Several bodies have been set up under the High-level Multisectoral Commission – which comprises the Ministry of Justice and Human Rights, 11 other government ministries<sup>29</sup> and four civil society organizations<sup>30</sup> – to help it implement, under Act No. 28592, the Comprehensive Reparations Plan for victims of the violence that occurred between May 1980 and November 2000 and to ensure that participatory processes are put in place. These bodies include:<sup>31</sup>

- A working group on improving the implementation of the Comprehensive Reparations Plan, created by Ministerial Decision No. 0219-2017-JUS,<sup>32</sup> which is made up of 12 national representatives of organizations of civilian, police and military victims of the violence that occurred between 1980 and 2000. It provides a forum for coordination with organizations of victims of various violations, where factors that impede the proper implementation of the Comprehensive Reparations Plan can be identified and various instruments for improving access to reparations programmes are developed collectively.<sup>33</sup>
- A thematic round table on victims of the violence that occurred between 1980 and 2000 – part of the 2018–2021 National Human Rights Plan – which comprises representatives of the State, victims’ organizations and civil society. This is a forum for presenting the progress that has been made in meeting the goals of the Plan in terms of the award of collective reparations in the areas of health, education, housing and the restitution of citizens’ rights, and in implementing Act No. 30470 using a humanitarian approach.<sup>34</sup>
- A temporary multisectoral committee to provide housing assistance to victims of the violence that occurred between 1980 and 2000, which was established by Supreme Decision No. 113-2018-PCM<sup>35</sup> in order to support the implementation and planned

<sup>25</sup> Ministry of Justice and Human Rights. Reparations Board. Op. cit., p. 5.

<sup>26</sup> Ministry of Justice and Human Rights. Reparations Board. Op. cit., p. 5.

<sup>27</sup> Ministry of Justice and Human Rights. Reparations Board. Op. cit., p. 6.

<sup>28</sup> Ministry of Justice and Human Rights. Reparations Board. Op. cit., p. 6.

<sup>29</sup> Ministry of Justice and Human Rights, Ministry of the Interior, Ministry of Economic Affairs and Finance, Ministry for Women and Vulnerable Groups, Ministry of Defence, Ministry of Education, Ministry of Health, Ministry of Labour and Job Creation, Ministry of Development and Social Inclusion, Ministry of Housing, Construction and Sanitation, Ministry of Agrarian Development and Irrigation, Ministry of Culture.

<sup>30</sup> Office of the President of the Council of Ministers. Supreme Decree No. 011-2004-PCM. Published in *El Peruano* on 6 February 2004.

<sup>31</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Official communication No. 1293-2021-JUS/CMAN-SE. Date: 13 July 2021, p. 1.

<sup>32</sup> Ministry of Justice and Human Rights. Ministerial Decision. No. 0219-2017-JUS. Published in *El Peruano* on 8 September 2017.

<sup>33</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 2.

<sup>34</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 2.

<sup>35</sup> Office of the President of the Council of Ministers. Supreme Decision No. 113-2018-PCM. Published in *El Peruano* on 9 May 2018.

improvement of the Programme to Promote and Facilitate Access to Housing. One of its tasks is to develop a multi-year plan ending in 2021 to assist beneficiaries of the Programme (adopted in December 2019).<sup>36</sup>

- A working group comprising members of the Asociación Nacional de Familiares de Desaparecidos, Ejecutados Extrajudicialmente y Torturados (National Association of Family Members of Disappeared, Extrajudicially Executed and Tortured Persons), the Asociación de Vivienda Nuevo Amanecer (New Dawn Housing Association) and legal representatives involved in the cases mentioned in the joint press release issued by the Government of Peru and the Inter-American Commission on Human Rights on 22 February 2001, which was formed to follow up on the non-monetary reparation measures provided for in Supreme Decree No. 005-2002-JUS.<sup>37</sup>

19. In recent years, the High-level Multisectoral Commission has implemented mechanisms to provide differentiated assistance in order to build trust, increase transparency and strengthen dialogue with victims. It has created national, regional and local forums to collectively improve the process for obtaining reparation and has thereby achieved the following:<sup>38</sup>

- A total of 230,100 persons and 5,712 communities and 159 organizations of non-returning displaced persons have been recognized in the Central Register of Victims.<sup>39</sup>
- With respect to collective reparations, 3,681 communities and organizations of non-returning displaced persons have been awarded productive or infrastructure projects chosen democratically by those groups.<sup>40</sup>
- In terms of financial reparation, assistance has been provided to 86,721 victims, of whom 20,070 are relatives of disappeared persons, who are acknowledged to have suffered multiple violations.<sup>41</sup>
- In addition, in June 2021, the thirty-first list of civilian, military and police beneficiaries of the Financial Reparations Programme, prepared by the Executive Secretariat of the High-level Multisectoral Commission, was approved under Ministerial Decision No. 0107-2021-JUS,<sup>42</sup> thereby authorizing the budgetary disbursement needed to cover the financial reparations to be made as a single payment into the National Bank savings accounts of 191 named beneficiaries – who had in total suffered 197 violations requiring reparation – in the amount of 1,014,775.14 soles.
- With respect to health reparations, 131,189 victims, of whom 11,361 are relatives of disappeared persons, received care through the comprehensive health insurance scheme and community mental health centres.
- In terms of educational reparations, 13,857<sup>43</sup> victims, of whom 488 are relatives of disappeared persons, received assistance through scholarships, reserved seats and other mechanisms for access to education.<sup>44</sup>
- In terms of housing reparations, housing vouchers have been provided to 4,855 victims who were forcibly displaced or lost their homes between 1980 and 2000, of whom 197 are relatives of disappeared persons.<sup>45</sup>

<sup>36</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Annex to official communication No. 1694-2021-JUS/SE. Updated information. Date: 28 September 2021.

<sup>37</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Annex to official communication No. 1694-2021-JUS/SE. Updated information. Date: 28 September 2021.

<sup>38</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 2.

<sup>39</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 2.

<sup>40</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 2.

<sup>41</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 2.

<sup>42</sup> Ministry of Justice and Human Rights. Ministerial Decision No. 0107-2021-JUS. Published in *El Peruano* on 11 June 2021.

<sup>43</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Annex to official communication No. 1694-2021-JUS/SE. Updated information. Date: 28 September 2021.

<sup>44</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 3.

<sup>45</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 3.

- In addition, a directive on the Programme to Promote and Facilitate Access to Housing, adopted by Directorial Decision No. 001-VIVIENDA/VMVU-DGPPVU,<sup>46</sup> was issued to ensure that appropriate assistance is provided under the programme, which is intended to facilitate access to housing for victims and/or their relatives who lost their homes or were displaced from their place of residence as a result of the violence that occurred between 1980 and 2000 or who face housing problems as a direct consequence of that violence.
  - With respect to symbolic reparations, there have been 68 public acts recognizing 126 individual and collective victims of the violence, of whom 79 were victims of enforced disappearance. The acts included public apologies for the violations suffered.<sup>47</sup>
20. In addition, 13 places of remembrance were created in deeply affected communities and seven comic strip competitions addressing human rights and the culture of peace were held as a mechanism for sharing information, engaging in reflection and reaching out to students from seven regions of the country.<sup>48</sup>
- (i) Resources were transferred to the regional government of Ayacucho and support and assistance were provided in preparing a technical dossier for a sanctuary of remembrance in La Hoyada. An expert committee, comprising 13 professionals from Peru and abroad, was formed to help prepare the dossier, the submission of which is still pending;
  - (ii) Guidelines for the development of a national plan for remembrance, peace and reconciliation were adopted in March 2019 at the 136th regular session of the High-level Multisectoral Commission;<sup>49</sup>
  - (iii) A proposal was drafted for a national plan of remembrance on the basis of a participatory process involving 110 key stakeholders that took place with the support of the Institute for Democracy and Human Rights and the Embassy of Germany;<sup>50</sup>
  - (iv) Guidelines were adopted on the use of differential measures for women and members of the lesbian, gay, bisexual, transgender and intersex community in the implementation of the Comprehensive Reparations Plan.<sup>51</sup>
21. Entities such as the Ministry of Culture, the Ministry of Development and Social Inclusion and the Ministry for Women and Vulnerable Groups also take part in the activities carried out by the High-level Multisectoral Commission to ensure that procedures, workspaces and regulatory and management tools incorporate an intercultural perspective, with a view to providing a tailored response to differential requests for recognition and assistance, and a gender perspective, with a view to responding to the differential impact of violence.<sup>52</sup>
22. The services of the Central Register of Victims and the High-level Multisectoral Commission were not interrupted during the COVID-19 pandemic:

<sup>46</sup> Ministry of Housing, Construction and Sanitation. Directorial Decision No. 001-2021-VIVIENDA-VMVU-DGPPVU. Published on the official website of the Government of Peru: 20 April 2021. Consulted on 24 August 2021. Available at <https://www.gob.pe/institucion/vivienda/normas-legales/1847948-001-2021-vivienda-vmvu-dgppvu>.

<sup>47</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 3.

<sup>48</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 3.

<sup>49</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Annex to official communication No. 1694-2021-JUS/SE. Updated information. Date: 28 September 2021.

<sup>50</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 3.

<sup>51</sup> Ministry of Justice and Human Rights. Guidelines on the use of differential measures for women and members of the lesbian, gay, bisexual, transgender and intersex community in the implementation of the Comprehensive Reparations Plan. Published on the official website of the Government of Peru. Consulted on 21 August 2021. Available at <https://www.gob.pe/institucion/minjus/informes-publicaciones/1642884-lineamientos-para-la-adopcion-de-acciones-diferenciadas-en-la-implementacion-del-plan-integral-de-reparaciones-a-mujeres-y-poblacion-lgtbi>.

<sup>52</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Op. cit., p. 3.

(i) With regard to the Central Register of Victims, virtual channels were created for providing assistance to the public so that new requests for registration and/or documentation and information relating to existing applications could be received and/or questions from the public answered;<sup>53</sup>

(ii) The High-level Multisectoral Commission<sup>54</sup> stepped up its efforts and:

- Set up hotlines to provide guidance in Spanish and Quechua on victims' access to programmes under the Comprehensive Reparations Plan. Since March 2020, 45,529 calls have been answered on 13 telephone lines set up around the country, serving the regions of Huánuco, Ayacucho, Junín, Lima, Pasco, Huancavelica, Cuzco, Apurímac, San Martín, Puno, Ica, Ucayali, Ancash, Arequipa, La Libertad, Madre de Dios, Lambayeque, Tacna, Tumbes, Juliaca, Piura, Cajamarca, Moquegua and Loreto. Information was also provided on the measures being taken by the Government during the health emergency.
- Coordinated with 47 local governments in Ayacucho, Cuzco, Puno, Huancavelica, Ica, Lima, Huánuco, San Martín and Pasco to provide assistance to 358 vulnerable victims in the form of food baskets supplied by the relevant municipality.
- Coordinated with national and local victims' organizations to deliver packages of non-perishable food items to 676 civilian, police and military victims in metropolitan Lima, using information from the national organizations represented in the working group on reparations and organizations of non-returning displaced persons registered in the Central Register of Victims.
- Sent communications to the Ministry of Development and Social Inclusion requesting that the information on the 177,072 living persons appearing in the Central Register of Victims be taken into account in determining eligibility for the Universal Family Assistance Payment, so that victims who had found themselves in a vulnerable situation because of COVID-19 and had not been considered for earlier payments could receive the appropriate assessment and assistance. In response, the Ministry reported that a State family assistance payment would be made to 122,161 people appearing in the Central Register of Victims, either directly or through a family member. Families who had not been considered initially could register with the National Registry Office and confirm that they met the requirements for receiving the payment, such as not having received other State payments and having no household members on any public or private payrolls. This information was shared with the working group on reparations.
- Followed the progress of the 450 recipients of scholarships for victims of violence and the 15 enrollees in high schools for high-performing students, and followed up on the 306 seats currently reserved in 19 public universities and the 586 reserved seats announced in 90 public institutes, in accordance with the 2016–2021 Multi-Year Educational Reparations Plan for Victims of the Violence in Peru.
- Began registering victims for housing vouchers by setting up authorized desks of the “Techo Propio” (Home of Your Own) programme in the offices of the Executive Secretariat of the High-level Multisectoral Commission.
- Included victims of the violence that occurred between 1980 and 2000 on lists for priority receipt of housing vouchers.
- Processed requests for legal assistance from victims of the violence appearing in the Central Register of Victims on matters such as intestate succession, exemption from municipal payments and regularization of property, in

<sup>53</sup> Ministry of Justice and Human Rights. Reparations Board. Op. cit., p. 7.

<sup>54</sup> Ministry of Justice and Human Rights. High-level Multisectoral Commission. Annex to official communication No. 1694-2021-JUS/SE. Updated information. Date: 28 September 2021.

coordination with the Directorate General of the Public Defence Service and Access to Justice, under the Ministry of Justice and Human Rights, which provided legal services in some of these cases, within the legal limitations on its ability to act in certain areas (Supreme Decree No. 009-2019-JUS).

- Adjusted the workplan of the health reparations programme to include measures tailored to the COVID-19 context, such as a national pathway for the referral of cases of alleged violations of the right to health reparations, three regional pathways (Ayacucho, Huánuco-San Martín-Ucayali and Apurímac) for the referral of cases of alleged violations of health reparation rights that are in the process of being validated and increased regional coordination in the planning and provision of physical and mental health care for victims against the backdrop of COVID-19 in the provinces of Angaraes (Huancavelica), Satipo (Junín) and Huancayo (Junín).

23. Finally, although the progress described above represents a significant effort on the part of the Government of Peru, more initiatives are needed to ensure that victims of the violence that occurred between 1980 and 2000 receive comprehensive reparations. In that regard, the Ombudsman's Office has recommended that various steps be taken to put such initiatives into effect.<sup>55</sup>

## C. Follow-up information on paragraph 33

### 1. Measures implemented under Act No. 30470 on the Search for Persons Who Disappeared during the Violence of 1980–2000

24. Act No. 30470 provides that a search carried out using a humanitarian approach has a reparative effect because it is focused on alleviating the suffering and uncertainty of relatives of disappeared persons and responding to their need for answers. Therefore, prioritizing a humanitarian approach means orienting searches towards the recovery, identification, return and dignified burial of human remains of disappeared persons, without this standing in the way of determining criminal responsibility.<sup>56</sup>

25. The National Plan for the Search for Disappeared Persons was adopted, under Ministerial Decision No. 363-2016-JUS,<sup>57</sup> in order to achieve the following three objectives: (i) to find out what happened to disappeared persons by exhausting all means of search and, where applicable, to recover, identify and return any human remains found to their relatives; (ii) to address the psychosocial impact of both the disappearance and the search; and (iii) to encourage family participation in searches to be based on decisions taken by the families themselves, on the basis of information provided to them that is clear, timely and adequate. The Plan's implementation reflected the human rights, humanitarian, differential and "do-no-harm" approaches.

26. In 2020, a stocktaking report was prepared on the National Plan for the Search for Disappeared Persons, with contributions from State entities, relatives of disappeared persons and human rights organizations. One of the conclusions reached in report was that the Plan needed to be updated.

27. This goal was achieved through the adoption of the National Plan for the Search for Disappeared Persons through 2030 under Supreme Decree No. 011-2021-JUS and the repeal of the Plan described in paragraph 26 above.<sup>58</sup>

<sup>55</sup> Ombudsman's Office. Annex to official communication No. 119-2021-DP/ADHPD. Date: 27 September 2021.

<sup>56</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 2.

<sup>57</sup> Ministry of Justice and Human Rights. Ministerial Decision No. 363-2016-JUS. Published in *El Peruano* on 25 December 2016.

<sup>58</sup> Ministry of Justice and Human Rights. Supreme Decree No. 011-2021-JUS. Published in *El Peruano* on 13 July 2021.

(i) The new Plan has two central pillars: (i) the identification of the special features and characteristics of the group of more than 20,000 persons who disappeared during the violence that occurred between 1980 and 2000; and (ii) the incorporation of indicators to measure progress in government policies and the implementation of a system for monitoring and follow-up that involves all the government entities that take part in searches carried out using a humanitarian approach;<sup>59</sup>

(ii) The Plan through 2030 takes its direction from the guiding principles for the search for disappeared persons,<sup>60</sup> approved by the Committee, which indicate that searches should be conducted under the presumption that the person is still alive unless there is evidence to the contrary, respect human dignity, be governed by a public policy, follow a differential approach, respect the right to participation, be launched without delay, follow a comprehensive strategy and be organized efficiently, use information in an appropriate and coordinated manner, be interrelated with the criminal investigation, be carried out safely, be independent and impartial and be governed by public protocols;

(iii) In addition, the Plan through 2030 has five priority objectives: (i) to increase the effectiveness of humanitarian investigations into the fate and/or whereabouts of persons who disappeared during the violence that occurred between 1980 and 2000; (ii) to increase the use of a humanitarian approach by all the institutions involved in searches for persons who disappeared during the violence that occurred between 1980 and 2000; (iii) to produce more results from the analyses of human remains recovered and of relatives in order to identify persons who disappeared during the violence that occurred between 1980 and 2000; (iv) to reduce the negative psychosocial effects experienced by relatives of persons who disappeared during the violence that occurred between 1980 and 2000 because of the disappearance and the search; and (v) to take an intercultural and gender-sensitive approach to increasing the participation of relatives of disappeared persons in the search process.

28. In parallel, the Ministry of Justice and Human Rights, acting through the Directorate General for the Search for Disappeared Persons, established the National Register of Disappeared Persons and Burial Sites – an independent information base that centralizes, systematizes and distils information provided by entities involved in searches for disappeared persons – as one of its first tasks under Act No. 30470.<sup>61</sup>

29. The National Register of Disappeared Persons and Burial Sites contains information from various sources: (i) the databases of the Central Register of Victims; (ii) the special register of absence by reason of enforced disappearance (Ombudsman's Office); (iii) reports of enforced disappearance filed with the former Offices of the Special Prosecutor for Human Rights, the Attorney General's Office, the judicial branch, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; (iv) various civil society organizations (Equipo Peruano de Antropología Forense [Peruvian Forensic Anthropology Team], Comisión de Derechos Humanos [Commission on Human Rights] and the Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú [National Association of Family Members of Kidnapped, Detained and Disappeared Persons]); and (v) the relatives themselves or the Directorate General for the Search for Disappeared Persons itself on the basis of the humanitarian investigations it has carried out.<sup>62</sup>

30. As at 31 July 2021, the National Register of Disappeared Persons and Burial Sites contained 21,918 records of persons who had disappeared during the violence that occurred

<sup>59</sup> National Plan for the Search for Disappeared Persons through 2030, p. 3. Consulted on 24 August 2021. Available at [https://cdn.www.gob.pe/uploads/document/file/2012167/PNBPD%20al%202030\\_julio%202021%20VF.pdf.pdf](https://cdn.www.gob.pe/uploads/document/file/2012167/PNBPD%20al%202030_julio%202021%20VF.pdf.pdf).

<sup>60</sup> Committee on Enforced Disappearances. Guiding principles for the search for disappeared persons. Consulted on 24 August 2021. Available at <https://undocs.org/CED/C/7>.

<sup>61</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 3.

<sup>62</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., pp. 3–4.

between 1980 and 2000. The Register also contains 4,961 records of burial sites. Lastly, from April 2019 to date, 13 disappeared persons have been found alive thanks to the humanitarian investigations carried out.<sup>63</sup>

31. A new directive setting out rules for conducting searches using a humanitarian approach was adopted in August 2021 under Vice-Ministerial Decision No. 009-2021-JUS,<sup>64</sup> as, four years after the creation of the Directorate General for the Search for Disappeared Persons, it was necessary to update the relevant procedures to reflect experience gained and to account for new situations, such as finding disappeared persons alive.<sup>65</sup>

32. In addition, the Directorate General for the Search for Disappeared Persons<sup>66</sup> conducted an analysis through August 2021 in which it compared 2,361 registered cases that were the subject of a communication from the Working Group on Enforced or Involuntary Disappearances with the information available in the National Register of Disappeared Persons and Burial Sites, the Central Register of Victims and reports of enforced disappearance filed with former Offices of the Special Prosecutor for Human Rights. Those sources revealed that:

- First, 131 persons on the list are not disappeared persons; rather, they appear in the Central Register of Victims for other violations, such as arbitrary detention, torture or displacement.
- In addition, 1,383 persons (62 per cent) appear in the National Register of Disappeared Persons and Burial Sites. The remaining 847 persons appear in other sources. The Directorate General for the Search for Disappeared Persons is therefore assessing whether they should be included in the National Register. The persons registered can be grouped as follows.

Table No. 1

**Status of cases of enforced disappearance**

<i>Category</i>	<i>Description</i>	<i>National Register</i>	<i>Other sources</i>	<i>Subtotal</i>
D0	Persons for whom a search has been terminated because: (i) their remains have been found and returned to their relatives; (ii) they have been found alive; or (iii) there was a symbolic termination after all the available means of search were exhausted.	79	35	114
D1	Persons whose identity and fate are known and for whom evidence of a final resting place exists. Includes persons who are deceased but whose location cannot be established with legal certainty and persons buried in graves of which only the general location is known.	222	26	248
D2	Persons who are known to be deceased but whose location is unknown. For example, bodies abandoned in the wilderness or thrown into rivers.	31	2	33
D3	Persons whose fate and location are unknown (for example, persons detained or forcibly recruited).	1 051	457	1 508

<sup>63</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. User report No. 272-2021/DGBPD. Date: 27 September 2021.

<sup>64</sup> Ministry of Justice and Human Rights. Vice-Ministerial Decision No. 009-2021-JUS-VMDHAJ. Published on the official website of the Government of Peru on 17 August 2021.

<sup>65</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., p. 3.

<sup>66</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Report No. 077-2021/DRIF. Date: 27 August 2021.

<i>Category</i>	<i>Description</i>	<i>National Register</i>	<i>Other sources</i>	<i>Subtotal</i>
D9	Persons who cannot be classified owing to insufficient information.	-	327	327
<b>Total</b>		<b>1 383</b>	<b>847</b>	<b>2 230</b>

*Source:* Directorate General for the Search for Disappeared Persons (Report No. 077-2021/DRIF. Date: 27 August 2021).

33. The Attorney General's Office and the Directorate General for the Search for Disappeared Persons are the institutions responsible for conducting searches. Although each acts pursuant to the regulations that govern it, since the enactment of Act No. 30470, mechanisms have been put in place to allow both entities to coordinate and complement their efforts.<sup>67</sup>

34. To that end, in February 2020, the Attorney General's Office and the Ministry of Justice and Human Rights<sup>68</sup> signed an inter-institutional cooperation agreement<sup>69</sup> with the aim of establishing coordination mechanisms to facilitate the exchange of information under Act No. 30470. To achieve that goal, both entities took on different commitments.<sup>70</sup> In this context, the Directorate General for the Search for Disappeared Persons has allocated the resources needed to identify 100 sets of skeletal remains stored at the Institute of Forensic Medicine. In January 2021, a working group was formed, with the International Committee of the Red Cross as a member, to develop a strategy for handling the approximately 1,100 sets of skeletal remains awaiting identification.<sup>71</sup>

35. Under the regulations in force, the Directorate General for the Search for Disappeared Persons is responsible for ensuring the participation of relatives in searches carried out using a humanitarian approach. It is taking various steps to meet that obligation:<sup>72</sup>

- The Directorate General's professional team provides psychosocial support to the relatives of disappeared persons who wish to receive it through regular sessions where they address the expectations and feelings that arise during the process. When a person is found to require special treatment, the case is referred to a specialist in the Ministry of Health's network. The Directorate General carries out capacity-building activities

<sup>67</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 5.

<sup>68</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., pp. 5–6.

<sup>69</sup> Ministry of Justice and Human Rights. Inter-Institutional Cooperation Agreement between the Ministry of Justice and Human Rights and the Attorney General's Office. Consulted on 12 October 2021. Available at <https://www.gob.pe/institucion/minjus/informes-publicaciones/1682793-convenio-de-cooperacion-interinstitucional-en-el-ministerio-de-justicia-y-derechos-humanos-y-el-ministerio-publico-fiscalia-de-la-nacion>.

<sup>70</sup> Commitments of the Ministry of Justice and Human Rights: (i) to help systematize information on disappeared persons; (ii) to provide the Attorney General's Office with professional support (from archaeologists, anthropologists, sociologists and so on) in order to advance and expedite the search process; (iii) to make professionals (geneticists) available to handle the reagents and supplies needed for the DNA analysis of human remains awaiting identification; and (iv) to share information stored in the National Register of Disappeared Persons and Burial Sites and the Genetic Databank.

Commitments of the Attorney General's Office: (i) to share information with the Ministry of Justice and Human Rights in order to keep the National Register of Disappeared Persons and Burial Sites and the Genetic Data Bank up to date; (ii) to promote the Ministry's participation, during the joint intervention stage, in the recovery, analysis, identification and return of human remains; and, (iii) to make the necessary arrangements for professionals from the Ministry (geneticists) to be able to perform DNA analyses of human remains awaiting identification jointly with experts from the Attorney General's Office.

<sup>71</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 6.

<sup>72</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 6.

with health-care personnel so that they provide the necessary support in an appropriate manner.<sup>73</sup>

- The Directorate General provides material and logistical support so that relatives can participate in the various stages of the investigations (checking of burial sites, exhumations, display of clothing) and in ceremonies for the return of remains. This includes support for dignified burial ceremonies held in accordance with the beliefs and customs of the families.<sup>74</sup>
- While the search process is under way, briefings are held to inform family members about the progress of the investigation and the next steps to be taken and to respond to any doubts and concerns that they have.<sup>75</sup>
- The Ministry of Justice and Human Rights allocates an annual budget to the Directorate General. This budget is used to carry out humanitarian investigations and to provide psychosocial, material and logistical support for family members in accordance with the Directorate General's annual workplan.<sup>76</sup>
- Furthermore, the budget allocated to the Directorate General in 2017 amounted to 394,275.00 soles, while the budget allocated to it in 2021 amounts to 2,640,512.00 soles<sup>77</sup> – an increase of about 600 per cent over five years.

36. In addition, although elements of the humanitarian searches carried out by the Directorate General were restricted as a result of the pandemic (for example, work carried out on the ground and relatives' participation in the searches), the services it provides were not interrupted.<sup>78</sup>

- Between 16 March 2020 and 30 August 2021, assistance was provided to 1,414 relatives of disappeared persons, with a total of 5,810 psychosocial support sessions being held. They were initially held remotely, on virtual platforms and/or by telephone, and later in person with safety protocols in place. In this context, material and logistical support was provided to a total of 136 relatives of 68 disappeared persons.<sup>79</sup>
- Seventy-eight virtual informational workshops were held, both in Spanish and Quechua, in which 1,483 people participated.<sup>80</sup>
- Two working groups were set up on searching for disappeared persons using a humanitarian approach, in Mazamari (Junín) and Tambo (Ayacucho). During this period, the work of a total of 13 working groups in the various regions was stepped up, with a total of 62 meetings having taken place.<sup>81</sup>
- Capacity-building activities for health-care personnel on providing psychosocial support to relatives of disappeared persons (13 sessions per group) were launched in the regions of Ayacucho, Huánuco, Junín, Lima, Huancavelica and Apurímac. To date, 41 people have been certified. Currently, 120 people are being trained. The first

<sup>73</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 6.

<sup>74</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 6.

<sup>75</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 6.

<sup>76</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 7.

<sup>77</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons – Directorate of Registration and Forensic Investigation. Op. cit., p. 7.

<sup>78</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., pp. 1–2.

<sup>79</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., p. 2.

<sup>80</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., p. 2.

<sup>81</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., p. 2.

training workshop was held for individuals providing support at the Asociación Nacional de Familiares de Asesinados, Secuestrados y Desaparecidos, with 13 people becoming certified.<sup>82</sup>

- In addition, since 16 March 2020, 29 humanitarian investigation reports have been submitted on the whereabouts of 68 disappeared persons.
- The Directorate General took part in 36 joint interventions, in which the skeletal remains of 56 disappeared persons were recovered. In addition, 290 genetic profiles, of relatives and recovered skeletal remains, were entered into the Genetic Databank. The process of collecting biological samples from relatives of disappeared persons continued through visits to their homes, during which appropriate biosafety measures were taken. In addition, several briefings were held to inform relatives about the partial progress made in some of the cases under investigation.<sup>83</sup>

## 2. Other regulatory measures implemented

37. Legislative Decree No. 1428,<sup>84</sup> on measures for responding to disappearances of vulnerable persons, was adopted in 2018. It contains immediate measures relating to the handling of complaints, the dissemination of information, investigations, searches, locating disappeared persons and the use of technological tools to organize and disseminate information about disappearances. These technological tools include a computerized alert system, a web page on disappeared persons, the 114 hotline (a central helpline for assistance in cases of disappearance), and an early warning emergency messaging system.<sup>85</sup>

38. The implementing regulations for Legislative Decree No. 1428, on measures for responding to disappearances of vulnerable persons, were adopted under Supreme Decree No. 003-2019-IN.<sup>86</sup> The aims of the regulations are to: (i) optimize the procedure for responding to reports of disappearances of vulnerable persons and other disappearances; (ii) ensure promptness, impartiality and effectiveness in responding to reports and in the dissemination of information, the conduct of investigations and searches and the locating of disappeared persons, while strictly observing the human rights of the disappeared persons and their relatives; (iii) ensure effective communication between officials and public servants, on the one hand, and users, on the other, in responding to reports and in the dissemination of information, the conduct of investigations and searches and the locating of disappeared persons; and (iv) promote cooperation among different public and private entities to help in the dissemination of information, the conduct of investigations and searches and the locating of vulnerable persons and other disappeared persons.

39. An inter-institutional protocol for responding to disappearances of vulnerable persons and other disappearances was subsequently adopted under Supreme Decree No. 002-2020-IN.<sup>87</sup> The purpose of the protocol is to: (i) ensure promptness, objectivity and effectiveness in responding to reports and in the dissemination of information, the conduct of investigations and searches and the locating of disappeared vulnerable persons and other disappeared persons; (ii) promote cooperation among different public and private entities regarding vulnerable persons and other disappeared persons; (iii) ensure the effectiveness and continued operation of, and the participation of the public and private sectors in, the emergency alert system for disappearances of children and adolescents and women who are victims of violence and in high-risk situations; and (iv) facilitate the identification of offences

<sup>82</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., p. 2.

<sup>83</sup> Ministry of Justice and Human Rights. Directorate General for the Search for Disappeared Persons. Op. cit., p. 2.

<sup>84</sup> Executive branch. Legislative Decree No. 1428. Published in *El Peruano* on 16 September 2018.

<sup>85</sup> Ministry of the Interior. Press release: *Fortalecen sistema de búsqueda de personas desaparecidas*. Consulted on 24 August 2021. Available at <https://www.gob.pe/institucion/mininter/noticias/19034-fortalecen-sistema-de-busqueda-de-personas-desaparecidas>.

<sup>86</sup> Ministry of the Interior. Supreme Decree No. 003-2019-IN. Published in *El Peruano* on 23 March 2019.

<sup>87</sup> Ministry of the Interior. Supreme Decree No. 002-2020-IN. Published in *El Peruano* on 28 February 2020.

related to the disappearance of vulnerable persons and other disappearances in order to increase public safety.

40. On 15 October 2020, a national system for searching for missing persons was launched under Legislative Decree No. 1428. Since then, close to 70 per cent of cases involving missing minors have been solved nationwide, thanks to the technology used by the Peruvian National Police.<sup>88</sup>

### **III. Conclusion**

41. The Government of Peru has provided an account of the steps it has taken to meet the requirements of the Convention and wishes to reaffirm its commitment to fostering an environment where the relatives of persons who disappeared during the violence that occurred between 1980 and 2000 can receive answers. This commitment is reflected in the National Plan for the Search for Disappeared Persons through 2030, the implementation of which involves a variety of sectors.

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<sup>88</sup> *El Peruano. Sistema policial facilita el hallazgo de las personas desaparecidas.* Consulted on 24 August 2021. Available at <https://elperuano.pe/noticia/115767-sistema-policial-facilita-el-hallazgo-de-las-personas-desaparecidas>.