

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/PER/CO/5-6)

PERU

(...)

C. Principal subjects of concern and recommendations

(...)

Allegations of torture and ill-treatment, fundamental legal safeguards

8. The Committee takes note of the information from the State party on numerous allegations of torture and ill-treatment in custody by law enforcement and security officials, but is concerned at the lack of thorough investigations and the small number of convictions under national law. The Committee is concerned that while charges were raised in the case of Mr. Gerson Falla, who died in custody 48 hours after being beaten in detention, no conviction has been pronounced and no one held responsible. The Committee is also concerned that the fundamental legal safeguards for persons detained by police are not always respected and regrets the absence of a specific registry for cases of torture and cruel, inhuman or degrading treatment and punishment. The Committee is further concerned at reports about violence by law enforcement personnel in the context of apprehension. There seems to be no regular assessments of cases of torture allegations based on The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) of detained persons (arts. 2, 10, 12, 13 and 14).

The State party should take effective measures to:

(a) Conduct prompt, impartial and effective investigations of all reports of torture and ill-treatment, bring perpetrators to justice and punish them with appropriate penalties;

(...)

Reproductive rights and health

15. The Committee is seriously concerned that illegal abortions are one of the main causes of high maternal mortality in the State party and that the interpretation of therapeutic and legal abortion in cases of medical necessity is too restrictive and lacks clarity, leading women to seek unsafe illegal abortions. The Committee is particularly

concerned at the criminalization of abortions in cases of rape and incest as well as the prohibition by the Constitutional Court of the distribution of oral emergency contraception to victims of rape. It is further concerned at the fact that the existing law obliges physicians to bring information on women resorting to post-abortion health services to the attention of the authorities and which may lead to investigation and criminal prosecution, which creates such fear of punishment that, in practice, this constitutes a denial of legal abortion services. The Committee is also concerned at the forced sterilization of women, namely the 2.000 women who were subjected to forced sterilizations under the National Reproductive Health and Family Planning Program between 1996 and 2000, and who have not yet received redress (arts. 2, 10, 12, 13, 14, 15 and 16).

The State party should review its legislation with a view to:

(a) Amending the general prohibition for cases of therapeutic abortion and pregnancy resulting from rape and incest and provide free health coverage in cases of rape;

(...)

Comprehensive Reparation Plan

17. While taking note of the introduction of the Comprehensive Reparation Plan and the establishment of the Central Register of Victims concerning reparation for victims of violence during the internal armed conflict from 1980 to 2000, the Committee is concerned that Supreme Decree No. 051-2011-PCM will be implemented to close the Central Register of Victims in spite of some 28,000 outstanding files requiring evaluation under the Economic Reparation Programme. The Committee is also concerned at the insufficient amount of economic reparation and at the slow pace of payments (art. 14).

The Committee recommends that:

(...)

(b) Allocation be made for sufficient financial and human resources required for the full and timely implementation of the Comprehensive Reparation Plan and that an increase in the amount of economic reparation be made which should cover all the persons concerned.

26. The Committee requests the State party to provide, by 23 November 2013, follow-up information in response to the Committee's recommendations relating to: (a) conducting prompt, impartial and effective investigations; (b) ensuring or strengthening legal safeguards for persons detained; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as contained in paragraphs 8 (a), 15 (a) and 17 (b) of the present document.