



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

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Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, in the course of its 90<sup>th</sup> session, considered the follow-up report submitted by the Government of Peru, pursuant to Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 15, 22, 23 and 24 of the Concluding Observations (CERD/C/PER/CO/18-21), adopted following the consideration of the State party's combined 18<sup>th</sup> to 21<sup>st</sup> periodic reports, at its 85<sup>th</sup> session in August 2014.

The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its 22<sup>nd</sup> to 23<sup>rd</sup> periodic reports to be submitted in a single document on 29 October 2016.

**Paragraph 15 of the Concluding Observations:** The Committee regrets that the response does not adequately address the concerns raised by the Committee or the recommendation made, as the actual implementation of existing legislation is still far from producing results in line with the recommendation. The Committee would wish to learn more about human-rights- and environmental-impact-assessments carried out before granting licences to extraction companies, as well as whether consultations with all impacted indigenous peoples are regularly undertaken and if adequate compensation is provided to victims in the event of their rights' violation.

H.E. Mr. Luis Enrique Chávez Basagoitia  
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**Paragraph 22 of the Concluding Observations:** While noting with appreciation efforts made by the State party to implement the comprehensive reparation plan, the Committee however regrets the lack of information on the involvement of indigenous people in developing and implementing the programmes under the Plan. The Committee also wishes to learn more about compensation provided to victims, including number of petitions filed, update on pending and closed petitions, and whether the compensation has been adequate and satisfactory to victims. The Committee, while appreciating the State party's efforts to reopen the investigation in allegations of forced sterilization during the 1990s, expresses its concern at the recent decision by the Criminal Prosecutor to dismiss charges against alleged perpetrators of the forced sterilization of over 2000 women. The Committee urges the State party to take immediate measures to reverse the decision handed down by the Criminal Prosecutor and reopen the investigations. It reiterates its recommendation that the State party investigate all allegations of forced sterilization of women, provide effective remedies to victims, and prevent the occurrence of sterilization without full and informed consent.

**Paragraph 23 of the Concluding Observations:** The Committee appreciates the information regarding measures taken to address social conflicts arising in the context of extractive activities. It also welcomes the agreements signed in March 2015 with indigenous peoples as well as the direct involvement of the latter in the development of these agreements. The Committee therefore requests to receive more information about the actual implementation of the agreements struck between the Government and indigenous peoples in relation to oil block 192, in particular on remediation efforts taken through the remediation fund set up in 2015, as well as on similar negotiations, agreements and their impact. The Committee would also appreciate receiving detailed information on the implementation of the National Strategy and Comprehensive Action Plan for Indigenous Peoples.

While appreciating the information on the new decree governing police use of force issued in August 2015, the Committee wishes to learn about the decree's actual impact on reducing instances of police excessive use of force especially against indigenous peoples in the context of social conflicts. The Committee regrets the lack of information on such incidents during the period under review and requests the State party to provide information on cases involving police excessive use of force, investigations, launched therein and their outcomes, and whether compensation was provided to victims. The Committee further would like to learn about the State party's intent to repeal Law No. 30151 which limits police criminal liability, as recommended in its previous concluding observations to the State party.

**Paragraph 24 of the Concluding Observations:** The Committee thanks the State party for its response. While taking note of the information provided by the State party on efforts made to combat racial stereotypes, including through the media, the Committee regrets the lack of update on the status of the draft Code of Ethics under which the media will undertake to respect the dignity, identity and cultural diversity of indigenous peoples and Afro-Peruvian communities, and requests such information be provided in its next periodic report. The Committee also requests the State party to

submit information on other administrative or criminal proceedings launched in relation to propagation of messages, programmes and advertisements that perpetuate the stigmatization of indigenous peoples and Afro-Peruvian communities. Finally, the Committee while welcoming the many public activities taken by various Ministries in the State party would be interested to learn whether such actions, plans and policies aimed at fostering intercultural tolerance have been evaluated and, if so, what were the outcomes.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Peru, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Anastasia Crickley  
Chair

Committee on the Elimination of Racial Discrimination