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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Peru\***

The present report is a summary of 17 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Constitutional and legislative framework**

1. The National Coordinator for Human Rights (CNDDHH) highlighted the pending harmonization of the domestic legislation with the Rome Statute of the International Criminal Court.<sup>2</sup>

### **B. Institutional and human rights infrastructure**

2. The basic functions of the Office of the Ombudsman (Defensoría del Pueblo) are to defend the constitutional and fundamental rights of individuals and the community, to oversee the public administration's performance of its duties and to monitor the delivery of public services.<sup>3</sup> Ten years after its establishment, the Office pointed out that it would be worthwhile taking stock of the effect of Act No. 26,5120 of 4 August 1995, the Ombudsman Organization Act, so as to make any improvements needed and correct any shortcomings, particularly, in respect of the duty of cooperation between State bodies, and to determine whether the provisions of the Act were sufficient or whether it was necessary to move to a form of obligation that would incur some kind of sanction for failure to comply. Furthermore, the office indicated that for an institution vested with authority, a complete and timely flow of information was a basic requirement for the defence of rights.<sup>4</sup>

According to the Peruvian chapter of the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM-Peru), as part of the reform of the State and the decentralization and restructuring of the executive and of social programmes, the powers and functions of the Ministry of Women's Affairs and Social Development (MIMDES) have been modified, weakening its role as lead agency in promoting equal rights for women and monitoring compliance with human rights treaties in that field, and turning it into the lead agency in the development of women and the family and in social policy to combat poverty, with no rights and gender perspective.<sup>5</sup>

### **C. Policy measures**

3. According to the Office of the Ombudsman,<sup>6</sup> the National Human Rights Action Plan adopted in 2005 calls for affirmative action on the rights of the most vulnerable population groups in conditions of equality and non-discrimination.

4. In their joint contribution, the International Federation for Human Rights and its affiliates in Peru, APRODEH and CEDAL (FIDH-APRODEH-CEDAL), reported on shortcomings in the implementation of the National Human Rights Action Plan, mainly in the area of justice, regarding moves to extend the scope of the death penalty, legislation adopted by Congress giving military courts jurisdiction to hear cases of human rights violations committed by members of the security forces, cutbacks in the human rights further training programme for judges, and the failure to enforce the legislation on crimes against humanity, inter alia.<sup>7</sup> Both Action Canada for Population and Development (ACPD) and CLADEM-Peru noted the Plan's limitations in respect of measures for the lesbian, gay, bisexual and transsexual communities.<sup>8</sup>

5. According to CLADEM-Peru, Peru has failed to adopt a gender perspective in implementing policies, plans, services and projects on the advancement of women. That approach has been replaced by one that focuses on the protection of the family and protecting vulnerable groups from social risk from poverty or violence; women are not the central policy objective or the subject of such an approach.

6. CLADEM-Peru reported that, in the past seven years, the policy to combat violence against women and the “Women’s Emergency Centre” services have been cut back, and the National Programme to Combat Domestic and Sexual Violence (PNCVFS) established in 2001 to devise and implement prevention, care and support activities and policies at the national level for persons affected by acts of domestic and/or sexual violence has been discontinued. The competencies and functions of PNCVFS have been assigned to the Department of Social Protection, but the Department has not yet begun operating.<sup>9</sup> Human Rights Watch (HRW) made similar comments.<sup>10</sup>

7. CLADEM-Peru also reported that it has filed a case with the judicial authorities against MIMDES for failure to show the due diligence called for in the 2002-2007 National Plan to Combat Violence against Women; the case is pending. CLADEM-Peru also expressed its concern at the change of approach and the cutbacks in the support services provided by the Women’s Emergency Centres (CEM).<sup>11</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **1. Equality and non-discrimination**

8. According to CLADEM-Peru and ACPD, the 1993 Peruvian Constitution protects citizens against discrimination of any kind, but does not expressly prohibit discrimination based on sexual orientation.<sup>12</sup> According to FIDH-APRODEH-CEDAL, significant progress has been made in legislative terms, in combating discrimination against women but, more than six months after the adoption of the Equal Opportunity for Women and Men Act in 2007, nothing has been done to implement it. Furthermore, despite the legislative efforts, women still encounter difficulties in obtaining access to justice because of the indifference of court officials and poor law enforcement, which is very serious in the light of the spate of femicides in Peru.<sup>13</sup>

9. For its part, ACPD reported that the Equal Opportunity for Women and Men Act adopted in 2007 establishes the principle of State action to ensure equality of opportunity, gender equality based on elimination of all forms of discrimination and sexual exclusion, and the recognition of cultural differences. However, it also pointed out that a bill to prohibit discrimination against women on the basis of their sexual orientation and recognize sexual diversity had been rejected, which means there is no means of ensuring equality of opportunity for lesbians.<sup>14</sup> CLADEM-Perú and ACPD also pointed out that sexual diversity is not recognized in the following public policies and programmes: the National Health Strategy on Sexual and Reproductive Health, the National Guidelines for Comprehensive Sexual and Reproductive Health Care adopted by the Ministry of Health, and the National Curriculum Blueprint for Education 2021 adopted by the Ministry of Education.<sup>15</sup>

10. The Centre for the Promotion and Defence of Sexual and Reproductive Rights - PROMSEX (CPDDSR-PROMSEX) reported on the situation of transsexuals, lesbians, gays and bisexuals. CPDDSR-PROMSEX stated that this group is subjected to physical and psychological violence at the hands of the municipal security services and the national police, mainly in certain parts of metropolitan Lima. In addition, it reported that transsexuals, lesbians, gays and bisexuals suffer discrimination in the provision of health services and in the job market. There were also reports of violence against adolescents and young people in the education system because of their sexual orientation.<sup>16</sup> The Runa Gender Studies and Development Institute also submitted information on violence committed against transvestites, transsexuals and transgender persons, recommending implementation of education and awareness programmes. The Runa Institute called for a pluralist approach in public policies and the promotion of dialogue and of respect for the human rights of such groups.<sup>17</sup>

## **2. Right to life, liberty and security of the person**

11. Human Rights Watch (HRW) and Amnesty International (AI) indicated that the Constitution allows for the death penalty for treason in time of war and for terrorism; however, it has not been applied since the 1970s<sup>18</sup> and no one has been sentenced to death since the Constitution came into force in 1993.<sup>19</sup> AI indicates however, that at the end of 2006, four draft bills on the use of the death penalty were before Congress. Three of these draft bills aim at extending the scope of the death penalty to offences including the rape of children and people with physical or mental disabilities, and a fourth aims at regulating the enforcement of the death penalty in terrorism-related cases. In January 2007, Congress rejected the latter bill; however, the other three bills remain pending before Congress. These draft bills also propose Peru's withdrawal from the 1969 American Convention on Human Rights, which prohibits the extension of the death penalty. AI urged the Government to remove from domestic legislation all provisions allowing for the death penalty and to refrain from extending the use of the death penalty for further crimes in accordance with the American Convention on Human Rights.<sup>20</sup> Concerns regarding initiatives to extend the scope of the death penalty were also expressed by the International Human Rights Federation (FIDH) and its affiliated organizations in Peru APRODEH and CEDAL (FIDH-APRODEH-CEDAL).<sup>21</sup>

12. According to HRW, despite legislation in force since 1998 that specifically prohibits torture, torture and ill-treatment of criminal suspects continued to be a problem in Peru. HRW indicated that an NGO that represents torture victims in court proceedings recorded 78 complaints of torture between January 2005 and October 2007. It noted however, that in recent years, Peruvian courts have made some progress in holding accountable police who abuse detainees. Since 2000, the Supreme Court confirmed prison sentences against 15 police officers, military agents and prison guards for torture in seven cases. In July 2007, two policemen received eight-year and four-year sentences for a beating that led to the death of a person in 2004.<sup>22</sup>

13. According to AI, in 2007, the Challapalca Prison in Puno, was being used again as a detention centre. Twenty-four prisoners were reportedly transferred there in October 2007. AI indicated that in 2005, all prisoners were transferred from that prison following national and international calls, including by the Inter-American Commission on Human Rights, due to its inaccessibility and the resulting limits imposed on prisoners' rights to maintain contact with the outside world, including with relatives, lawyers and doctors. AI urged the authorities to

permanently close down, as a matter of urgency, the prison facility in Challapalca and to take measures to ensure prison conditions elsewhere in the country are improved in line with international standards.<sup>23</sup>

14. Human rights defenders continue to be threatened and intimidated because of their human rights activities, as indicated by AI. AI also notes that threats against them are rarely investigated. AI urged the authorities to ensure that human rights defenders, including victims of human rights violations, witnesses, prosecutors, forensic experts, journalists and trade union workers, can carry out their human rights work freely and without fear of intimidation. At the end of 2007, AI reported on a series of death threats against a human rights lawyer representing the families of the victims in the trial against former President Alberto Fujimori. Similar concerns have been raised in relation to human rights defenders involved in mining projects.<sup>24</sup>

15. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) raised concerns about the legality and use of corporal punishment of children at home, in schools and other institutions. It noted that corporal punishment of children is lawful in the home. It is forbidden in schools but there is no explicit prohibition in law. However, GIEACPC indicated that in the penal system, corporal punishment of children is unlawful as a sentence for crime but is not explicitly prohibited as a disciplinary measure in penal institutions. There is no explicit prohibition of corporal punishment of children in alternative care settings. GIEACPC indicated that as at February 2007, legislation to prohibit all corporal punishment of children, including in the family, had been drafted by a group of national and international NGOs and supported by the *Defensora del Pueblo*.<sup>25</sup>

16. CLADEM-Peru pointed out that in Peru, psychological, physical and sexual violence and the killing of spouses are the main forms of gender discrimination against women. It also pointed out that the legal framework to prevent, investigate, protect against and penalize violence against women is ineffective. It reports that, since 1991, the Criminal Code has penalized crimes against sexual freedom. Marital rape can be reported, as can same-sex rape. The exonerating circumstance of the rapist marrying their victim has been abolished and the definition of rape has been broadened. Nevertheless, CLADEM-Peru noted that women avoid reporting such acts because of the problem of double victimization by justice officials and stigmatization by the family, community and society. It further reported that, since 1993, there has been provision in the Domestic Violence Act for criminal complaints and civil action for protection against domestic physical, psychological or sexual abuse, but the courts have placed the defence of the patriarchal family over the defence of the human rights of women, forcing women into conciliation, refusing to grant protection measures, allowing proceedings to lapse and imposing light penalties. According to the CLADEM-Peru's 2007 report on femicide, many of the women murdered by their spouses had reported domestic violence and requested protection measures, but their requests had not been met.<sup>26</sup>

17. Anti-Slavery International (ASI) indicated that they have documented the use of forced labour in logging, domestic service, trafficking in women and children, as well as the use of very young children in mines. ASI noted that the ILO estimates that 33,000 people are subject to forced labour in logging in the Peruvian Amazon. ASI indicated that the Government has recognized the problem and accepted the ILO figures and findings on methods of recruitment and entrapment.<sup>27</sup> In 2005, the National Inter-Sectoral Commission for the Eradication of Forced Labour was established to address the issue and a National Plan of Action for the Eradication of

Forced Labour was adopted. According to ASI, the Government must provide funding for the National Plan through its national budget, make combating forced labour a national priority and ensure the legislative reform.<sup>28</sup> ASI also noted that the National Plan for the Eradication of Child Labour does not include any concrete policies on how to eradicate child labour in mines. ASI indicated that the Committee for the Eradication of Child Labour needs to be supported by the Ministries of Employment and Energy and Mining in order to formulate a joint programme of work, with a dedicated budget and realistic timeline for action.<sup>29</sup>

### **3. Administration of justice and the rule of law**

18. HRW, AI and CNDDHH referred to the work, findings and recommendations of the Truth and Reconciliation Commission (TRC) set up in 2001 to establish the circumstances surrounding human rights abuses committed by the State and by armed opposition groups between May 1980 and November 2000, and which delivered its final report in August 2003.<sup>30</sup> The Commission concluded that of an estimated 69,000 people killed or disappeared in that period, 54 per cent of the cases were the responsibility of the armed opposition group Communist Party of Peru-Shining Path (PCP-SL), 1.5 per cent of the Tupac Amaru Revolutionary Movement (MRTA), and 44.5 per cent of State agents. AI indicated that hundreds of Shining Path members, including its leadership, are currently in prison. It also notes that the first trials against members of the armed forces started in 2005 under difficult circumstances. AI also noted that there were however concerns that detention orders against military and police officers accused of human rights violations were not being enforced, that some of the cases continued to be tried in military courts, and that the Ministry of Defence had reportedly not cooperated with the civilian courts investigating military officers for past violations.<sup>31</sup> In this regard, HRW noted that only 17 former military officers and civilians have been so far convicted for abuses attributed to State actors.<sup>32</sup>

19. As indicated by AI, in 2006, legislation to grant legal aid to military officers accused of past human rights violations was passed, while no legal aid was granted to victims of such violations and their relatives, despite reports that nearly 70 per cent of them had no access to legal representation.<sup>33</sup> AI also reported that the programme recommended by the TRC to protect those who survived human rights abuses during the 20-year armed conflict, their relatives as well as witnesses and lawyers, had so far not been implemented. AI urged the authorities to ensure that the recommendations of the TRC are fully implemented; that all cases of human rights violations committed during the armed conflict are investigated promptly, impartially and effectively, including by strengthening the witness protection programme; that those responsible are brought to justice in trials that meet international standards of fairness, and that victims and their relatives receive adequate redress.<sup>34</sup> Similar concerns were also raised by CNDDHH.<sup>35</sup>

20. AI also indicated that in 2006, the Congress passed a Regulation for the Comprehensive Reparations Plan to provide redress to victims of human rights violations during the 20-year armed conflict.<sup>36</sup> CNDDHH reported that the accreditation process for the elaboration of a Victims Registry, under the responsibility of a Reparations Council (established by the regulation in 2006), had begun. However, CNDDHH raised concerns regarding a campaign to discredit this process, noting that the work of the President of the Reparations Council has been challenged on the ground that the programme is providing reparation to “terrorists”. CNDDHH highlighted the importance of the Government’s support to strengthen and protect the Reparations Council from such actions.<sup>37</sup> Regarding collective reparation to communities

affected, under the responsibility of a Multi Sectoral High Level Commission, CNDDHH reported on difficulties in distinguishing the implementation of specific reparation programmes from other general development policies and activities. CNDDHH also reported limited progress in the institutional reform of the armed and police forces, the judicial system, the educational system and the presence of State services for the zones affected by violence during the armed conflict.<sup>38</sup> The *Defensoría del Pueblo* also reported similar obstacles and challenges in the implementation of the Comprehensive Reparations Plan, in particular with regard to the registration of victims and the collective reparation to communities.<sup>39</sup>

#### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

21. According to HRW, in some parts of the country, journalists who publicize abuses by local government officials are vulnerable to intimidation. In March 2007, a journalist, who worked for a news programme on a local radio station in Jaén, Cajamarca province, and who had been reporting on police corruption and problems of public security in the city, was shot dead. Four days later, three other journalists from Jaén received death threats in text messages on their cell phones.<sup>40</sup>

22. CNDDHH pointed out that during the last year human rights organizations have been confronting a progressive increase of hostility campaigns and threats.<sup>41</sup> HRW indicated that in November 2006, the President supported legislation that would allow the Government to “supervise” the activities of Peruvian NGOs that receive foreign funding. After strong protests by civil society groups, an amended version of a bill allowing the Government to “supervise” only the activities of Peruvian NGOs receiving Government funding or tax benefits was passed. Privately-funded NGOs would still be required to register their activities and expenditures with the government aid agency. In September 2007, the Constitutional Court ruled that this requirement to report expenditures was unconstitutional.<sup>42</sup>

23. In their joint submission, FIDH-APRODEH-CEDAL reported that there is increasing pressure brought to bear on the local media, and that there have been threats to freedom of association and the right of citizen participation. They also reported that human rights, and environmental and indigenous peoples’ NGOs are constantly attacked by the Government and corporations. Even though they have been reported, these acts are still unpunished.<sup>43</sup>

#### **5. Right to work and to just and favourable conditions of work**

24. The International Trade Union Confederation (ITUC) noted that, the Constitution recognizes workers’ right to freedom of association and collective bargaining, and the right to strike, in the private and the public sectors, but that there are some restrictions. Temporary workers cannot join the same trade union as regular workers, the requirements for the establishment of trade unions do not meet international standards, and there are restrictions on foreign workers joining trade unions or becoming union leaders. Migrant workers are in a similar situation. Furthermore, the law governing civil service workers limits their right of collective bargaining. ITUC further noted that there are limits on the right to strike, as trade unions must obtain a permit from the Ministry of Labour in order to call a strike.<sup>44</sup> ITUC further reported that the 1997 Labour Productivity and Competitiveness Act, which legalized dismissal without stating the grounds, subject to the payment of a statutory sum in compensation, is still in force.

According to the information provided by ITUC, that procedure has been used as a pretext for anti-trade union dismissals. ITUC also pointed out that, in the country's six free-trade zones, trade unions' ability to organize workers and bargain collectively is restricted, as they are covered by special labour regulations.<sup>45</sup>

25. It is estimated that there are about 300,000 domestic workers in Peru, including about 110,000 under 18, as indicated by ASI. The majority of domestic workers are girls and young women.<sup>46</sup> ASI noted that the Domestic Workers' Law of 2003 recognizes certain rights and benefits for adult domestic workers but remains largely dormant. In the case of children, labour legislation also identifies domestic work as a special form of dependent work. However, there are discrepancies between the Code for Children and Adolescents and the National Plan of Action for Child Labour and Protection of the Adolescent Worker 1996-2000, in aspects such as minimum age and the classifications and risk attached to domestic work. ASI also noted however that factors defining slavery often exist in the case of domestic workers; threat and/or use of violence to control the worker, lack of freedom of movement, inability to leave the job and lack of payment (regular or otherwise).<sup>47</sup>

## **6. Right to an adequate standard of living**

26. AI noted that despite the development of a free governmental health programme providing services for poor and marginalized communities - the Comprehensive Health Service - effective health care is not reaching poor and marginalized communities, in particular many women and children in such communities. Research carried out by AI in 2005, revealed a number of economic, cultural and social barriers to accessing maternal and infant health care by poor and marginalized communities. The death of women and children in rural areas remains worryingly high. In response to calls made by AI in 2006 to the Government, to develop and implement a comprehensive plan to end all forms of discrimination within the health system against women and children on the basis of their economic, social and cultural status, the Ministry of Health responded in April 2007 that: guidelines have been issued on the rights of users to access information on the right to health and the provision of health-care services; training programmes for health-care professionals have been initiated; steps have been taken to increase the number of people from marginalized communities registered to receive special health care under the Comprehensive Health Service; and a National Directive was issued by the Ministry of Health reaffirming that although institutional childbirth should be encouraged, there should be no sanctions for women who give birth outside health centres, such as a fine or withholding of birth certificates. AI urged the authorities to establish mechanisms to monitor, evaluate and report on the implementation of these directives to ensure access to health care for women and children in marginalized communities and to reduce maternal and infant mortality.<sup>48</sup> Concerns regarding lack of access to health services and medicines for poor/marginalized communities were also raised by FIDH-APRODEH-CEDAL in their joint submission.<sup>49</sup>

27. HRW indicated that the law permits abortions to be performed when a woman's health is at risk of serious and permanent damage. However, access to therapeutic abortion is limited by the absence of standard definitions, protocols and medical guidelines, unpredictable approval procedures and unawareness about the legislation. HRW noted that authorities have failed to adequately inform women of their rights to reproductive health care and services, and to inform medical personnel about their professional obligation to provide such services to women in need.<sup>50</sup>



28. The Center for Reproductive Rights also referred to therapeutic abortion and it called for compliance with a Human Rights Committee decision in a specific case and the adoption of a nationally applicable protocol on therapeutic abortion that would set out conditions of access and quality and safety standards, and ensure timely access.<sup>51</sup>

29. The Movimiento Amplio de Mujeres Línea Fundacional-Peru (MAM Fundacional) mentioned forced sterilizations between 1995 and 2000 and the obstacles encountered by the affected persons in obtaining justice, in particular poor, indigenous and rural women. According to MAM Fundacional, during that period the Family Planning Programme sterilized over 300,000 women and 22,000 men by voluntary surgical sterilization. MAM Fundacional reported that in 2001 both the Ministry of Health and Congress set up commissions to investigate irregularities in the voluntary surgical sterilization programme. In addition, in 2002 the Peruvian Government, through a friendly settlement procedure, recognized before the Inter-American Commission on Human Rights that human rights had been violated in cases of forced sterilization, and undertook to compensate the family of a peasant woman who had died in 1998 from complications following involuntary sterilization. MAM Fundacional also noted that the Truth and Reconciliation Commission did not look into cases of forced sterilization. It further reported that 1,000 reports have so far been submitted to the Office of the Attorney General, but that the investigation procedure has been slow.<sup>52</sup>

30. Earth justice and the Inter-American Association for Environmental Defense (EJ-AIDA) expressed concern about the situation of more than 30,000 residents of La Oroya, Peru, a mining town in the Peruvian Andes, due to excessive toxic contamination generated by a multi-metal smelter operating within the city boundaries. Thousands of the victims of this contamination are children and women of childbearing age, who suffer greater physical harms, and in the case of many children, permanent physical impairment, from the daily exposure to the toxic contamination. EJ-AIDA indicated that the case was brought before the Inter-American Commission on Human Rights (IACHR) and in August 2007, the IACHR asked the State to implement immediate precautionary measures to protect the population, but these have yet to be implemented. EJ-AIDA further reported that local people that advocate for the protection of the environment and human rights have been subject to harassment and threats. Affected individuals have denounced this situation to local and national authorities, including the Ombudsman's Office (Defensoría del Pueblo). EJ-AIDA recommended encouraging the State to fully implement the IACHR decision, and to seek international assistance, if needed, to effectively address the situation in La Oroya, without further delay.<sup>53</sup>

31. According to FIDH-APRODEH-CEDAL, Peru does not comply with international standards on to the right to decent housing. FIDH-APRODEH-CEDAL stated that there are no laws or specific policies to protect tenants living in poverty or prevent eviction or unhealthy living conditions. Furthermore, the recommendations made by the United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, following his visit to Peru in February 2004, had been ignored.<sup>54</sup>

## **7. Minorities and indigenous peoples**

32. The Society for Threatened Peoples (STP) referred to the situation of the indigenous peoples of the Achuar, Quechua and Urarinas who live in the basin of the Corrientes River, in Trompeteros district in the province of Loreto. STP indicated that for 37 years they have suffered

from the consequences of the exploitation of oil in their territories, including water contamination and environmental pollution, with a direct negative impact on their health and survival. STP indicated that indigenous communities have not been consulted, nor participated in the decision-making processes regarding the promotion of oil activities in the Amazon rainforest and that only recently did the Government start to pay attention to the problem. An agreement was signed by the indigenous communities, the State of Peru and the licensed company to address the problems; however STP notes that although the environmental problems have not been solved, in 2005, new concessions were granted. STP stated that it is necessary to take urgent measures to avoid further affecting the indigenous people.<sup>55</sup>

### **8. Internally displaced persons**

33. The Internal Displacement Monitoring Centre (IDMC) drew attention to the situation of internally displaced persons due to the internal armed conflict. IDMC indicated that according to the findings of the TRC, indigenous peasant populations represented 70 per cent of the 500,000 to 1,000,000 estimated displaced population, of which about 80 per cent either returned or settled permanently in areas of displacement. The TRC recommended to recognize all people displaced during the conflict as victims and, therefore, potentially eligible for compensation. It further recommended developing individual and collective compensation programmes.<sup>56</sup> IDMC also reported on the establishment of the National Reparation Council highlighting problems in the registration process and the allocation of funds. Furthermore, IDMC indicated that there is a risk that general poverty eradication and development projects may be presented as compensation schemes for victims, thereby undermining the separate reconciliation process. IDMC recommended allocating sufficient funds to complete the registration and compensation process; to fully follow up on the recommendations of the TRC; to carry out reconciliation processes; to ensure equal access to assistance by IDPs willing to return or to resettle permanently; to assess the socio-economic situation and the protection needs of returnees and those who remain displaced.<sup>57</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

34. The Office of the Ombudsman pointed out that Peru is still going through a transition phase and there are still issues pending, such as reparation for victims of the political violence, combating corruption, constitutional reform, resolving the crisis in political representation, consolidating the National Agreement, and the reform and modernization of the State.<sup>58</sup>

35. AI noted that impunity for human rights violations carried out during the last 20 years continues to be a serious concern and despite some developments, progress has been slow and those responsible have still not been brought to justice and victims have not been given adequate redress and reparations.<sup>59</sup>

36. In their joint submission, FIDH-APRODEH-CEDAL also pointed out that the Truth and Reconciliation Commission had presented 85 recommendations in its final report, but that satisfactory progress has been made on 17 per cent of them, most of them to do with reparations. They also stated that the current Government has discontinued the programme and that the reparation awarded so far is clearly insufficient for the number of people to be compensated.<sup>60</sup>

37. ACPD underscored the importance of the Constitutional Court's national case law on discrimination on the grounds of sexual orientation, State action on sexual orientation and the right to sexual and gender identity.<sup>61</sup>

#### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

38. According to the Coordinadora Nacional de Derechos Humanos (CNDDHH), the Plan was elaborated as a result of an extensive process of regional consultations which involved social leaders, representatives of all Executive instances (Ministries and Decentralized Public Organizations), Members of Congress and the Office of the Ombudsman. However, CNDDHH noted that the current government has questioned its legitimacy.<sup>62</sup>

#### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

39. ASI indicated that the Government may need technical assistance, as well as financial support, in order to implement the National Plan of Action for the Eradication of Forced Labour, both from the ILO and from other United Nations agencies.<sup>63</sup>

40. In its 2007 report on Discrimination in Peru, the Office of the Ombudsman stated that the National Human Rights Action Plan is a basic document on State policy in the various fields of human rights, and particularly the fight against discrimination. It is thus important to encourage its implementation with the participation of the State and civil society, and also through cooperation with the international community.<sup>64</sup>

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status):

#### Civil Society

ACPD	Acción Canadá para el Desarrollo de la Población/Action Canada for Population Development, UPR Submission, January 2008, Ontario, Canada
AI	Amnesty International, UPR Submission, January 2008, London, UK*
ASI	Anti-Slavery International, UPR Submission, January 2008, London, UK*
CDR	Centro de Derechos Reproductivos, UPR Submission, January 2008, Lima, Perú
CPDDSR-PROMSEX	Centro de Promoción y Defensa de los derechos sexuales y reproductivos PROMSEX, UPR Submission, January 2008, Lima, Perú
CLADEM-Perú	Comité Latinoamericano para la Defensa de los Derechos de la Mujer - Sección Perú, UPR Submission, January 2008, Lima, Perú *
CNDDHH	National Human Rights Coordinator/Coordinadora Nacional de Derechos Humanos, UPR Submission, January 2008, Lima, Perú*
CSI	Confederación Sindical Internacional, UPR Submission, January 2008, Brussels, Belgium*

EJ-AIDA	Earth justice and the Interamerican Association for Environmental Defense, UPR Submission, January 2008, California, USA- México D.F., México
FIDH-APRODEH-CEDAL	Joint submission by the International Human Rights Federation (FIDH)* and its associated organizations in Peru, APRODEH and CEDAL, UPR Submission, January 2008
GIEACPC	Global Initiative to End All Corporal Punishment of Children, UPR Submission, January 2008, London, UK
HRW	Human Rights Watch, UPR Submission, January 2008, Geneva, Switzerland*
IRDEG	Instituto Runa de Desarrollo y Estudios sobre Género, Programa Diversidad Sexual, UPR Submission, January 2008, Lima, Perú
IDMC-NRC	Internal Displacement Monitoring Centre of the Norwegian Refugee Council, UPR Submission, January 2008, Geneva, Switzerland*
MAM Fundacional	Movimiento Amplio de Mujeres - Línea Fundacional, UPR Submission, January 2008, Lima, Perú
STP	Society for Threatened Peoples, UPR Submission, January 2008, Göttingen, Germany*

*National Human Rights Institution*

DP	Defensoría del Pueblo, UPR Submission, January 2008, Lima, Perú **
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<sup>2</sup> Coordinadora Nacional de Derechos Humanos, p. 4.

<sup>3</sup> Defensoría del Pueblo, Décimo Informe Anual (Enero - Diciembre 2006), Anexo 1, pp. 15-16.

<sup>4</sup> Defensoría del Pueblo, Décimo Informe Anual (Enero - Diciembre 2006), Anexo 1, pp. 503-504, Reflexiones Finales.

<sup>5</sup> CLADEM-Perú, p. 2.

<sup>6</sup> Defensoría del Pueblo, La discriminación en el Perú (2007), Anexo 2, pp. 84-88.

<sup>7</sup> Contribución conjunta de la FIDH-APRODEH-CEDAL, pp. 1-2.

<sup>8</sup> Action Canada for Population Development , p.4 and CLADEM-Perú, p. 2.

<sup>9</sup> CLADEM-Perú, p. 2.

<sup>10</sup> Human Rights Watch, pp. 4-5.

<sup>11</sup> CLADEM-Perú, pp. 2-3.

<sup>12</sup> CLADEM-Perú, p. 2.

<sup>13</sup> Contribución conjunta de la Federación Internacional de Ligas de Derechos Humanos y sus afiliadas en Perú, APRODEH y CEDAL, p. 6.

<sup>14</sup> Action Canada for Population Development, p. 2.

<sup>15</sup> CLADEM-Perú, p.2 and ACPD, pp. 1-3.

<sup>16</sup> Centro de Promoción y Defensa de los derechos sexuales y reproductivos PROMSEX, pp. 1-2.

<sup>17</sup> Instituto Runa de Desarrollo y Estudios sobre Género, Programa Diversidad Sexual , pp. 1-4.

<sup>18</sup> Human Rights Watch, pp. 4-5.

<sup>19</sup> Amnesty International, p. 3.

<sup>20</sup> Amnesty International, p. 3.

<sup>21</sup> Contribución conjunta de la FIDH-APRODEH-CEDAL, p. 1.

- <sup>22</sup> Human Rights Watch, pp. 4-5.
- <sup>23</sup> Amnesty International, p. 4.
- <sup>24</sup> Amnesty International, pp. 4-5.
- <sup>25</sup> Global Initiative to End All Corporal Punishment of Children, pp. 1-2.
- <sup>26</sup> CLADEM-Perú, p. 1.
- <sup>27</sup> Anti-Slavery International, pp. 1-2.
- <sup>28</sup> Anti-Slavery International, pp. 1-4.
- <sup>29</sup> Anti-Slavery International, Annex, pp. 17-18.
- <sup>30</sup> See Human Rights Watch, pp. 1-2, Amnesty International, p. 3, Coordinadora Nacional de Derechos Humanos, pp. 1-5.
- <sup>31</sup> Amnesty International, pp. 3-4.
- <sup>32</sup> Human Rights Watch, pp. 1-2.
- <sup>33</sup> Amnesty International, pp. 3-4.
- <sup>34</sup> Amnesty International, pp. 3-4.
- <sup>35</sup> Coordinadora Nacional de Derechos Humanos, pp. 2-3.
- <sup>36</sup> Amnesty International, pp. 3-4.
- <sup>37</sup> Coordinadora Nacional de Derechos Humanos, pp. 2-3.
- <sup>38</sup> Coordinadora Nacional de Derechos Humanos, pp. 2-3.
- <sup>39</sup> Defensoría del Pueblo, El Estado frente a las víctimas de la violencia. ¿Hacia dónde vamos en políticas de reparación y justicia ?, Anexo 3, pp. 261-277, Conclusiones.
- <sup>40</sup> Human Rights Watch, p. 3.
- <sup>41</sup> Coordinadora Nacional de Derechos Humanos, p. 3.
- <sup>42</sup> Human Rights Watch, p. 3.
- <sup>43</sup> Contribución conjunta de la Federación Internacional de Ligas de Derechos Humanos y sus afiliadas en Perú, APRODEH y CEDAL, pp. 3-4.
- <sup>44</sup> Confederación Sindical Internacional, p. 1.
- <sup>45</sup> Confederación Sindical Internacional, p. 1.
- <sup>46</sup> Anti-Slavery International, Annex, pp. 7-9.
- <sup>47</sup> Anti-Slavery International, Annex, pp. 7-9.
- <sup>48</sup> Amnesty International, pp. 1-2.
- <sup>49</sup> Contribución conjunta de la Federación Internacional de Ligas de Derechos Humanos y sus afiliadas en Perú, APRODEH y CEDAL, p. 4.
- <sup>50</sup> Human Rights Watch, pp. 4-5.
- <sup>51</sup> Centro de Derechos Reproductivos, pp. 1-4.
- <sup>52</sup> Movimiento Amplio de Mujeres - Línea Fundacional, pp. 1-5.
- <sup>53</sup> Earth justice and the Interamerican Association for Environmental Defense, pp. 1-5.
- <sup>54</sup> Contribución conjunta de la Federación Internacional de Ligas de Derechos Humanos y sus afiliadas en Perú, APRODEH y CEDAL, p. 5.

<sup>55</sup> Society for Threatened Peoples, pp. 1-4.

<sup>56</sup> Internal Displacement Monitoring Centre of the Norwegian Refugee Council, pp. 1-3.

<sup>57</sup> Internal Displacement Monitoring Centre of the Norwegian Refugee Council, p. 3.

<sup>58</sup> Defensoría del Pueblo, Décimo Informe Anual (Enero - Diciembre 2006), Anexo 1, pp. 503-504, Reflexiones Finales.

<sup>59</sup> Amnesty International, p. 3.

<sup>60</sup> Contribución conjunta de la Federación Internacional de Ligas de Derechos Humanos y sus afiliadas en Perú, APRODEH y CEDAL, pp. 1-2.

<sup>61</sup> Action Canada for Population Development, pp. 3-4.

<sup>62</sup> Coordinadora Nacional de Derechos Humanos, p.3. Véase también Defensoría del Pueblo, La discriminación en el Perú (2007), Anexo 2, pp. 84- 88.

<sup>63</sup> Anti-Slavery International, p. 4.

<sup>64</sup> Defensoría del Pueblo, La discriminación en el Perú (2007), Anexo 2, pp. 84-88.

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