



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues to be taken up in connection with the consideration of the fifth periodic report of Peru (CCPR/C/PER/5), adopted by the Committee at its 105th session (9–27 July 2012)

Constitutional and legal framework (arts. 1 and 2)

1. Please indicate the extent to which national courts invoke and implement the provisions of the Covenant. Please describe the procedure in force for implementing the decisions adopted by the Committee under the Optional Protocol. Please indicate the measures taken to comply with the decisions in which the Committee has identified a violation of the Covenant by the State party.
2. Please describe the functions of the Office of the Deputy Minister for Human Rights and Access to Justice, established under Act No. 29809 of 2011, and how they are connected to those of the existing National Human Rights Council.

The principle of non-discrimination, equality between men and women, and violence against women (arts. 3, 6, 7, 25, 26 and 27)

3. Please provide information on the legislative and other measures adopted by the State party to combat racial discrimination against indigenous peoples and Afro-Peruvian communities, especially in the media and on the part of officials of the public administration. Please also provide information on measures taken to combat discrimination against persons on the basis of their sexual orientation.
4. Please provide specific data on the outcomes of the measures taken to promote equal access for men and women to the civil service, on the proportion of senior posts in the public and private sectors held by women and on equality as regards labour rights, showing trends over the past five years.
5. Please report on the results of the National Plan to Combat Violence against Women for 2002–2007 and 2009–2010. Also describe the prevention, information and awareness-raising activities on domestic and other forms of gender-based violence that are arranged for the population as a whole.
6. Please indicate the measures taken to follow up on the recommendations made by the Committee and other treaty bodies regarding abortion so that additional exceptions to the prohibition and criminalization of abortion are established and effectively implemented,

for example, for cases in which the pregnancy is the result of rape or incest. Please report on the protocols adopted for regularizing the practice of therapeutic abortions in the country. Please report on the measures taken to inform women and adolescents properly about contraceptive methods and to prevent unwanted pregnancies, as well as to promote the incorporation of sexual and reproductive health education for adolescent boys and girls in school syllabuses. Please report on the measures taken to ensure that the raising of the age of consent from 14 to 18 under Act No. 28704 of 2006 does not deter girls from using family planning or maternity services.

7. Please outline the additional measures implemented to reduce maternal mortality in rural areas.

8. Please describe the restrictions placed by the State party on the civil and political rights of persons with disabilities, particularly on the right to vote and the right to marry. Please state the aim of those restrictions and outline how they are compatible with the Covenant.

States of emergency (art. 4)

9. Please indicate the steps taken to guarantee that states of emergency that have been declared comply with the provisions of the Covenant with regard to both the rationale and the scope of the corresponding derogations.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment and the fight against impunity (arts. 2, 6 and 7)

10. Please report on the action taken to implement the manual “The Ten Commandments of the Forces of Law and Order”, as well as the manual on international humanitarian law and human rights and the police human rights manual, in order to ensure that people’s fundamental human rights are respected in the planning, organization and execution of operations to secure, maintain or restore public order. Please report on the status of the investigations of the cases of excessive use of force by members of the police and the Armed Forces.

11. Please indicate the measures taken to prevent torture and other cruel, inhuman or degrading treatment, to ensure that all the population has access to fast, confidential and safe complaints mechanisms and to guarantee that victims can obtain effective remedies and reparation. Also indicate the compensation awarded to the victims in the cases of torture mentioned in the State party’s report. Please describe the progress made towards establishing the national mechanism for the prevention of torture and to equip the corresponding institution with the human and material resources it needs to function properly.

12. Please describe the measures taken, following the establishment of the National Criminal Court, the special prosecutor’s offices and the National Criminal Prosecutor’s Office, to ensure the investigation and punishment of the human rights violations committed during the armed conflict between 1980 and 2000. Also please specify the steps taken to implement the recommendations of the Truth and Reconciliation Commission regarding access for victims to truth, justice and reparation, especially for vulnerable groups. Please describe the measures taken to implement the reparation programmes, including collective reparation. In that regard, please specify how the State party has taken into account the gender perspective and the needs of the most vulnerable groups, especially members of the indigenous peoples who have borne the brunt of the violations.

13. Please describe the measures taken to ensure truth, justice and reparation for the more than 2,000 women who were forcibly sterilized during the presidency of Alberto Fujimori.

14. Please report on the measures taken to protect foreigners and asylum seekers, including those in border regions and remote areas, from being forcibly expelled to countries where they are at risk of being subjected to torture or ill-treatment or exposed to other serious violations of their human rights.

Elimination of slavery, servitude and forced labour and freedom of movement (art. 8)

15. Please describe the actions taken, and their outcomes, to prevent and punish the use of forced labour and debt servitude in areas such as the timber industry, gold mining and domestic service.

Rights of persons deprived of their liberty (art. 10)

16. Please describe the measures taken in the prison system to reduce overcrowding and improve security and sanitation, particularly as regards the hygiene and medical care of persons deprived of their liberty. Please report on the measures adopted to close the Challapalca and Yanamayo prisons, as recommended by the Committee in its previous concluding observations (CCPR/CO/70/PER, para. 14), and explain the extent to which the continued existence of these prisons is compatible with articles 7 and 10 of the Covenant.

17. Please report on the measures taken to resolve the issue of overcrowding in juvenile detention centres and to ensure that juvenile detainees receive adequate care.

Fair trial and due process (art. 14)

18. With regard to military criminal justice, the Committee takes note of the information provided by the State party (paras. 254–256), according to which Act No. 29182 on the organization and functions of the Military and Police Court and the Military and Police Criminal Code have been amended by Legislative Decrees No. 1096 and No. 1094, respectively. Please indicate the measures taken to guarantee that the competence of the military courts will be limited to breaches committed by members of the Armed Forces of the rules regulating their functions. Please indicate how many cases are currently the subject of a jurisdiction dispute between the military and ordinary criminal courts and for what reasons. Please provide information on the progress made in the reform of the military criminal justice system with regard to ensuring the implementation of international human rights standards.

Freedom of opinion and expression (art. 19)

19. Please specify what is meant by the term “hostile group” as set forth in article 33 of Decree No. 1094 and article 3 of Decree No. 1095. Please also describe the circumstances under which military forces may, in accordance with those decrees, intervene in the case of conflicts or protests involving a “hostile group”. Please describe the procedures open to victims of any human rights abuses committed by members of the Armed Forces and the measures in place to guarantee the independence and impartiality of those procedures.

20. Please provide information on the status of bill No. 459/2011-CR, which aims to amend article 132 of the Criminal Code and abolish the imposition of prison sentences for criminal defamation.

21. Please describe the legal framework in place to protect the activities of human rights defenders and the practical measures taken to protect their safety and integrity as they carry out their activities. Please inform the Committee of the outcome of the judicial inquiries into the cases of harassment of and threats against human rights defenders and journalists, as well as the measures taken to protect freedom of opinion and expression in the country.

Protection of children (art. 24)

22. Please indicate the extent to which the National Plan for the Restoration of Identity 2005–2009 and the National Plan of Action for Children and Adolescents have encouraged the registration of all births in the national civil registry, especially for persons in rural areas and indigenous persons. Please describe the measures taken to ensure access for such persons to documentation on the registration of births and to the rights and benefits associated therewith.

23. Please describe the steps taken to prevent children from being subjected to the worst forms of child labour and economic exploitation, including in mines and in the handling of toxic materials, and to provide them with the appropriate care, including their placement in properly equipped children's homes to ensure their social rehabilitation. Please also inform the Committee about the outcome of plans and projects for the prevention and punishment of the exploitation of minors for prostitution, pornography, paedophilia and sex tourism.

The rights of indigenous peoples (art. 27)

24. Please describe the consultation process implemented under Act No. 29785, passed in August 2011, on the right of indigenous or native peoples to be consulted, as established in International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). In particular, please describe the mechanisms used for the consultation, the extent of the participation of those consulted and to what degree the findings of the consultation were incorporated into the regulations of the Act. Please also report on the process to inform people and educate public officials regarding the contents of the Act on consultation and its regulations. Please also indicate the steps taken to guarantee that the informed prior consent of indigenous peoples is obtained before licences to exploit or explore indigenous territories are granted.

Dissemination of information concerning the Covenant and the Optional Protocol (art. 2)

25. Please provide information on the steps taken to inform public officials and the public in general of the reparations available under the first Optional Protocol to the Covenant. Please provide additional information on the participation of civil society, in particular of representatives of ethnic and minority groups, in the preparation of the State party's fifth periodic report.