



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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29 August 2019

Excellency,

I would like to inform you that in the course of its 99th Session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedure, in accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure. The information relates to the recent adoption of a new regulation that allegedly affects indigenous peoples of the Santa Clara de Uchnya indigenous community, in Peru.

The information received indicates that the State party has recently adopted a new regulation, the Regional Government of Ucayali Ordinance (N° 010-2018-GRU-CR), which, once implemented, would negatively affect the land titles over the traditional territory of Santa Clara de Uchnya indigenous community.

The Committee is concerned about the irreparable harm that the above-mentioned regulation may cause to indigenous peoples and their rights over their traditional lands. The Committee is also concerned about information indicating that the new regulation would have been adopted without adequate consultation and free, prior and informed consent of indigenous peoples.

The Committee would like to recall the Committee's General Recommendation No. 23 (1997) on the rights of indigenous peoples to ensure that no decisions directly relating to indigenous peoples' rights are taken without their free, prior and informed consent. The Committee would like also to recall its recommendations on the rights of indigenous peoples made in paragraphs 19, 20 and 21 of its concluding observations of May 2018 (CERD/C/PER/CO/22 - 23).

The allegations reviewed by the Committee, if verified, would amount to a breach of the State party duty to recognize and protect the rights of the Santa Clara de Uchnya indigenous community to own, develop, control and use the lands and territories they have occupied traditionally. Accordingly, the Committee requests the State party to provide information on the steps taken to:

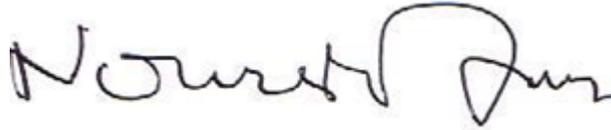
Her Excellency Ms. Silvia Elena Alfaro Espinosa
Permanent Representative of Peru
to the United Nations Office
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Email: misionperu@onuperu.org

1. Consider cancelling the Regional Ordinance No. 010- 2018-GRU-CR, recently adopted by the Regional Government of Ucayali.
2. Ensure a full and adequate discharge of the duty to consult with the view to obtain free, prior and informed consent.
3. Protect the members of the Santa Clara de Uchnya indigenous community from intimidation, harassment, threats and attacks by groups of land-traffickers present within the ancestral territory.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response by **18 November 2019**.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Peru with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination