

PERU: SETBACKS IN HUMAN RIGHTS

AMNESTY INTERNATIONAL: SUBMISSION TO THE 42ND SESSION OF THE UPR WORKING GROUP, 25 JANUARY 2023

SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Peru on 25 January 2023. Amnesty International thereby assesses the implementation of recommendations made to Peru in its previous UPR, including in relation to sexual and reproductive rights, LGBTI people's rights and human rights defenders.

It also assesses the national human rights framework with regard to the ratification of human rights instruments, sexual and reproductive rights, human rights defenders, the right to health and a healthy environment and the excessive use of force by law enforcement officials.

With regard to the human rights situation on the ground, Amnesty International raises concerns about gender-based violence, the rights of LGBTI people, violence against human rights defenders, violations of the right to freedom of peaceful assembly and the rights of migrants and refugees.

It ends with a set of recommendations to Peru which, if implemented, would contribute to improving the human rights situation.

FOLLOW UP TO THE PREVIOUS REVIEW

1. During its third UPR in November 2017, Peru received 182 recommendations, supporting 177 and noting five.^{1,2}

Sexual and Reproductive Rights

2. Despite Peru's support for all recommendations regarding access to comprehensive sexual education, health services and sexual and reproductive rights,³ access to these rights is endangered by legislative initiatives that seek to stop their implementation.
3. Abortion in cases of rape continues to be criminalized. The victims, often girls, are revictimized by being denied access to legal and safe abortions.⁴
4. Peru committed to effectively investigate cases of forced sterilizations and to establish a reparations programme.⁵ In 2021, after more than 25 years, criminal proceedings began against those accused of these crimes, including former President Alberto Fujimori.
5. Victims of sexual violence were included as beneficiaries of the Comprehensive Reparations Plan (Law 28592). However, victims of forced sterilization have not yet been specifically recognized as beneficiaries, nor have administrative reparations of any kind been granted to the 6,957 people registered in the Registry of Victims of Forced Sterilizations.⁶

Rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI)

6. Peru supported all the recommendations on LGBTI people's rights. Although they were included as a vulnerable population in the National Human Rights Plan 2018-2021, they still face discrimination on grounds of sexual orientation, gender identity/expression and sex characteristics.⁷ Same-sex marriage is not recognized,⁸ and the authorities have failed to collect comprehensive data on violence and discrimination against LGBTI individuals.⁹

Human rights defenders

7. In line with supported recommendations,¹⁰ Peru began the implementation of a protective framework for human rights defenders (HRDs), but not all the institutions involved have issued specific regulations to comply with their obligations so that HRDs are protected against threats, harassment and attacks.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Ratification of International Human Rights Instruments

8. The Peruvian government has still not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, despite committing to do so.¹¹

Sexual and Reproductive Rights

9. In March 2019, the Supreme Court ruled to maintain the gender perspective in the national education curriculum following the challenge brought by a group of parents in 2017, who questioned its constitutionality. In June 2021 the Ministry of Education approved the Comprehensive Sexual Education Guidelines for Basic Education. However, in May 2022, Congress approved Law 31498, which allows some groups of parents to be involved in defining school curricula and veto contents of the materials, jeopardizing the incorporation of the gender perspective and comprehensive sexual education.¹²

Human rights defenders

10. In September 2018, Peru signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), but Congress rejected its ratification (2020). The government refrained from resubmitting the agreement to Congress for ratification, thus missing the opportunity for enhancing protection for HRDs.¹³
11. The Ministry of Justice and Human Rights led the implementation of the protective framework for HRDs by publishing: “Protocol to guarantee the protection of human rights defenders” (2019),¹⁴ the “Register of Human Rights Defenders at risk” (2020),¹⁵ and the “Intersectoral Mechanism to protect human rights defenders” (2021),¹⁶ which seeks to articulate actions between the agencies involved; however to date, only the Ministry of Environment has issued its specialized protocol (of 8 institutions responsible). Additionally, the Public Prosecutor’s Office published its own protocol, even though they were not obliged to.¹⁷

Rights to health and a healthy environment

12. The Ministry of Health initiated actions for the healthcare of people affected by heavy metals and other toxic substances by publishing the Guidelines for Comprehensive Care (2018)¹⁸ and creating the Functional Care Unit¹⁹(2019). Congress approved Law 31189, for the prevention, mitigation and health care of people affected by heavy metals and others²⁰ and the Executive approved the Special Multisectoral Plan for Comprehensive Intervention in favor of the Population Exposed to Heavy Metals, Metalloids and other toxic chemicals (PEM).²¹ To date, no regulations have been issued to implement the PEM.
13. After several months of deliberation with civil society, trade unions, business associations and Indigenous organizations, the National Action Plan on Business and Human Rights 2021-2025 was published in June 2021,²² based on the United Nations Guiding Principles, to establish the responsibilities of companies in the face of non-compliance with human rights in the exercise of their activity, including accountability, investigation and punishment for the impacts of their activities.

Excessive use of force

14. In March 2020, Congress enacted Law 31012, the Police Protection Law,²³ which raises concerns regarding impunity for unlawful use of force by police and the army. The law establishes derogations regarding the principle of proportionality when resorting to the use of force and reiterates the exemption of criminal liability for law enforcement officials who cause injuries or death while using force in the context of their duties.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Gender-based violence

15. Gender-based violence remains endemic. Despite this, Women's Emergency Centres (CEM) were not considered essential services at the start of the pandemic and remained closed between March and June of 2020.
16. Women represent 63% of the total number of people reported as missing over the last four years. In 2021, 12,984 women were reported missing, and 62% of them were girls between 12 and 17 years old.²⁴ Their disappearances are often link to crimes such as sexual violence, human trafficking or femicide, committed by individuals.²⁵ Amnesty International concurs with the Ombudsman’s Office that the state must investigate these disappearances with all due diligence and gender perspective, as they are a type of gender-based violence.²⁶

Sexual and reproductive rights

17. In 2020, the CEM registered 9,582 cases of sexual violence against children and adolescents, and 1,177 girls under 15 years carried pregnancies to term (22 of them under 11 years old). In 2021 the number of births by

girls increased to 1,435.²⁷ Despite these alarming figures, national legislation still criminalizes abortion in cases of sexual violence.

18. There has been progress in ensuring accountability for forced sterilizations. However, resources must be provided to the Judiciary and the Public Prosecutor's Office so that the following procedural stages are undertaken with due diligence, taking into special consideration the long time that the victims have been waiting for truth, justice and reparation.

Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons

19. Transgender people were among the most affected groups at the start of the pandemic. They suffered arbitrary arrests and violence by police officers, as they did not have identity documents that reflected their gender identity and preferred name.²⁸ In Peru, transgender people cannot obtain official documents that reflect their gender identity, but instead must follow long and lengthy judicial processes, leaving them in greater precariousness and vulnerability.
20. Same-sex couples still do not have the same rights as heterosexual couples, as they cannot marry in Peru, nor can they enter into civil partnerships. If same-sex couples marry abroad, the marriage is not recognized by the state. The first instance ruling of 2016 that ordered the registration of a marriage abroad was overturned by the Constitutional Court in 2020 due to procedural issues, without ruling on the rights of same-sex couples. The non-recognition of rights acquired in other states also affects the children of same-sex parents, who are also unable to register their children in Peru.

Violence against human rights defenders

21. Despite improved policies, violence against HRDs is rising. Since 2020, the Register recorded 104 attacks or threats against environmental and Indigenous HRDs (including destruction of private property, defamation, threats to personal safety, or physical, psychological, or sexual assaults).²⁹
22. Since 2020, Amnesty International has recorded the deaths of at least 14 environmental and Indigenous human rights defenders but there are discrepancies between civil society records and the records kept by the Protection Mechanism and the Ombudsman's Office (nine defenders killed between 2020 and 2021). This is due to the limited official definition of who is an HRD, despite the international definition.
23. Despite the improvement registered in the protection of HRDs, effective, integrated application of the Protection Mechanism requires the joint action of all the institutions involved and the strengthening of preventive and protection actions, in order to avoid gross human rights abuses experienced by HRDs.

Right to health and a healthy environment

24. In January 2021, two very important sentences were issued in favour of Indigenous peoples affected by metals and other toxic substances. For the community of Cuninico (Loreto), reparations were established by the Constitutional Court, and for the communities of Espinar (Cusco), the Upper Multiple Tribunal of Canchis ordered access to healthcare through a specialized plan. However, the corresponding plan presented by the Ministry of Health was not based on a specific analysis of the risks to human health and the environment linked to exposure to toxic substances in Espinar.³⁰ The claimant communities have requested its modification so that it can then be duly submitted for consultation among them.³¹ However, more than a year after the Tribunal's decision, there is no specialized plan that complies with the judgement.

Right to freedom of peaceful assembly

25. Investigations were launched into police officers and high-ranking officials for the excessive use of force during protests of November 2020,³² but no one has yet been held accountable. The investigations into police officers are still ongoing, but in July 2022 the Congress decided not to continue the investigations against the high-

ranking officials.³³ Amnesty International believes this decision to be a setback in the protection of the right to freedom of peaceful assembly, and to contravene the State's obligation to investigate human rights violations.

26. The Government authorized financial support for the families of young protesters who died, as well as scholarships and health care for the people injured, but without a court ruling they have not received comprehensive reparation measures.
27. During the protests of March and April 2022, excessive use of force by police was reported against protesters in various parts of the country.³⁴ Furthermore, Amnesty International is concerned that the derogations measures adopted under the state of emergency, initially declared on 2 February 2022 and then extended several times, which restricted several human rights.

Impunity for human rights violations committed in the past

28. In 2021, the trial of members of the Peruvian Armed Forces accused of having systematically raped dozens of women between 1984 and 1995 in Manta (Huancavelica), was resumed. This represents hope for the victims, who have been awaiting truth, justice and reparation for decades.
29. Alberto Fujimori was released in December 2017, when former President Pedro Pablo Kuczynski pardoned him,³⁵ but he returned to prison in October 2018 after a court annulled the pardon.³⁶ In March 2022, the Constitutional Court restored the pardon, ordering his release.³⁷ However, the Inter-American Court of Human Rights found this ruling to be contrary to the conditions that the Court established in its 2018 resolution.³⁸

Rights of migrants and refugees

30. Peru has received almost 1.3 million Venezuelans between February 2018 and May 2022 and remains the country with the largest number of refugee applications pending response (500,000 when the system closed in 2020).³⁹
31. As a provisional solution to regularize migrants, the Temporary Residence Permit Card (CPP)⁴⁰ was created in 2020. However, while applications for the CPP technically remain open, as of May 2022 only 165,307 Venezuelans had secured one.⁴¹ This could be due to economic barriers, since to access a CPP the person must pay the fine for overstaying (something that was not requested for the Temporary Permanence Permit in 2018). Another problematic situation is that the CPP does not grant access to healthcare.
32. Of particular concern is the situation of migrant and refugee women who are subjected to gender-based violence. Amnesty International has documented that many migrant and refugee women abandon their attempts to seek justice due to their irregular migration status.⁴² When women seek help to report assaults, they are often subject to prejudices based on gender and nationality stereotypes, hindering their access to justice.⁴³
33. In Peru, the criminalization of migration increased. In July 2022, the Congress passed a law to reinforce border controls in the name of "citizen security", and it also established the obligation for nationals who provide accommodation to foreigners to request a regular migratory status.⁴⁴ Furthermore, there is an increase in political speeches that propose the expulsion of foreigners as a "citizen security" measure. In April 2022, Piura's Regional Government expelled 32 people, including several sex workers, without observing due process⁴⁵ and the condition of asylum seeker of at least one person in the group.⁴⁶

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Peru to:

Institutional framework for the promotion and protection of human rights

34. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as it committed to do in the previous review.
35. Ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean.
36. Repeal Law 1323, Police Protection Law, as it raises human rights concerns regarding impunity for unlawful use of force by law enforcement officials.

Gender-based violence against girls, adolescents and women

37. Adopt a comprehensive, gender-sensitive plan to ensure that disappearances of women and girls are effectively, promptly and duly investigated.
38. Collect thorough data regarding disappearances, disaggregated by the gender of the victim and the circumstances of their disappearances.

Sexual and reproductive rights

39. Decriminalize abortion in all circumstances and ensure that no pregnant person, or medical professional, is subject to criminal sanctions and guarantee timely and effective access to sexual and reproductive health information and services, including the possibility of legal and safe abortion, especially for survivors of sexual violence (as accepted in the previous review).
40. Guarantee access to comprehensive sexual education, so that adolescents and young people, in particular girls and women can make informed decisions about their sexuality and reproduction, as accepted in the previous exam.

Rights of lesbian, gay, bisexual, transgender and intersex people

41. Enact legislation recognizing LGBTI people's right to private and family life, without discrimination, including by ensuring that they can marry and found a family, as accepted in the previous review.
42. Enact legislation that guarantees transgender people's right to legal recognition of their gender identity, including establishing a quick, accessible and transparent administrative process to change their name and sex on official documents, as accepted in the previous review.
43. Systematically collect and analyze data on LGBTI people's rights, including the prevalence of violence perpetrated against them and access to work and healthcare.

Human rights defenders

44. Guarantee the proper implementation of the Protective Mechanism, including by issuing the internal regulations required for each institution to implement the mechanism and by ensuring adequate resources to that purpose.
45. Provide more accessible data on the threats and attacks suffered by human rights defenders, safeguarding their privacy and integrity.
46. Implement preventive measures, including at the local level, that are gender sensitive and culturally appropriate to tackle the threats that human rights defenders face with a view to enhancing their safety.

Right to health and a healthy environment

47. Ensure culturally appropriate health care for all people affected by contamination by heavy metals or other substances, which must include the active participation and free, prior and informed consent of the affected Indigenous communities.
48. Provide sufficient resources, both budgetary and staffing, for the proper implementation of the PEM.

Justice and impunity for human rights violations

49. Guarantee that complaints of human rights violations that occurred during protests are investigated and that all those suspected of criminal responsibility are brought to justice in fair trials before ordinary civilian courts.
50. Fully comply, in good faith, with the decision of the Inter-American Court of Human Rights on the pardon of Alberto Fujimori, guaranteeing the victims' right of access to justice, truth and reparation.
51. Implement the previously supported recommendations to guarantee access to truth, justice and comprehensive reparation for the thousands of people subjected to forced sterilization between 1996 and 2001, as well as for all the victims of human rights violations committed during the internal armed conflict.
52. Promptly withdraw the reservation made upon accession to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, related to the temporal scope of the treaty.

Rights of migrants and refugees

53. Establish policies, codified in domestic law, that ensure refugee and migrant rights are protected, including from discrimination and unequal treatment under the law.
54. Reopen the system for receiving refugee applications, and promptly resolve the 500,000 pending refugee applications.
55. Guarantee regularization processes without access barriers, such as fines, that include access to healthcare.
56. Guarantee access to justice for refugee women and LGBTI people that are victims of gender-based violence, considering their special vulnerable situation.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

Peru: A toxic state: Violations of the right to health of Indigenous Peoples in Cuninico and Espinar, Peru, 13 September 2017, AMR 46/7048/2017,

Deadly but preventable attacks: killings and enforced disappearances of those who defend human rights, 5 December 2017, ACT 30/7270/2017.

Peru: Pardon granted to Alberto Fujimori is a severe blow on the fight against impunity, 25 December 2017, AMR 46/7738/2017

Peru: Threats against environmental defenders, 6 March 2018, AMR 46/7998/2018.

Peru: The right of victims to truth, justice and reparation must be guaranteed in the face of measures that would render sentences imposed for crimes under international law illusory, 18 October 2018, AMR 46/9273/2018.

Peru: Approval of the Protocol, a first step towards guaranteeing protection of human rights defenders, 30 May 2019, AMR 46/0358/2019.

Peru: President Vizcarra must guarantee the respect of human rights in Tía María project, 18 July 2019, AMR 46/0735/2019.

Peru: Refugees in Peru: Venezuelans must be protected, 24 January 2020, AMR 46/1710/2020.

Peru: In search of safety: Peru turns its back on people fleeing Venezuela, 4 February 2020, AMR 46/1675/2020.

Human Rights in the Americas. Review of 2019, 7 February 2020, AMR 01/1353/2020.

Peru: Defender Killed, Family in Danger: Demetrio Pacheco, 18 September 2020, AMR 46/3078/2020.

Peru: Failed state of health: Health emergency in indigenous peoples of Espinar, Peru, May 18, 2021, AMR 46/3829/2021.

Peru: The right to justice of victims of forced sterilizations does not prescribe, June 11, 2021, AMR 46/4268/2021.

Perú: Authorities must redesign and consult on action plan to address health crisis caused by toxic substances in Espinar, September 22, 2021, AMR 46/4767/2021.

Peru: Criminal proceeding against Alberto Fujimori and former officials for forced sterilizations is an important step towards truth, justice and reparation; December 15, 2021, AMR 46/5113/2021

Peru: Submission for the 34a session of the United Nations' Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, February 23, 2022, AMR 46/5238/2022.

Amnesty International Report 2021/22, 29 March 2022, p. 296-298

Peru: Constitutional Court ruling on Fujimori's pardon violates human rights obligations, March 29, 2022, AMR 46/5412/2022.

Unprotected: Gender-Based Violence Against Venezuelan Refugee Women in Colombia and Peru, July 12, 2022, AMR 01/5675/2022.

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
Theme: A41 Constitutional and legislative framework			
111.30 Step up legislative and programme reform including the development of criteria for the implementation of policy in order to guarantee the rights of lesbian, gay, bisexual, transgender and intersex populations (Mexico); Source of position: A/HRC/37/8/Add.1	Supported	A41 Constitutional and legislative framework A43 Human rights policies B31 Equality & non-discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partly implemented The LGBTI community was included as a vulnerable population within the National Human Rights Plan 2018-2021, but no major regulatory changes were made to respect and protect their rights.
111.40 Ensure that sexual orientation, gender identity and expression are included as prohibited grounds for discrimination in the legislation, and take steps towards the legal recognition of the identity of transgender persons (Israel); Source of position: A/HRC/37/8/Add.1	Supported	A41 Constitutional and legislative framework B31 Equality & non-discrimination D43 Freedom of opinion and expression S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partly implemented The Legislative Decree 1323 modified article 323 of the criminal code including the terms "sex", "sexual orientation" and "gender identity" as prohibited grounds; but there has been no progress in recognizing the identity of transgender people.
111.29 Enact legislation to recognize lesbian, gay, bisexual, transgender and intersex people's equal rights to enter into marriage (Iceland); Source of position: A/HRC/37/8/Add.1	Supported	A41 Constitutional and legislative framework B31 Equality & non-discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented
Theme: A43 Human rights policies			
111.95 Review its restrictive interpretation of therapeutic abortion and decriminalizing abortion in cases of rape, incest and severe fetal impairment (Slovenia); Source of position: A/HRC/37/8/Add.1	Supported	A43 Human rights policies A41 Constitutional and legislative framework S03 SDG 3 - health S06 SDG 6 - water and sanitation S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented Abortion remains a crime, even for victims of sexual violence. Only therapeutic abortion is allowed, in limited cases.
111.35 Incorporate within the Public Prosecution Service's criminality observatory and in the statistical yearbook of the national police detailed data on acts of violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons (Brazil); Source of position: A/HRC/37/8/Add.1	Supported	A43 Human rights policies A62 Statistics and indicators B31 Equality & non-discrimination S10 SDG 10 - inequality Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partly implemented The Public Prosecutor's Office recently issued the report "Criminological characteristics of the intentional deaths of LGBT people in Peru 2012 - 2021" (March 2022), where 88 homicides of people from the LGBT community are reported between 2012 and 2021. There is no information from the National Police of Peru. ⁴⁷

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
111.33 Take appropriate measures in order to investigate and punish any act of discrimination or violence against lesbian, gay, bisexual, transgender, intersex and questioning persons (Argentina); Source of position: A/HRC/37/8/Add.1	Supported	A43 Human rights policies B31 Equality & non-discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented There is no information about measures taken in place.
Theme: B51 Right to an effective remedy			
111.97 In the framework of the process of the fight against impunity, effectively investigate the cases of forced sterilization that occurred in the context of the Reproductive Health and Family Planning Programme 1996–2000 and establish a programme to provide compensation to victims (Argentina); Source of position: A/HRC/37/8/Add.1	Supported	B51 Right to an effective remedy B52 Impunity D8 Rights related to marriage & family E41 Right to health - General E43 Access to sexual and reproductive health and services Affected persons: - general - women	Not yet implemented The criminal proceedings continue, but the victims have not received any type of administrative reparation to date.
Theme: B71 Human rights and the environment			
111.46 Implement measures to mitigate the environmental impact of the exploitation of oil and gas and oil spills in the territories of indigenous peoples, on their communities and give further attention to environmental degradation (Sierra Leone); Source of position: A/HRC/37/8/Add.1	Supported	B71 Human rights and the environment G3 Indigenous peoples A43 Human rights policies S07 SDG 7 - energy S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented What happened in Ventanilla since January 2022 shows that Peru has not implemented efficient measures to deal with the environmental impact of oil spills.
Theme: E41 Right to health - General			
111.94 Ensure the implementation of comprehensive sexuality education for women and girls, including information on sexual and reproductive health and rights (Slovenia); Source of position: A/HRC/37/8/Add.1	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services E51 Right to education - General F12 Discrimination against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls	Not yet implemented Although the legal framework exists, the implementation of the gender approach and comprehensive sexual education are in danger because of the approval of Law 904 by Congress.
Theme: E42 Access to health-care (general)			
111.99 Guarantee access to medical services, including safe and legal abortion, for victims of sexual violence (Finland); Source of position: A/HRC/37/8/Add.1	Supported	E42 Access to health-care (general) E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls	Not yet implemented Abortion remains a crime, even for victims of sexual violence. Only therapeutic abortion is allowed, in limited cases.
Theme: G3 Indigenous peoples			

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
111.172 Review laws and regulations on free, prior and informed consultations to ensure they are in line international standards, in consultation with the representatives of the indigenous community, with a view to follow up on recommendations contained in paragraphs 116.108, 116.110, 116.112 and 116.113 of the Report of the Working Group on the Universal Periodic Review from the second cycle (Haiti); Source of position: A/HRC/37/8/Add.1	Supported	G3 Indigenous peoples A26 Cooperation with the Universal Periodic Review (UPR) S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented The Constitutional Court ruled on 20 January 2022 that prior consultation is not a fundamental right ⁴⁸ , contravening previous jurisprudence, despite the fact that Peru ratified Convention 169 of the International Labor Organization and that Peru's Constitution provides that ratified treaties form part of national law.
111.168 Continue and strengthen efforts to consult with indigenous peoples on decisions that directly or indirectly affect their way of life (France); Source of position: A/HRC/37/8/Add.1	Supported	G3 Indigenous peoples S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented According to Amnesty International's analysis, in the case of the Indigenous communities of Espinar, the Regional Health Office of Cusco presented a health care plan without considering a specific analysis of the risks to human health and the environment derived from exposure to toxic substances in Espinar, and that the plaintiff communities were not consulted either.
Theme: H1 Human rights defenders			
111.71 Implement the necessary measures to promote the rights of human rights defenders, with the purpose of protecting them against harassment, intimidation or physical violence (Panama); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partly implemented A protection framework has been created, with the participation of several State entities, but the publication of protocols by each one of them is needed.
111.72 Strengthen efforts in order to prevent attacks on human rights defenders (Poland); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partly implemented A protection framework has been created, but the actions usually occur after an attack. The Mechanism's prevention and dissemination activities need to be reinforced.
111.74 Safeguard the activities of human rights defenders (Italy); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not yet implemented The implemented framework seeks to protect and prevent against attacks or threats but does not include specific assumptions to protect the activities in which defenders participate.

¹Human Rights Council, Report of the Working Group on the Universal Periodic Review – Peru, A/HRC/37/8/Add.1, paragraph 1

²A/HRC/37/8/Add.1, paragraph 5

³A/HRC/37/8 and A/HRC/37/8/Add.1, Recommendations 111.94 (Slovenia), 111.98 (Canada), 111.100 (France), 111.101 (Honduras), 101.107 (Uruguay), 111.118 (Republic of Korea), 111.120 (Spain), 111.141 (Portugal) .

⁴A/HRC/37/8 and A/HRC/37/8/Add.1, Recommendations 111.95 (Slovenia), 111.96 (Switzerland), 111.98 (Canada), 111.99 (Finland), 111.100 (France)

⁵A/HRC/37/8, Recommendation 111.97, (Argentina)

⁶Ministry of Justice and Human Rights. User Report No. 1174-2022-JUS-DGPAJ/DALDV, 20 April 2022

- ⁷ A/HRC/37/8 and A/HRC/37/8/Add.1, Recommendations 111.15 (Chile), 111.24-38 (Madagascar, Nicaragua, Slovenia, Canada, Colombia, Iceland, Mexico, Spain, Timor Leste, Argentina, Belgium, Brazil, Costa Rica, Czechia, France) and 111.40 (Israel).
- ⁸ A/HRC/37/8 and A/HRC/37/8/Add.1, Recommendation 111.29 (Iceland)
- ⁹ A/HRC/37/8 and A/HRC/37/8/Add.1, Recommendations 111.34 (Belgium) and 111.35 (Brazil). Recently, the Public Ministry issued the report "Criminological characteristics of the intentional deaths of LGBT people in Peru 2012 - 2021" (March 2022), where 88 homicides of people from the LGBT community are reported between 2012 and 2021. In 2019, the Ministry of Justice carried out the Second National Survey on Human Rights, which concluded that approximately 8% of Peruvian men and women identify as non-heterosexual, and that one of the most discriminated against populations in Peru is LGBT people.
- ¹⁰ A/HRC/37/8, Recommendations 111.66 (Ukraine), 111.67 (Ivory Coast); 111.68 (Czech Republic), 111.69 (Norway), 111.70 (Ireland), 111.71 (Panama), 111.72 (Poland), 111.73 (Australia), 111.74 (Italy)
- ¹¹ A/HRC/37/8, Recommendations 111.5 (Portugal), 111.6 (Paraguay), 111.7 (Uruguay), 111.8 (Nicaragua)
- ¹² Ley N° 31498 - Ley que impulsa la calidad de los materiales y recursos educativos en el Perú, <http://www.drepuno.gob.pe/web/14-normas/10321-ley-n%C2%BA-31498-ley-que-impulsa-la-calidad-de-los-materiales-y-recursos-educativos-en-el-per%C3%BA.html>
- ¹³ Pressenza, "Congress approves education rollback and blocks environmental progress", 11 February 2022, <https://www.pressenza.com/2022/02/congress-approves-education-rollback-and-blocks-environmental-progress/>
- ¹⁴ Approved by Ministerial Resolution No. 0159-2019-JUS, 25 April 2019, <https://www.gob.pe/institucion/minjus/normas-legales/274529-0159-2019-jus>
- ¹⁵ Approved by Ministerial Resolution No. 0255-2020-JUS, 1 October 2020, <https://busquedas.elperuano.pe/normaslegales/crean-el-registro-sobre-situaciones-de-riesgo-de-personas-d-resolucion-ministerial-no-0255-2020-jus-1889748-1/>
- ¹⁶ Created by Supreme Decree No. 004-2021-JUS, of April 21, 2021 <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-crea-el-mecanismo-intersectorial-para-la-decreto-supremo-n-004-2021-jus-1946184-4/>, and modified by Supreme Decree No. 002-2022-JUS, 14 April 2022, <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-modifica-el-decreto-supremo-n-004-2021-decreto-supremo-n-002-2022-jus-2058369-1/>
- ¹⁷ The Ministry of the Environment published its "Sectoral Protocol for the Protection of Environmental Defenders" by Ministerial Resolution 134-2021-MINAM, on July 25, 2021. For its part, the Public Ministry approved its protocol "Fiscal Action for the Prevention and Investigation of Crimes against Human Rights Defenders" by Resolution of the National Prosecutor's Office No. 439-2022-MP-FN, 22 March 2022, <https://www.gob.pe/institucion/mpfn/normas-legales/2867771-439-2022-mp-fn>
- ¹⁸ Approved by Ministerial Resolution No. 979-2018/MINSA, 25 October 2018, https://cdn.www.gob.pe/uploads/document/file/217486/Resoluci%C3%B3n_Ministerial_N_979-2018-MINSA.PDF
- ¹⁹ Formed by Secretarial Resolution No. 135-2019/MINSA, 6 June 2019, <https://www.gob.pe/institucion/minsa/normas-legales/279166-135-2019-minsa>
- ²⁰ Law to strengthen the prevention, mitigation and health care affected by contamination with heavy metals and other chemical substances, published on 3 May 2021, <https://busquedas.elperuano.pe/normaslegales/ley-para-fortalecer-la-prevencion-mitigacion-y-atencion-de-ley-n-31189-1949664-1/>
- ²¹ Decreto Supremo (N° 037-2021-MINAM) que aprueba el Plan Especial Multisectorial para la intervención integral a favor de la población expuesta a metales pesados, metaloides y otras sustancias químicas tóxicas, 23 December 2021, <https://cdn.www.gob.pe/uploads/document/file/2644084/DS.%20037-2021-MINAM.pdf.pdf>
- ²² Approved by Supreme Decree No. 009-2021-JUS, 10 June 2021, <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-el-plan-nacional-de-accion-sobre-decreto-supremo-n-009-2021-jus-1962210-5/>
- ²³ Ley de Protección Policial, No. 31012, <https://busquedas.elperuano.pe/normaslegales/ley-de-proteccion-policial-ley-no-31012-1865203-1/>
- ²⁴ National Police of Peru. National Registry of Information on Disappeared Persons (RENIPED) <https://desaparecidosenperu.policia.gob.pe/>
- ²⁵ Ombudsman's Office. "What happened to them? Equality and non-violence Report", May 22 <https://www.defensoria.gob.pe/wp-content/uploads/2022/06/Reporte-Igualdad-y-No-Violencia-28.pdf>
- ²⁶ Ombudsman's Office. The disappearance of women caused by individuals: legal framework, comparative legislation, and state of the issue in Peru". Informe de Adjuntía N° 003-2020-DP/ADM, May 2020. <https://www.defensoria.gob.pe/wp-content/uploads/2020/06/Informe-desaparecidas.pdf>
- ²⁷ Ministry of Health. Online Live Birth Certificate Registration System. <https://webapp.minsa.gob.pe/dwcnv/dwmadrenew.aspx>
- ²⁸ The cases were reported in the OMBUDSMAN'S OFFICE, "Situation of persons with special protection regarding the declaration of a health emergency. Theme I: Recommendations to guarantee the rights of LGBTI persons, the Afro-Peruvian population and human rights defenders", Special Reports Series No. 12-2020-DP,

- <https://www.defensoria.gob.pe/wp-content/uploads/2020/04/Serie-Informes-Especiales-N%C2%BA-012-2020-DP.pdf> and in Inter-American Commission on Human Rights, “The IACHR calls on States to guarantee the rights of LGBTI persons in the response to the COVID-19 pandemic”, press release 20 April 2020, <https://www.oas.org/es/cidh/prensa/comunicados/2020/081.asp>
- ²⁹ Ministry of Justice and Human Rights. Memorandum 026-2022-JUS/DGDH-DPGDH, 12 April 2022
- ³⁰ Amnesty International. “Peru: Authorities must redesign and consult on action plan to address health crisis caused by toxic substances in Espinar”, 23 September 2021. <https://www.amnesty.org/es/documents/amr46/4767/2021/es/>
- ³¹ Amnesty International. “Peru: Authorities must redesign and consult on action plan to address health crisis caused by toxic substances in Espinar”, 23 September 2021. <https://www.amnesty.org/es/documents/amr46/4767/2021/es/>
- ³² Amnesty International. “Peru: Amnesty International documents excessive use of force by the National Police”, 13 November 2020. <https://www.amnesty.org/es/latest/news/2020/11/peru-ammistia-documenta-uso-excesivo-de-la-fuerza-por-policia/>
- ³³ Congress of the Republic, 19th Ordinary Session (17 June 2022) and 16th Extraordinary Session (27 June 2022) of the Sub-Commission of Constitutional Accusations
- ³⁴ Amnesty International. Peru: President Castillo must ensure the proportional use of force in the face of social protests and avoid human rights violations, 7 April 2022, <https://www.amnesty.org/en/latest/news/2022/04/peru-president-castillo-must-ensure-proportionate-use-of-force-in-response-to-social-protests-and-prevent-human-rights-violations/>
- ³⁵ Supreme Resolution N° 281-2017-JUS, 24 December 2017, <https://busquedas.elperuano.pe/normaslegales/conceden-indulto-y-derecho-de-gracia-por-razones-humanitaria-resolucion-suprema-n-281-2017-jus-1600540-2/>
- ³⁶ Amnesty International. “Peru: Decision not to enforce Fujimori’s pardon reaffirms that the rights of victims must be above political decisions”, 3 October 2018, <https://www.amnesty.org/es/latest/news/2018/10/no-aplicar-indulto-fujimori-reafirma-derechos-de-victimas/>
- ³⁷ Constitutional Court. Ruling 78/2022, on case file N° 02010-2020-PHC/TC, 17 March 2022, <https://tc.gob.pe/jurisprudencia/2022/02010-2020-HC.pdf>
- ³⁸ Resolution of the Inter-American Court of Human Rights, Caso Barrios Altos Y Caso La Cantuta Vs. Perú Solicitud De Medidas Provisionales Y Supervisión De Cumplimiento De Sentencias, 7 April 2022, https://www.corteidh.or.cr/docs/medidas/barrioscantuta_02.pdf
- ³⁹ Interagency Coordination Platform for Refugees and Migrants from Venezuela. Information as of December 2021, <https://www.r4v.info/es/solicitudes>
- ⁴⁰ Supreme Decree No. 010-2020-IN which approves special, exceptional and temporary measures to regularize the immigration status of foreigners, 21 October 2020, <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-medidas-especiales-excepcionales-decreto-supremo-n-010-2020-in-1895950-4/>
- ⁴¹ National Superintendency of Migrations, Letter 0184-2022-TP-MIGRACIONES, 16 May 2022
- ⁴² Amnesty International. Unprotected: Gender-Based Violence Against Venezuelan Refugee Women in Colombia and Peru, July 2022, AMR 01/5675/2022 <https://www.amnesty.org/es/documents/amr01/5675/2022/es/>
- ⁴³ Amnesty International, “The Peruvian State fails to care for Venezuelan women survivors of gender-based violence.” November 25, 2021, <https://www.amnesty.org/es/latest/research/2021/11/estado-peruano-falla-atencion-mujeres-venezolanas-sobrevivientes-violencia-genero/>
- ⁴⁴ Congress of the Republic, seventeenth session of the Foreign Relations Commission on 23 May 2022. Debate on the prediction made in Bills 0074/2021-CR, 0773/2021-CR, 1280/2021-CR, 1309/2021-CR, 1354/2021-CR, 1432/2021-CR, 1476/2021-CR and 1714/2021-CR, which modifies articles 10, 45, 61 and 63 of DL 1350, Legislative Decree on Migration, in the framework of citizen security
- ⁴⁵ Amnesty International, “Amnesty International rejects the criminalization of migration”, 3 May 2022, <https://amnistia.org.pe/noticia/rechazo-criminalizacion-migracion/>
- ⁴⁶ Ombudsman’s Office. Office N° 693-2022-DP/OD-PIURA, 14 June 2022, <https://www.defensoria.gob.pe/wp-content/uploads/2022/06/Oficio-n.%C2%B0-693-2022-DP-OD-PIURA.pdf>
- ⁴⁷ Public Prosecutor’s Office. “Criminological characteristics of the intentional deaths of LGBT people in Peru 2012 – 2021”, 21 March 2022, <https://www.gob.pe/institucion/mpfn/informes-publicaciones/2829986-caracteristicas-criminologicas-de-las-muertes-dolosas-de-personas-lgtb-en-el-peru-2012-2021>
- ⁴⁸ Constitutional Court. Ruling 27/2022, on case file N° 03066-2019-PA/TC, 20 January 2022, <https://tc.gob.pe/jurisprudencia/2022/03066-2019-AA.pdf>