



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues prior to submission of the sixth periodic report of Peru\*

##### **Constitutional and legal framework within which the Covenant is implemented (arts. 2 and 26)**

1. Please provide information on measures that have been taken to ensure the effective implementation of the recommendations contained in the Committee's previous concluding observations (CCPR/C/PER/CO/5). Please provide information on how the provisions of the Covenant are invoked and implemented on the basis of domestic legislation, including their implementation before national courts. Please also indicate what procedures are in place for implementing the Committee's Views under the Optional Protocol and provide information on the measures that have been taken to ensure full compliance with all the Views adopted by the Committee in respect of the State party.

2. **Please provide information on the results achieved through the implementation of the National Human Rights Plan (2014-2016), the process involved in the development and adoption of the next plan in the light of the progress made and lessons learned, planned and allocated resources and monitoring and evaluation mechanisms.**

3. Please describe the action taken to provide the necessary legislative and regulatory environment and human, financial and material resources to allow the Office of the Ombudsman to carry out its mandate fully and independently in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

##### **States of emergency (art. 4)**

4. Please provide information on the harmonization of national legislation on states of emergency with the conditions set out in article 4 of the Covenant and describe the measures taken to ensure full compliance with those conditions, particularly as regards the proclamation of states of emergency only in exceptional situations. Please also provide information on the establishment of emergency zones in which the rights set forth in the Covenant have reportedly been restricted and explain how the existence of such zones is consistent with article 4.

##### **Non-discrimination (arts. 2, 3 and 26)**

5. With reference to the previous concluding observations (CCPR/C/PER/CO/5, para. 7), please provide information on the measures taken to eradicate discrimination, including prevention, monitoring and protection mechanisms, in particular for indigenous peoples and persons of African descent, migrants, asylum seekers and refugees, including measures

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\* Adopted by the Committee at its 120th session (3-28 July 2017).



focused on providing documentation and promoting integration. Please describe the measures taken to ensure that acts of discrimination are investigated, the perpetrators are prosecuted and punished, and reparation is made to the victims. Please describe the steps taken to combat the dissemination of discriminatory stereotypes in the media.

6. Please provide information on the legislative, public policy and awareness-raising measures adopted, as well as information about prevention, monitoring and protection mechanisms, with a view to the eradication of discrimination on the basis of sexual orientation and gender identity. Please provide information on the measures taken to ensure that acts of discrimination are investigated, the perpetrators are prosecuted and punished, and the victims obtain redress. Please provide information on the measures adopted to prevent violence against lesbian, gay, bisexual, transgender and intersex persons. Please also describe any existing specialized protocols for the assistance of lesbian, gay, bisexual, transgender and intersex victims.

#### **Equality between men and women (arts. 2, 3, 25 and 26)**

7. In the light of the previous concluding observations (CCPR/C/PER/CO/5, para. 9), please describe the measures adopted to increase the proportion of women in decision-making positions in the public sector and in public- and private-sector employment. Please provide information on the steps taken to implement electoral gender quotas in regional and municipal elections. Please also describe the measures that have been taken, including the launch of any awareness-raising campaigns, to combat stereotypes relating to women.

#### **Violence against women, including domestic violence (arts. 6, 7, 14 and 26)**

8. Taking into account the previous concluding observations (CCPR/C/PER/CO/5, para. 10), please report on the measures taken to prevent and eradicate sexual and gender violence, including rape and femicide, and to punish the perpetrators of such acts. Please also provide information on complaints, investigations, judicial rulings, sanctions and measures of assistance, protection and redress for victims of violence, including domestic violence. Lastly, please describe the situation with regard to access to justice for foreign women, particularly those in irregular situations, who are victims of domestic or gender violence.

#### **Past human rights violations (arts. 2, 3, 6, 7 and 14)**

9. Please report on efforts to ensure that the serious human rights violations perpetrated during the 1998-2000 armed conflict do not go unpunished. Please describe the progress made in terms of cooperation on the part of the Ministry of Defence, the Ministry of the Interior, the armed forces and the national police with the Public Prosecution Service and the judiciary in the investigation of these violations, including the handover of all available information. Please provide information on the number of investigations, judicial rulings, sanctions and the number of cases that have been found to be time-barred and consequently discontinued. Please report on the measures taken to review the criteria used for admitting evidence of violations into court and to establish responsibility for the failure to report violations during the conflict.

10. Please also include information on progress in implementing the law and national plan on the search for persons who disappeared during the violence of 1980-2000 and on the results achieved. Please also provide information on the measures adopted in order to implement the recommendations of the Working Group on Enforced or Involuntary Disappearances (A/HRC/3/51/Add.3) of July 2016.

11. Please describe the implementation status of the Comprehensive Reparations Programme for victims. Please include information on the number of compensation claims settled and the amounts awarded and on the measures that have been taken to address delays in the implementation of the Programme. Please indicate what measures have been taken to ensure that all victims of the conflict have access to appropriate reparations, including the reopening of the registration procedure for the Central Register of Victims. With regard to human rights violations involving sexual violence, please indicate the number of victims registered and the number of judgments handed down. Please provide

statistics on the provision of legal assistance and interpretation and translation services for the victims of these violations.

12. With reference to the section of the previous concluding observations concerning the forced sterilization of more than 2,000 women between 1996 and 2000 (CCPR/C/PER/CO/5, para. 13), please include information on the number of victims who have received compensation and the amounts awarded, the investigations conducted, the cases that have been prosecuted and the punishments imposed on those responsible.

**Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 6, 7, 9, 14 and 19 and 21)**

13. In the light of the previous concluding observations (CCPR/C/PER/CO/5, para. 14), please describe the measures that have been taken to decriminalize the voluntary termination of pregnancy, including in cases of rape, incest or fatal fetal abnormality, and to broaden the interpretation of what constitutes a therapeutic abortion. Please describe the measures taken to ensure that women do not have to resort to unsafe abortions that may put their lives or health at risk. Please provide information on the use of the national technical handbook on the standardization of comprehensive care procedures for women who, with their informed consent and in the framework of article 119 of the Criminal Code, are undergoing a voluntary therapeutic termination of pregnancy before the twenty-second week of pregnancy. Please describe the measures taken to reduce the high rates of teenage pregnancy and maternal mortality, particularly in rural areas. Please also report on the steps taken to ensure the accessibility of sexual and reproductive health services for all women in all areas of the country and to ensure the availability of emergency oral contraceptives. Please describe the implementation of educational and awareness-raising programmes on the use of contraceptives and on sexual and reproductive health rights, in particular for adolescents.

14. Please indicate what measures have been taken to prevent and eliminate the use of torture and cruel, inhuman or degrading treatment by members of the national police, the armed forces, the National Prison Institute, the Municipal Security Service and municipal police forces. Please also provide information on the prevention of the excessive use of force, in particular with reference to deaths occurring at the hands of the police and including the large number of deaths that have taken place during social protests. Please describe the measures adopted to ensure that investigations of cases of torture, cruel, inhuman and degrading treatment and excessive use of force are prompt, thorough, independent and impartial. Please provide information on the number of complaints that have been received, investigations that have been conducted, verdicts that have been handed down, penalties that have been imposed and measures of rehabilitation and forms of redress that have been provided. In respect of Act No. 30151, under which members of the armed forces and the national police who cause death or injury while performing their duties or using their weapons are exempted from criminal responsibility, please describe the measures that have been taken to ensure that this law does not lead to situations of impunity. Please provide information on the use of automatic weapons for the control of demonstrations in rural areas. Please also provide information on the role of the national police in the provision of private security services to private companies, especially those in the extractive sector.

15. Please provide information on the training regularly provided to law enforcement and security officers in the field of human rights and in connection with the documentation and investigation of cases of torture and ill-treatment, including the material covered in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Please also provide information on the training provided regarding alternatives to the use of force and firearms. Please describe the measures that have been taken to ensure that the laws, policies and practices of the State are in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Lastly, please indicate what steps have been taken for the immediate and effective implementation of the national mechanism for the prevention of torture under the mandate of the Ombudsman's Office.

16. Please provide information on the measures that have been taken to amend Legislative Decrees Nos. 1094 and 1095 so as to bring them into line with the State party's human rights obligations under the Covenant and to ensure that human rights violations remain outside the jurisdiction of military courts.

17. Please provide information on the steps that have been taken to ensure that deportations and expulsions of foreign nationals are carried out in accordance with the provisions of the Covenant, in particular with respect to compliance with the guarantees of due process and the principle of non-refoulement. Please describe what has been done to ensure that a human rights-based approach is taken to the treatment of migrants and that officials responsible for migration procedures are provided with appropriate training.

**Elimination of trafficking, slavery and servitude (arts. 7, 8, 14 and 24)**

18. Please provide information on the measures adopted to prevent and put an end to trafficking in persons, forced labour and domestic servitude, including the prohibition of such acts in the legislation of the State party and the penalties imposed for contraventions of that prohibition, in accordance with article 8 of the Covenant, as well as the investigation, prosecution and punishment of those responsible for such acts. Please include statistics on reported cases of trafficking in persons, the investigations and trials conducted, the criminal convictions handed down, the reparations awarded and any prevention and public awareness campaigns that have been launched. Lastly, please provide information on specialized training provided to all relevant actors in this field and mechanisms for cooperation between the various institutions and with neighbouring countries.

**Liberty and security of person and humane treatment of persons deprived of their liberty (arts. 2, 9, 10 and 14)**

19. Please describe the measures that have been taken to reduce overcrowding in places of detention and improve conditions of detention, in particular in respect of security and health care, in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please provide statistics on the progress made towards broader reliance on alternatives to imprisonment, such as electronic surveillance devices, parole and community service. Please describe the measures that have been taken to protect persons in situations of vulnerability, such as older persons, persons with disabilities, persons with HIV/AIDS and the children of prisoners, and to attend to their particular needs. Please provide information on the steps that have been taken regarding the Yanamayo and Challapalca prisons.

**Access to justice (art. 14)**

20. Please provide information on the measures that have been taken to ensure effective access to justice for all inhabitants of the State party, including those in rural areas, and the provision of free legal assistance and translation and interpretation services for persons who do not speak Spanish. Please describe the measures that have been taken to afford recognition to the traditional systems of justice of indigenous peoples.

**Freedom of opinion and expression (arts. 6, 7, 9, 14 and 19)**

21. Please describe the steps taken to preserve, protect and promote freedom of opinion and expression in accordance with the guidelines set out in general comment No. 34. (2011) on freedoms of opinion and expression. Please also describe the protection measures that have been taken to ensure the safety of journalists and human rights defenders in the course of their work and in their exercise of their freedom of expression. In addition, please provide information on the number of complaints regarding murders, assaults, threats and intimidation filed by journalists and human rights defenders, the progress of the investigations into those complaints, the punishment of those responsible and the protection and reparation measures granted. Please report on the measures that have been taken to ensure that the filing of complaints against and the prosecution and conviction of journalists are not used as a means of restricting freedom of expression. In particular, please indicate what measures have been taken to decriminalize defamation.

**Child labour and birth certificates (arts. 8, 16 and 24)**

22. Please describe the efforts that have been made to ensure the effective enforcement of the prohibition of child labour. Please provide statistics on the number of complaints received, investigations carried out, verdicts handed down, penalties imposed and measures of protection and redress adopted. Please also provide statistics regarding prevention and awareness-raising campaigns carried out. Please describe the steps that have been taken to ensure that all children born in the territory of the State party, particularly those born in the border areas of the Amazon Basin, receive a birth certificate and have access to identity documents and that births of children of refugees and asylum seekers are registered.

**Rights of persons belonging to minorities (art. 27)**

23. Please indicate what measures have been taken and what mechanisms are in place to ensure the full protection and promotion of the rights of indigenous peoples, including the right to prior consultation and free and informed consent in respect of projects affecting their rights. Please also indicate what steps have been taken to ensure that their views are duly taken into account in the course of such consultations and are acted upon. In this regard, please provide statistics on consultations undertaken with indigenous peoples during the reporting period and on the measures adopted in order to take action in accordance with the outcomes of those consultations. Please also describe the steps that have been taken in the context of the International Decade for People of African Descent.

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