

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AMR 46/001/2013

15 March 2013

Peru: Amnesty International welcomes Peru's legislation on the Right of Indigenous Peoples to Prior Consultation, but concerns on implementation remain

Human Rights Council adopts Universal Periodic Review outcome on Peru

Amnesty International welcomes the passing of the Law on the Right of Indigenous Peoples to Prior Consultation in August 2011, although the organization remains concerned about aspects of its implementation. The national database of Indigenous Peoples and the methodology guide have both yet to be published. We urge Peru to fully implement the law, including as recommended in the review¹ and in a timely manner.

Amnesty International is also concerned that the failure to consult with local communities on development projects has on occasion resulted in mass protests across the country with reports of excessive use of force by the police. The organization welcomes Peru's support of several recommendations to prevent the excessive use of force by the security forces² and urge their full and early implementation.

The organization notes that Peru considers Legislative Decrees No. 1094 and 1095 to be compliant with international human rights standards.³ Amnesty International is concerned, however, that these decrees allow the military to be deployed to deal with 'hostile groups', which is a term that is so ill defined it could be interpreted to include human rights defenders and social activists taking part in demonstrations.

Amnesty International welcomes that a number of states raised the need for improved access to sexual and reproductive health services, including therapeutic abortion.⁴ Although Article 119 of the Penal Code provides for abortion under certain circumstances, the lack of legal instruments to regulate its provision means that health professionals are not prepared to provide the therapeutic abortions to which women are entitled. The organization calls on Peru to create a national protocol for therapeutic abortion to apply to all hospitals in the country.

¹ A/HRC/22/15, recommendations 116.111-116.113 (Germany, Hungary, Mexico)

² Ibid, recommendations 116.34-116.35 (Poland, Norway), 116.53 (Canada),

³ Ibid, 118.2 (Finland) which Peru maintains is in the process of implementation.

⁴ Ibid, 116.93-116.98 (Sri Lanka, Iraq, Slovenia, Portugal, Finland, Mexico)

Amnesty International also welcomes Peru's acceptance of recommendations to protect human rights defenders⁵ and calls upon the government to ensure they can carry out their work without fear of intimidation.

Finally, Amnesty International applauds Peru's acceptance of recommendations to nominate the National Ombudsman as the national preventive mechanism required by the Optional Protocol to the Convention against Torture,⁶ and urges the government to ensure that the National Ombudsman is allocated the necessary resources to carry out this task.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Peru on 15 March 2013 during its 22nd session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Peru: *Human rights concerns in Peru, Amnesty International Submission to the UN Universal Periodic Review, October-November 2012*, <http://www.amnesty.org/en/library/info/AMR46/002/2012/en>

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⁵ 116.72 (Australia), 116.74 (Netherlands)

⁶ Ibid, 116.16 – 116.18 (Morocco, Mexico, Spain)