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

**Peru\***

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

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\* The information and references contained in the present document have not been verified by United Nations editors prior to submission for translation.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	29 Sept. 1971	None	Individual complaints (art. 14): Yes
ICESCR	28 April 1978	None	-
ICCPR	28 April 1978	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	3 Oct. 1980	None	-
CEDAW	14 Sept. 1982	None	-
OP-CEDAW	9 April 2001	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	7 July 1988	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	14 Sept. 2006	None	-
CRC	14 Sept. 1990	None	-
CRC-OP-AC	8 May 2002	Art. 3 (2)	-
CRC-OP-SC	8 May 2002	None	-
ICRMW	14 Sept. 2005	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
<i>Core treaties to which Peru is not a party: ICCPR-OP 2, CPD (signature only, 2007), CPD-OP (signature only, 2007), CED.</i>			
<i>Other main relevant international instruments<sup>3</sup></i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	Yes		
Palermo Protocol <sup>4</sup>	Yes		
Refugees and stateless persons <sup>5</sup>	Yes, except Conventions relating to the Status of Stateless Persons and on the Reduction of Statelessness		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Protocol III		
ILO fundamental conventions <sup>7</sup>	Yes		
UNESCO Convention against Discrimination in Education	Yes		

1. In 2004, the Committee against Torture (CAT) expressed concern at the frequency of states of emergency and at reports of abuses by police and armed forces occurring during such exceptional circumstances. CAT recommended that the proclamation of states of emergency be restricted to situations where it is absolutely necessary and that human rights obligations be scrupulously complied with.<sup>8</sup>

### B. Constitutional and legislative framework

2. In 2006, the Committee on the Rights of the Child (CRC) noted discrepancies between some domestic laws and the Convention.<sup>9</sup> UNICEF welcomed the adoption of laws and decrees on the protection of child rights and the fact that assistance was provided to revise the Children's Code.<sup>10</sup> In 2007, the age of penal responsibility was raised from 12 to 14. However, the provision on "pernicious gangs" (*pandillaje pernicioso*) still remains valid, contrary to CRC and UNICEF recommendations.<sup>11</sup>

3. In 2007, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination commended the prompt accession to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.<sup>12</sup> However, the Working Group noted that the absence of legislation, regulation and appropriate oversight at the national level has produced a legal vacuum that benefits private security companies operating in the international market and looking for third-country nationals to hire as “security guards” in armed conflict zones.<sup>13</sup>

4. CAT welcomed the 2002 adoption of the Refugee Protection Act incorporating the right to *non-refoulement*, reinforcing the fulfilment of obligations under article 3 of the Convention.<sup>14</sup> In its 2007 Annual Report, UNODC informed of the approval in late 2006 of a law on trafficking consistent with international instruments.<sup>15</sup> In 2004, the Special Representative of the Secretary-General on internally displaced persons congratulated Peru for the adoption of a law prohibiting arbitrary displacement.<sup>16</sup>

### C. Institutional and human rights infrastructure

5. The Office of the Ombudsman (*Defensoría del Pueblo*) of Peru was accredited with “A” status in 1999 and again in 2007.<sup>17</sup> The Committee on the Elimination of Racial Discrimination (CERD) expressed satisfaction at the Office’s programme of activities for indigenous populations.<sup>18</sup> However, CAT expressed concern at the frequent failure by the authorities to comply with their obligation to cooperate with the Office and to implement the latter’s recommendations.<sup>19</sup> CAT noted with satisfaction the creation of a special subsystem of criminal justice to deal with torture, with its own prosecutors’ offices and other specialist bodies<sup>20</sup> and considered that the Office’s registry should be substituted with a registry at the Public Prosecutor’s Office for all such complaints.<sup>21</sup> CAT congratulated the Office in following up on complaints of torture, particularly its role in inspecting places of detention.<sup>22</sup>

6. CRC noted with concern that the General Directorate on Children and Adolescents had been downgraded due to the restructuring of the Ministry of Women and Social Development, and recommended that it be given an adequate mandate to coordinate activities to implement the Convention.<sup>23</sup> UNICEF noted that, in response to the CRC recommendation,<sup>24</sup> a new Ombudsman’s office specialized in children’s affairs (*Defensoría Adjunta para la Niñez y la Adolescencia*) was created in 2006<sup>25</sup>. The Committee on the Elimination of Discrimination against Women (CEDAW) requested that the national machinery for the advancement of women have sufficient decision-making power and resources.<sup>26</sup>

### D. Policy measures

7. CRC<sup>27</sup> and CAT<sup>28</sup> welcomed the work and report of the Truth and Reconciliation Commission (TRC) regarding human rights violations committed during the 1980-2000 armed conflict. CAT particularly commended the Comprehensive Plan for Reparation.<sup>29</sup> The Special Rapporteur on the right to health welcomed the National Plan of Human Rights (2006-2010) and was pleased to learn about the adoption in 2006 of a National Mental Health and Culture of Peace Strategy.<sup>30</sup> Peru reported on the implementation of the guidelines of this latter strategy<sup>31</sup> and, following the Special Rapporteur’s recommendations, provided detailed information about the new project establishing a Special Centre for Mental Health.<sup>32</sup> CEDAW noted with satisfaction the adoption of laws, policies and programmes to implement the Convention.<sup>33</sup> CRC welcomed the adoption of national plans of

action for children and adolescents (2002-2010); on the prevention and eradication of child labour (2005); and on poverty (2004-2006); programmes against sexual and domestic violence (2001); and the launching of the “Juntos” programme aimed at supporting the most disadvantaged families (2005).<sup>34</sup> An ILO Committee of Experts noted the strategic objectives of the National Plan for Equal Opportunities (2001-2005).<sup>35</sup>

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

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>36</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1998	Mar. 1999	-	Fourteenth to eighteenth reports, overdue since 1998, 2000, 2002, 2004 and 2006 respectively are to be submitted by June 2008 in a consolidated document. If not, a review procedure without State report will take place in August 2008
ESCR	1995	1997	-	Second to fourth reports overdue since 1995, 2000 and 2005 respectively
HR Committee	1998	Oct. 2000	-	Fifth report overdue since 2003
CEDAW	2004	Jan. 2007	-	Seventh and eighth reports due in 2011
CAT	2004	May 2006	Overdue since May 2007	Fifth report due in 2009
CRC	2004	Jan. 2006	-	Fourth report due in 2011
CRC-OP-AC	-	-	-	Initial report overdue since 2004
CRC-OP-SC	-	-	-	Initial report overdue since 2004
CMW	-	-	-	Initial report overdue since January 2007

8. CEDAW expressed appreciation for Peru’s report, which was prepared in accordance with the Committee’s reporting guidelines and takes full account of previous concluding comments. CRC regretted that some previous concerns and recommendations were insufficiently or partly addressed.<sup>37</sup> In the framework of the early warning and urgent action procedure of CERD, Peru provided some information to, following the Committee’s request, on issues related to the situation of indigenous communities.<sup>38</sup> However, Peru has not yet responded to the reminders of the Committee concerning its periodic reports overdue since 1998.<sup>39</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on the independence of judges and lawyers (9-15 Sept. 1998); <sup>40</sup> Working Group on Arbitrary Detention (6 Jan. -6 Feb. 1998); <sup>41</sup> Special Rapporteur on adequate housing (4-15 March 2003); <sup>42</sup> Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (7-15 June 2004); <sup>43</sup> Special Rapporteur on the human rights of migrants (20-30 Sept. 2004); <sup>44</sup> Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (29 Jan.-2 Feb. 2007) <sup>45</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (requested on 29 June 2004)

<i>Facilitation/cooperation during missions</i>	The Working Group on the use of mercenaries expressed its appreciation to Peru for cooperative and constructive dialogue. The Special Rapporteur on the right to health and the Special Rapporteur on the human rights of migrants both thanked the Government for its excellent cooperation and support.
<i>Follow-up to visits</i>	Special Rapporteur on adequate housing, requested in December 2007
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, a total of 50 communications were sent to the Government. Besides particular groups (e.g. migrants) 106 individuals were concerned by these communications, including 26 women. During the same period, Peru replied to 15 communications (30 per cent).
<i>Responses to questionnaires on thematic issues<sup>46</sup></i>	Out of the 12 questionnaires sent by special procedures mandate holders <sup>47</sup> between 1 January 2004 and 31 December 2007, Peru responded to none within the deadlines.

### 3. Cooperation with the Office of the High Commissioner for Human Rights

9. During 2005, the Office of the High Commissioner for Human Rights (OHCHR) funded an international consultant to assist the elaboration of the national human rights plan of action;<sup>48</sup> organized a subregional meeting on Afro-descendants in Latin America jointly with UNDP and hosted by Peru;<sup>49</sup> and continued implementing a subregional pilot project on indigenous peoples and afro-descendants' rights in Bolivia, Ecuador and Peru, in partnership with national actors.<sup>50</sup> In 2002-2003, OHCHR assisted the TRC, in particular on investigation and systematization of information.<sup>51</sup>

#### B. Implementation of international human rights obligations

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

10. In January 2007, CEDAW noted with concern the absence of legislation on equality between women and men<sup>52</sup> and expressed concern about racism and multiple forms of discrimination against Afro-Peruvian women.<sup>53</sup> In 2006, CRC expressed concern that de facto discrimination still exists towards certain vulnerable groups such as children with disabilities, indigenous children, children living in rural and remote areas and those working or living in the streets.<sup>54</sup> It welcomed the establishment of the National Council for the Integration of Disabled Persons and sensitization campaigns, but expressed concern at reportedly limited infrastructure for the care of children with disabilities.<sup>55</sup>

11. In 1999, CERD recommended alignment of penal legislation with the Convention, in particular with regard to article 4.<sup>56</sup> It noted with concern the close relationship between socio-economic underdevelopment and ethnic or racial discrimination chiefly against indigenous and rural communities, and recommended that Peru take measures to guarantee the right of the most underprivileged members of the population to benefit from all the rights listed in article 5 of the Convention.<sup>57</sup> It also noted that members of the indigenous population, who reportedly often have no identity papers and are illiterate, are deprived of the possibility of exercising their civil and political rights.<sup>58</sup>

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

12. In 2006, CAT noted that the number of complaints of torture by the police submitted to the Office of the Ombudsman had declined between 1999 and 2004. Nevertheless, CAT expressed concern that complaints continue to be received against officials of the national police, armed forces and prison system, and in respect of recruits on military service.<sup>59</sup>

13. In 2003, two mandate holders<sup>60</sup> expressed concern about excessive use of force by police and military to control demonstrations. In one instance in 2003, a student was killed and many others wounded.<sup>61</sup> The authorities replied that investigations were under way.<sup>62</sup> In 2004, four mandate holders<sup>63</sup> were concerned with excessive force used by police against minors. For example, during a peaceful demonstration promoting children's rights, 150 minors as well as a number of adults accompanying them were wounded and/or subsequently imprisoned.<sup>64</sup> In its reply, Peru asserted that the participants were violent, disruptive, resisted authority, and demonstrated in a prohibited area, thus authorizing police intervention and detention of participants, and that since policemen were wounded, their actions were warranted.<sup>65</sup>

14. In 2006, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Working Group on Arbitrary Detention raised concern regarding the arrest of eight indigenous persons and the lack of due process during their arrest. Reportedly, the detainees were not provided with an interpreter, and the prosecutor accused them of collaborating with terrorists. The Minister of Interior subsequently admitted that the police found no evidence to accuse them of ambush.<sup>66</sup>

15. In 2004, four mandate holders<sup>67</sup> expressed concern for the safety of a key witness in investigations conducted by the TRC.<sup>68</sup> The victim was allegedly subjected to torture and three attempts were made on his life. The Government replied that security measures had been adopted and an investigation is underway.<sup>69</sup> The mandate holders requested additional information on protective measures.<sup>70</sup> In 2004, two mandate holders<sup>71</sup> expressed concern regarding death threats received by a witness, allegedly due to her efforts to ensure an investigation into the kidnapping and execution of her family members which she reportedly witnessed.<sup>72</sup> Peru replied that the alleged victims perished by means different than those recounted by the witness, and that no formal complaint has been made by the witness regarding Peru's account of the facts.<sup>73</sup> The same mandate holders were also concerned by insults and death threats sent to the former chairman of TRC (2001-2003), reportedly over allegations in a TRC report that high-level military officials were responsible for human rights violations.<sup>74</sup> Peru responded about ongoing investigations and indicated that the TRC chairman considered security measures unnecessary.<sup>75</sup>

16. In 2007, the Working Group on the use of mercenaries noted reports of 83 attacks on environmental and human rights defenders, witnesses, victims and expert witnesses, of which 35 involved environmental rights defenders in la Oroya, Cajamarca and Yurimaguas.<sup>76</sup> In 2006, the Special Representative of the Secretary-General on the situation of human rights defenders drew the Government's attention to threats and harassment against lawyers representing human rights advocates and witnesses of grave human rights violations committed during the internal conflict, and against human rights defenders, particularly those working on environmental issues and those supporting farmers' and indigenous organizations. The Special Representative of the Secretary-General regretted not having received any reply to communications sent in 2006<sup>77</sup> while Peru provided some responses to those sent in 2007.<sup>78</sup>

17. The Working Group on Enforced or Involuntary Disappearances transmitted a total of 3,006 cases, of which 385 were clarified on the basis of information provided by the source, 253 based on information provided by the Peruvian authorities, and 2,368 remain outstanding.<sup>79</sup> In October 2007, Peru acknowledged to the Working Group that the Amnesty Law lacked legal effect and constituted an obstacle for investigations and punishment of violations committed during the conflict. Reference was made to the TRC, the National Council for Reparations, the High-level Cross-Sector Commission, and the law on enforced disappearances.<sup>80</sup> Peru responded to the Working Group's general allegation in December 2006,<sup>81</sup> indicating that the armed forces were

complying with the order to provide assistance and information to judges and prosecutors to clarify acts possibly involving personnel.<sup>82</sup> CAT noted with satisfaction the Constitutional Court's recognition of the right to truth as a fundamental right in cases of forced disappearance.<sup>83</sup>

18. CAT was concerned with overpopulation and overcrowding in prisons and the lack of medical personnel and court-appointed counsel.<sup>84</sup> In 2006, while noting the closure of Challapalca prison, CAT regretted that Yanamayo had not been closed down despite its recommendation following its 1998 inquiry under article 20.<sup>85</sup> In 2004, the Special Rapporteur on the human rights of migrants noted a reported considerable increase in the number of foreigners in prison,<sup>86</sup> and serious inadequacies in health services for foreign prisoners.<sup>87</sup>

19. While CEDAW noted various initiatives to reduce violence against women, including the National Plan against Violence towards Women, it remained gravely concerned about the extent, intensity and prevalence of such violence, the lack of enforcement measures, the persistence of permissive attitudes and that incestual sexual abuse is not a crime.<sup>88</sup> CRC was concerned at widespread domestic violence and child abuse, including sexual abuse, despite recent measures taken in this respect, and recommended the introduction of criminal provisions in this regard.<sup>89</sup> It welcomed existing legal provisions to prohibit corporal punishment, but was concerned that it is lawful in the home and still widely practiced as an accepted measure of discipline within the family and at school.<sup>90</sup>

20. In 2006, CRC welcomed legislative and other measures regarding child labour but remained deeply concerned that hundreds of thousands of children and adolescents are reportedly in the labour market, especially in the informal sector, marginalized from education, and victims of exploitation and abuse. It noted with concern frequent violations of legislative provisions protecting children from economic exploitation and that children are exposed to dangerous and/or degrading work.<sup>91</sup> While appreciating the "*Educadores de Calle*" programme, CRC expressed concern, as did CESCR in 1997, at the high number of street children and the spread of adolescent violence and street-gangs (*pandillas*), especially in Lima.<sup>92</sup> CRC requested that street children benefit from recovery and social reintegration services, adequate nutrition, housing, health care and educational opportunities.<sup>93</sup>

21. CRC in 2006 and CEDAW in 2007 welcomed measures taken to combat sexual exploitation and trafficking of children and women. Nevertheless, CRC remained concerned that a reportedly very high number of children are victims of sexual exploitation and violence, and recommended that trafficking be defined in criminal legislation according to the Palermo Protocol definition.<sup>94</sup> CEDAW called for the full enforcement of anti-trafficking legislation. Both Committees recommended full implementation of the national action plan and other measures to combat trafficking.<sup>95</sup> In 2006, CRC noted with concern that there were almost 5,000 reports of disappearances in the context of cross-border trafficking between 2002 and 2005, 35.3 per cent of which concerned children.

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

22. CAT took note of the increasing number of investigations into complaints of torture and recognized progress in repealing amnesty laws and bringing criminal proceedings against army and police officers for acts of torture. It remained concerned, however, at the excessive length of such proceedings and regretted that the jurisdiction of the military criminal courts is not exercised in accordance with Peru's international human rights obligations.<sup>96</sup>

23. The Special Rapporteur on the question of torture was concerned about the lack of cooperation by members of the armed forces regarding investigations dealing with human rights violations by members of the military, particularly in providing information to identify those responsible for violations that occurred during the period covered by the TRC report (1980-2000). The Special Rapporteur was of the view that this policy had been adopted to protect those responsible.<sup>97</sup> While commending the work of the TRC, CEDAW, CRC, and CAT were concerned that its recommendations have only been partly implemented and that only few victims have been granted reparations. Regarding reparations, CRC and CAT requested that due attention be paid to gender aspects and to the most vulnerable groups, especially indigenous peoples, who have borne the brunt of the violations.<sup>98</sup> CEDAW expressed further concern that only rape is recognized as violence against women, and recommended that the definition be expanded to include, in particular, sexual slavery, forced pregnancy, forced prostitution, forced union and forced domestic labour. It recommended assistance, investigation, prosecution and individual reparation in cases of women victims of violence.<sup>99</sup> CAT emphasized the obligation to provide compensation to victims in all domestic convictions for acts of torture and noted with concern delays in complying with reparation awards made by the Inter-American Court of Human Rights and in HR Committee decisions concerning offences of torture and ill-treatment.<sup>100</sup>

24. CEDAW expressed concern that women experience significant obstacles in accessing justice, particularly indigenous women who also face language barriers.<sup>101</sup> While CRC noted some progress in improving the juvenile justice system, it remained concerned about poor detention conditions, including the lack of recovery and social reintegration programmes.<sup>102</sup>

25. Regarding the HR Committee's decisions on individual communications, the latest follow-up information<sup>103</sup> shows that 14 cases have been decided against Peru and that follow-up information has been received in most cases.<sup>104</sup> Nevertheless, except in one case, dialogue remains open as the information was considered unsatisfactory.

#### **4. Freedom of movement**

26. The Working Group on the use of mercenaries noted problems with the *guachimanes*, a form of private security provided by individuals acting as guards who protect a residential area by surrounding houses or preventing free passage to carry out checks, which the Working Group considers a violation of the right to freedom of movement.<sup>105</sup>

#### **5. Freedom of expression and right to participate in public and political life**

27. In 2000, the HR Committee was concerned at the growing number of complaints of systematic harassment and death threats against journalists.<sup>106</sup>

28. While noting with satisfaction the results of efforts to increase the number of women in political positions in Peru,<sup>107</sup> CEDAW expressed concern that women are underrepresented in other public bodies.<sup>108</sup>

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

29. In 1997, CESCR noted with concern that many workers do not earn the minimum wage fixed by law.<sup>109</sup> The Working Group on the use of mercenaries noted that there are reportedly around 100,000 private individuals offering security services: 50,000 private vigilantes and 50,000 casual *guachimanes*, who are badly exploited and whose labour rights are violated.<sup>110</sup>

## 7. Right to social security and to an adequate standard of living

30. CRC expressed concern in 2006 about the high degree of poverty in the country, very poor housing and living conditions, as well as limited access to water in rural areas.<sup>111</sup> CEDAW expressed concern about the situation of women who face a high risk of consistent poverty and social exclusion and urged the Government, inter alia, to incorporate gender perspectives into all development programmes.<sup>112</sup> CEDAW was also concerned about the situation of rural, indigenous and minority women, characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services.<sup>113</sup> It noted that a large number do not have any documentation registering their births and consequently cannot claim nationality and social benefits.<sup>114</sup>

31. The Special Rapporteur on the right to health requested clarifications about the implementation of the chapter in the National Plan of Human Rights on the right of everyone to the highest attainable standard of health, and about the mechanism responsible for monitoring its implementation, staffing and budget.<sup>115</sup> CRC reiterated the recommendation of the Special Rapporteur that Peru carry out independent, rights-based environmental and social impact assessments prior to setting up any mining or other industrial projects that may have a harmful impact on the right to health of children.<sup>116</sup> He also noted that the Comprehensive Plan for Reparations recommends the setting up of free health programmes, including mental health treatment for women, and was pleased to learn that permanent and travelling teams of mental health workers were established in the regions affected by the conflict.<sup>117</sup>

32. CAT in 2006, the HR Committee in 2000 and CERD in 1999 expressed concern at reports of women, particularly indigenous women in rural areas, undergoing involuntary sterilization.<sup>118</sup> CRC and CERD noted with concern that access to health and health services is inadequate, especially in rural and remote areas of the country. The rates of maternal,<sup>119</sup> infant and under-five mortality, despite some improvements, continue to be among the highest in Latin America.<sup>120</sup> CEDAW urged Peru to review the restrictive interpretation of therapeutic abortion which is legal; to consider removing punitive provisions relating to abortion for unwanted pregnancies; and to provide women with access to quality services.<sup>121</sup> In 2005, the HR Committee adopted views on a case in which the victim was denied a therapeutic abortion.<sup>122</sup> In 2006, in relation to this particular case, the Government informed the Committee of a proposed amendment to the Criminal Code or the enactment of a special law regulating therapeutic abortion, and indicated that they had offered compensation to the victim. The victim refused compensation, noting that the legislative framework already exists but that it should be interpreted in accordance with international standards. In 2007, CEDAW called upon Peru to comply with the Committee's recommendations concerning this case.<sup>123</sup>

33. In 2004, the Special Rapporteur on adequate housing<sup>124</sup> found the housing situation very serious, noting that various housing programmes are not reaching the very poor and are not sufficiently flexible, and that there should be more focus on subsidy policies.<sup>125</sup> He encouraged the Government to develop strategies to improve access to water and sanitation services by the poor.<sup>126</sup> CRC expressed concern at health problems arising from the lack of access to safe drinking water, inadequate sanitation and contamination by extractive industries. FAO noted that in 2007 a draft framework law on the right to food was presented to Congress.<sup>127</sup>

## **8. Right to education**

34. CEDAW was concerned about the low education level of girls and urged Peru to take measures to reduce women's illiteracy rates and to provide formal and informal education to women, especially in rural areas. It also recommended strengthening efforts to ensure implementation of free and compulsory primary education.<sup>128</sup> In 2006, CRC welcomed the increase in the completion rate of primary education, but expressed concern about discrepancies in quality and infrastructure between urban and rural schools and public and private schools, inadequate teacher training, including skills for intercultural bilingual education to indigenous communities, and irregular attendance levels.<sup>129</sup>

## **9. Minorities and indigenous peoples**

35. While acknowledging Peru's efforts, CRC and CESCR noted with concern that indigenous communities continue to face serious difficulties in the enjoyment of their economic, social and cultural rights in particular. CRC expressed concern about the lack of recognition of their land rights, pillaging of their resources, inadequate access to basic services, health and education, social exclusion and discrimination.<sup>130</sup> In 1997, CESCR noted that most of the Indian and Mestizo populations, which amount to over three quarters of Peru's population, are extremely poor and that their health situation is precarious.<sup>131</sup> Under its early warning and urgent action procedure, CERD considered the impact of a project involving water drainage on the rights of the indigenous communities of the Altiplano, particularly their water rights. In response to the questions raised by CERD, Peru noted that the project was adapted following an environmental impact evaluation, and no longer causes prejudice to the concerned indigenous communities.<sup>132</sup> CERD also requested information concerning pollution resulting from oil extracting activities in the Rio Corrientes and allegedly affecting the health and traditional activities of the Achuar, Quechua and Urarinas communities.<sup>133</sup>

## **10. Internally displaced persons**

36. The Special Rapporteur on adequate housing, as highlighted also by UNHCR,<sup>134</sup> estimates that the political violence which prevailed between 1980 and 1993 led to the internal displacement of around 600,000 persons, one third of whom settled in the vicinity of Lima, often in areas without access to services and without security of tenure.<sup>135</sup>

## **11. Human rights and counter-terrorism**

37. In 2000, the HR Committee noted with appreciation that Peru released some of the persons convicted of terrorism on insufficient evidence and pardoned them, but restated that a pardon does not constitute full compensation for victims where due process was breached during proceedings and when innocent persons were found guilty. The Committee also considered that detention for up to 15 days in cases of terrorism, drug trafficking and espionage does not comply with article 9 of the Covenant.<sup>136</sup> Since 1996, the HR Committee has found violations of the Covenant in eight cases related to terrorist activities. In seven of them, the Committee found a violation of guarantees of due process<sup>137</sup> and of the right to liberty and security of person.<sup>138</sup> The Committee also concluded on a violation of the prohibition of torture or ill-treatment<sup>139</sup> in five of those cases and in four, it also found that the conditions of detention were inhuman.<sup>140</sup> Following the adoption of Views, the Government took the following actions: one victim<sup>141</sup> was released on 6 December 2002; another<sup>142</sup> was acquitted by the Supreme Court in November 2005 and released. The amount of compensation

is however still under consideration. In two cases<sup>143</sup>, the Government informed the Committee that a new trial was under way. The Government failed to provide information in three cases<sup>144</sup> and contested the Committee's findings in one case.<sup>145</sup>

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

38. The Special Rapporteur on the right to health was impressed by recent health policies and initiatives, including in the areas of mental health, access to medicines and health promotion. He commended Peru on *la Cruzada Nacional por los Derechos y Responsabilidades Ciudadanas en Salud* and was pleased to learn about the creation of the Rights, Gender Equity and Interculturality Technical Unit in the Ministry of Health, which would provide, inter alia, technical guidance regarding the integration of human rights in public policies.<sup>146</sup>

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

#### **A. Pledges by the State**

39. The Government pledged to ensure the implementation of policies in the National Plan for Human Rights (2006-2010).<sup>147</sup> Peru indicated that the TRC recommendations were being implemented, and that the Comprehensive Reparations Programme had reaffirmed its commitment to the progressive restitution of rights and collective and symbolic reparations.<sup>148</sup>

#### **B. Specific recommendations for follow-up**

40. CAT requested Peru to provide information by May 2007 of practical steps taken to follow up on recommendations concerning the following: the establishment of a national registry on complaints of torture and ill-treatment; the frequency with which states of emergency are proclaimed and reports of abuses during such circumstances; the conduct of investigations of all reports of acts of torture and ill-treatment and forced disappearances; the protection of those who report acts of torture and ill-treatment; and the provision of adequate compensation to victims.<sup>149</sup> To date, no reply has been received, despite a letter sent in September 2007 by the CAT member acting as Rapporteur for follow-up.

41. In 2007, the Working Group on the use of mercenaries recommended the following: investigation of all unresolved cases, especially the death of Peruvian nationals in the course of their activities for private security companies abroad;<sup>150</sup> adoption of a law prohibiting the hiring of Peruvians to provide security services in armed conflict zones; transparent registers of private security companies;<sup>151</sup> judicial measures to conclude investigations for acts of intimidation and espionage against community environmental defense leaders in Cajamarca and for the murder of community leaders.<sup>152</sup>

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

42. The 2006-2010 United Nations Development Assistance Framework (UNDAF) noted that the areas of cooperation included: supporting and promoting the development of sustainable economic and social opportunities, including the extension of basic social services, with an emphasis on excluded populations and supporting the strengthening of democratic institutions and mechanisms of protection of human rights.<sup>153</sup> UNICEF and FAO provided information regarding their capacity-building programmes and activities.<sup>154</sup> National training, awareness workshops and meetings on the right to food were carried out for parliamentarians, members of the United Nations Country Team and civil society.<sup>155</sup>

*Notes*

<sup>1</sup> Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Peru before the Human Rights Council, as contained in the note verbale dated 24 April 2006 sent by the Permanent Mission of Peru to the United Nations addressed to the President of the General Assembly (hereafter “note verbale”).

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Concluding observations of the Committee against Torture, CAT/C/PER/CO/4, para. 15.

<sup>9</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/PER/CO/3), para. 7.

<sup>10</sup> UNICEF submission to UPR on Peru, p. 5.

- <sup>11</sup> Ibid., p. 1.
- <sup>12</sup> A/HRC/7/7/Add.2, para. 64.
- <sup>13</sup> Ibid., para. 39.
- <sup>14</sup> CAT/C/PER/CO/4, para. 9.
- <sup>15</sup> 2007 UNODC Annual Report, p. 56. See also Ley No. 28950 *Ley contra la trata de personas y el tráfico ilícito de migrantes*, 16 January 2007.
- <sup>16</sup> Press Release, 3 June 2004.
- <sup>17</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.
- <sup>18</sup> CERD/C/304/Add.69, para. 8.
- <sup>19</sup> CAT/C/PER/CO/4, para. 13.
- <sup>20</sup> Ibid., para. 8.
- <sup>21</sup> Ibid., para. 14.
- <sup>22</sup> Ibid., para. 5.
- <sup>23</sup> CRC/C/PER/CO/3, para. 14.
- <sup>24</sup> Ibid., para 18.
- <sup>25</sup> UNICEF submission to the UPR on Peru, p. 2; see also UNICEF, 2006, Defensora del pueblo instaló adjuntía para la defensa de los derechos de la niñez y adolescencia, p. 1, available at [http://www.unicef.org/spanish/media/media\\_36571.html](http://www.unicef.org/spanish/media/media_36571.html) (accessed on 27 February 2008).
- <sup>26</sup> CEDAW/C/PER/CO/6, para. 15.
- <sup>27</sup> CRC/C/PER/CO/3, para. 9.
- <sup>28</sup> CAT/C/PER/CO/4, para. 3.
- <sup>29</sup> Ibid.
- <sup>30</sup> Letter dated 8 August 2007 from the Special Rapporteur on the Right to Health to H.E. José Eduardo PONCE VIVANCO, Permanent Representative, Permanent Mission of Peru to the United Nations (on file with OHCHR).
- <sup>31</sup> A/HRC/7/11/Add.1, para. 38.
- <sup>32</sup> Ibid., para. 45.
- <sup>33</sup> Including the Prevention and Punishment of Sexual Harassment Act (2003), the National Equal Opportunity Plan for Men and Women (2003), the National Plan of Action for Children and Adolescents (2002) and the restructuring of the national machinery for the advancement of women (2002), CEDAW Committee, op.cit., §6.
- <sup>34</sup> CRC/C/PER/CO/3, §3.
- <sup>35</sup> ILO, CEACR: Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Peru (ratification: 1970) Published: 2006; ILO UPR submission, p. 1-2.
- <sup>35</sup> UNICEF submission to the UPR on Peru, p. 2.
- <sup>36</sup> The following abbreviations have been used in this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination  |
| CESCR        | Committee on Economic, Social and Cultural Rights  |
| HR Committee | Human Rights Committee   |
| CEDAW        | Committee on the Elimination of Discrimination against Women                                   |
| CAT          | Committee against Torture  |
| CRC          | Committee on the Rights of the Child   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |

<sup>37</sup> CEDAW/C/PER/CO/6, para. 2; CRC/C/PER/CO/3, para. 2.

<sup>38</sup> Letter dated 20 August 2007 from the Permanent Mission of Peru in Geneva to CERD.

<sup>39</sup> Letters dated 9 March 2007, 3 September 2007 and 7 March 2008 from CERD to the Permanent Mission of Peru in Geneva.

<sup>40</sup> E/CN.4/1998/39/Add.1.

<sup>41</sup> E/CN.4/1999/63/Add.2.

<sup>42</sup> E/CN.4/2004/48/Add.1.

<sup>43</sup> E/CN.4/2005/51/Add.3.

<sup>44</sup> E/CN.4/2005/85/Add.4.

<sup>45</sup> United Nations Press Release: "UN WORKING GROUP ON USE OF MERCENARIES CONCLUDES VISIT TO PERU", dated 5 February 2007.

<sup>46</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>47</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in July 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>48</sup> OHCHR, *Annual Report 2005*, p. 140.

<sup>49</sup> *Ibid.*, p. 211.

- <sup>50</sup> Ibid., p. 214.
- <sup>51</sup> OHCHR Press Release, 15 August 2003.
- <sup>52</sup> CEDAW/C/PER/CO/6, para. 14.
- <sup>53</sup> Ibid., para. 36.
- <sup>54</sup> CRC/C/PER/CO/3, para. 26.
- <sup>55</sup> Ibid., para. 44.
- <sup>56</sup> CERD/C/304/Add.69, para. 25.
- <sup>57</sup> Ibid., paras. 12 and 24.
- <sup>58</sup> Ibid., para. 18.
- <sup>59</sup> CAT/C/PER/CO/4, paras. 12 and 18.
- <sup>60</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
- <sup>61</sup> E/CN.4/2004/7/Add.1, para. 508.
- <sup>62</sup> Ibid., para. 510.
- <sup>63</sup> The Special Rapporteur on the right to freedom of opinion and expression, in conjunction with the Special Rapporteurs on torture, on the sale of children, and the Special Representative of the Secretary-General on the situation of human rights defenders.
- <sup>64</sup> E/CN.4/2005/64/Add.1, para. 715; E/CN.4/2005/101/Add.1, para. 424.
- <sup>65</sup> E/CN.4/2005/64/Add.1, para. 716.
- <sup>66</sup> A/HRC/6/15/Add.1, paras. 343-347.
- <sup>67</sup> Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture; Special Rapporteur on freedom of opinion and expression; and the Special Representative of the Secretary-General on the situation of human rights defenders.
- <sup>68</sup> E/CN.4/2005/7/Add.1, para. 601.
- <sup>69</sup> Ibid., para. 602.
- <sup>70</sup> Ibid., para. 603.
- <sup>71</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on the situation of human rights defenders.
- <sup>72</sup> E/CN.4/2005/7/Add.1 para. 598.
- <sup>73</sup> Ibid., para. 599.
- <sup>74</sup> E/CN.4/2006/55/Add.1, para. 797.
- <sup>75</sup> A/HRC/4/27/Add.1, para. 511.
- <sup>76</sup> A/HRC/7/7/Add.2, para. 49.
- <sup>77</sup> A/HRC/4/37/ add.1 , paras. 524. and 528.
- <sup>78</sup> A/HRC/7/28/ Add.1, para. 586.
- <sup>79</sup> A/HRC/7/2, para. 286.
- <sup>80</sup> Ibid., para. 281.
- <sup>81</sup> Ibid., paras. 284.
- <sup>82</sup> Ibid., para. 285.
- <sup>83</sup> CAT/C/PER/CO/4, para. 7.

<sup>84</sup> Ibid., paras. 18 and 19.

<sup>85</sup> Concluding observations of the Human Rights Committee, CCPR/CO/70/PER, para. 14 and CAT/C/PER/CO/4, para. 19.

<sup>86</sup> E/CN.4/2005/85/Add.4, para 52.

<sup>87</sup> Ibid., para 53.

<sup>88</sup> CEDAW/C/PER/CO/6, paras. 18 and 19.

<sup>89</sup> CRC/C/PER/CO/3, paras. 39 and 40.

<sup>90</sup> Ibid., para. 42.

<sup>91</sup> Ibid., para. 62.

<sup>92</sup> CRC/C/PER/CO/3, para. 65. E/C.12/1/Add. 14, para. 24.

<sup>93</sup> CRC/C/PER/CO/3, para. 66.

<sup>94</sup> Ibid., paras. 67 and 68.

<sup>95</sup> CEDAW/C/PER/CO/6, paras. 30 and 31.

<sup>96</sup> CAT/C/PER/CO/4, para. 16.

<sup>97</sup> A/HRC/4/33/Add.1, para. 213.

<sup>98</sup> CRC/C/PER/CO/3, para. 10; CAT/C/PER/CO/4, para. 21.

<sup>99</sup> CEDAW/C/PER/CO/6, paras. 20 and 21.

<sup>100</sup> CAT/C/PER/CO/4, para. 22.

<sup>101</sup> CEDAW/C/PER/CO/6, para. 36.

<sup>102</sup> CRC/C/PER/CO/3, para. 71.

<sup>103</sup> CCPR, A/62/40, vol. I, chap.VI (2007).

<sup>104</sup> Communication No. 1126/2002, CCPR/C/85/D/1126/2002, adopted on 28 October 2005, Communication No. 1125/2002, CCPR/C/85/D/1125/2002, adopted on 21 October 2005, Communication No. 1058/2002, CCPR/C/85/D/1058/2002, adopted on 26 October 2005, Communication No. 1153/2003, CCPR/C/85/D/1153/2003, adopted on 24 October 2005, Communication No. 981/2001, CCPR/C/78/D/981/2001, adopted on 22 July 2003, Communication No 906/2000, CCPR/C/75/D/906/2000, adopted on 22 July 2002, Communication No. 678/1996, CCPR/C/74/D/678/1996, adopted on 26 March 2002, Communication No 688/1996 CCPR/C/69/D/688/1996, adopted on 23 October 1998, Communication No. 577/1994 CCPR/C/61/D/577/1994, adopted on 6 November 1997, Communication No 540/1993 CPR/C/56/D/540/1993, adopted on 25 March 1996, Communication No 309/1988 CCPR/C/48/D/309/1988, adopted on 14 July 1993, Communication No. 263/1987 CCPR/C/46/D/263/1987, adopted on 28 October 1992, Communication No. 203/1986 CCPR/C/34/D/203/1986, adopted on 4 November 1988, Communication No. 202/1986 CCPR/C/34/D/202/1986, adopted on 28 October 1988.

<sup>105</sup> A/HRC/7/7/Add.2, para. 43.

<sup>106</sup> CCPR/CO/70/PER, para. 16.

<sup>107</sup> CEDAW/C/PER/CO/6, para. 7.

<sup>108</sup> Ibid., para. 16.

<sup>109</sup> E/C.12/1/Add.14, para. 18.

<sup>110</sup> A/HRC/7/7/Add.2, paras. 43-44.

<sup>111</sup> CRC/C/PER/CO/3, para. 58.

<sup>112</sup> CEDAW/C/PER/CO/6, paras. 28 and 29.

<sup>113</sup> Ibid., para. 36.

<sup>114</sup> Ibid., para. 33.

- <sup>115</sup> A/HRC/7/011/Add.1, para. 39.
- <sup>116</sup> CRC/C/PER/CO/3, para. 51.
- <sup>117</sup> Letter dated 8 August 2007 from the Special Rapporteur on the Right to Health to H.E. José Eduardo PONCE VIVANCO, Permanent Representative, Permanent Mission of Peru to the United Nations (on file with OHCHR).
- <sup>118</sup> CAT/C/PER/CO/4, para. 23; CERD/C/304/Add.69, para.19; CCPR/CO/70/PER, para. 21.
- <sup>119</sup> E/C.12/1/Add.14, para. 23.
- <sup>120</sup> CCPR/CO/70/PER, para. 46 and CERD/C/304/Add.69, para. 19. See also UNDP Human Development Report, New York, 2007, p. 262 and 2006 UNDP Human Development Report, p. 316.
- <sup>121</sup> CEDAW/C/PER/CO/6, para. 25.
- <sup>122</sup> HR Committee, individual communication, CCPR/C/85/D/1153/2003/Rev.1, views adopted on 24 October 2005.
- <sup>123</sup> CEDAW/C/PER/CO/6, para. 25.
- <sup>124</sup> E/CN.4/2004/48/Add.1, page 2.
- <sup>125</sup> Ibid., page 2.
- <sup>126</sup> Ibid., para. 25.
- <sup>127</sup> FAO Submission to UPR on Peru, p. 1.
- <sup>128</sup> CEDAW/C/PER/CO/6, §26 and 27.
- <sup>129</sup> CRC/C/PER/CO/3, para. 60.
- <sup>130</sup> Ibid., para. 73.
- <sup>131</sup> E/C.12/1/Add.14, para. 16.
- <sup>132</sup> Letter dated 18 August 2006 from Régis de GOUTTES, Chairman of the CERD, to H.E. Mr. Manuel Rodriguez Cuadros, Ambassador, Permanent Representative, Permanent Mission of Peru to the United Nations.
- <sup>133</sup> Letter dated 7 March 2008 from Fatimata-Binta Victoire DAH, Chairman of the CERD, to H.E. Mr. José Eduardo Ponce Vivanco, Ambassador, Permanent Representative, Permanent Mission of Peru to the United Nations.
- <sup>134</sup> UNHCR submission to the UPR on Peru, citing E/CN.4/2004/48/Add.1, 2004, para. 18.
- <sup>135</sup> E/CN.4/2004/48/Add.1, 2004, para. 18.
- <sup>136</sup> CCPR/CO/70/PER, para. 13.
- <sup>137</sup> Communication No. 1126/2002, CCPR/C/85/D/1126/2002, adopted on 28 October 2005, Communication No. 1125/2002, CCPR/C/85/D/1125/2002, adopted on 21 October 2005, Communication No. 1058/2002, CCPR/C/85/D/1058/2002, adopted on 26 October 2005, Communication No. 981/2001, CCPR/C/78/D/981/2001, adopted on 22 July 2003, Communication No. 678/1996, CCPR/C/74/D/678/1996, adopted on 26 March 2002, Communication No 688/1996 CCPR/C/69/D/688/1996, adopted on 23 October 1998, Communication No. 577/1994 CCPR/C/61/D/577/1994, adopted on 6 November 1997.
- <sup>138</sup> Communication No. 1126/2002, CCPR/C/85/D/1126/2002, adopted on 28 October 2005, Communication No. 1125/2002, CCPR/C/85/D/1125/2002, adopted on 21 October 2005, Communication No. 1058/2002, CCPR/C/85/D/1058/2002, adopted on 26 October 2005, adopted on 24 October 2005, Communication No. 981/2001, CCPR/C/78/D/981/2001, adopted on 22 July 2003, Communication No 688/1996 CCPR/C/69/D/688/1996, adopted on 23 October 1998, Communication No 540/1993 CPR/C/56/D/540/1993, adopted on 25 March 1996.
- <sup>139</sup> Communication No. 1126/2002, CCPR/C/85/D/1126/2002, adopted on 28 October 2005, Communication No. 1058/2002, CCPR/C/85/D/1058/2002, adopted on 26 October 2005, Communication No. 981/2001, CCPR/C/78/D/981/2001, adopted on 22 July 2003, Communication No. 577/1994 CCPR/C/61/D/577/1994, adopted on 6 November 1997, Communication No 540/1993 CPR/C/56/D/540/1993, adopted on 25 March 1996.
- <sup>140</sup> Communication No. 1126/2002, CCPR/C/85/D/1126/2002, adopted on 28 October 2005, Communication No. 1058/2002, CCPR/C/85/D/1058/2002, adopted on 26 October 2005, Communication No 688/1996 CCPR/C/69/D/688/1996, adopted on 23 October 1998, Communication No. 577/1994 CCPR/C/61/D/577/1994, adopted on 6 November 1997.

<sup>141</sup> Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, CCPR, A/58/40, vol.I (2003), Chapter VI, Case 688/1996, and Follow-up progress report submitted by the Special Rapporteur for follow-up on views, CCPR/C/80/FU/1 (2004).

<sup>142</sup> Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, CCPR, A/61/40 vol. II (2006), Annex VII, Case 1126/2002.

<sup>143</sup> Cases 1125/2002 and 1058/2002, Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, CCPR, A/61/40, vol.II (2006).

<sup>144</sup> Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, CCPR, A/59/40, vol.I (2004), Cases 540/1993, 678/1996 and 981/2001.

<sup>145</sup> Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, CCPR, A/53/40, vol.I (1998) and A/59/40, vol.I (2004), Case 577/1994.

<sup>146</sup> Letter dated 8 August 2007 from the Special Rapporteur on the Right to Health to H.E. José Eduardo PONCE VIVANCO, Permanent Representative, Permanent Mission of Peru to the United Nations (on file with OHCHR).

<sup>147</sup> See note verbale.

<sup>148</sup> See note verbale

<sup>149</sup> CAT/C/PER/CO/4, para. 27. In the original document, CAT referred to recommendations contained in paras. 14, 15, 16, 20 and 22.

<sup>150</sup> A/HRC/7/7/Add.2, para. 75 (d).

<sup>151</sup> Ibid., para. 75 (b, c).

<sup>152</sup> Ibid., para. 75 (f).

<sup>153</sup> United Nations Development Assistance Framework (UNDAF) -Peru 2006-2010 (Spanish) available at: [http://www.undg.org/archive\\_docs/6615-Peru\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/6615-Peru_UNDAF__2006-2010_.pdf).

<sup>154</sup> See FAO and UNICEF submissions to the UPR on Peru.

<sup>155</sup> FAO Submission to the UPR on Peru.

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