

High Commissioner for Human Rights and other institutions, related to international rules and principles applicable to states of emergency.

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PERU

Date of admission to UN: 31 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Peru has submitted a core document (HRI/CORE/1/Add.43/Rev.1) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data as well as information on the general political structure and the framework for the protection of human rights.

Under the 1993 Constitution, international treaties are part of national law and the Constitution stipulates that the rights and freedoms set out in it must be interpreted in conformity with the Universal Declaration of Human Rights and any international treaties and agreements related to human rights that Peru has ratified. In addition to the Public Prosecutor's Department and the office of the Ombudsman, other institutions and arrangements exist for the protection of human rights. These include the Special Procurator for Human Rights for the Whole Nation (jurisdiction and investigation of complaints of human rights violations), the Peace Council (to implement the National Pacification Plan), the National Council for Human Rights (the primary agency responsible for promoting, coordinating and advising on the protection and observance of fundamental individual rights), the National Human Rights Committee (a coordinating and monitoring body within the Ministry of the Interior), the Register of Complaints related to Disappeared Persons (under the responsibility of the Special Procurator for Human Rights and the Ombudsman), the National Register of Detainees and Persons Sentences to Custodial Sentences, the Technical Commission for Displaced People (to deal with families displaced by terrorist violence), the Programme of Support for the Population (to assist displaced persons to return to places of origin) and the Pacification and Human Rights Commission (with the role of securing the fundamental and constitutional rights of individuals).

Economic, Social and Cultural Rights

Signed: 11 August 1977; ratified: 28 April 1978.

Peru's second periodic report was due 30 June 1995.

Peru's initial report (E/1990/5/Add.29) was considered at the Committee's April/May 1997 session. The report prepared by the government provides extensive information on the constitutional and legal provisions related to the rights set out in articles 1 through 15 of the Covenant. Information is also included on: bilateral agreements related to economic cooperation; non-discrimination against women; the structure of government and the separation of powers; administrative and others measures related to human rights protection; states of emergency and protection of rights during states of exception; and, statistical data on education and health.

The Committee's concluding observations (E/C.12/1/Add.14) welcomed: elimination of a number of

discriminatory legal provisions, particularly relating to women; establishment of the Ministry for the Promotion of Women and Human Development and the National Social Compensation and Development Fund; reforms in the education system leading to greater access for all sectors of society, introduction of literacy and school-building programmes to foster the education of children and adults in rural areas and a comprehensive assistance programme for children; and, development of programmes aimed at indigenous-language literacy and education.

Among the factors and difficulties impeding implementation of the Covenant the Committee noted that: Peru is made up of three distinct societies divided along ethnic, economic, social, cultural and linguistic lines which live almost independently of each other; the majority of the population lives at the bottom of this societal pyramid, namely the indigenous Indians of the Alto Plano or the mountains and the Amazonian jungle who are extremely isolated and marginalized and are not in a position to exercise effectively their economic, social and cultural rights; and the high cost of rebuilding the infrastructure that was destroyed during the prolonged period of internal violence.

The principal subjects of concern identified by the Committee were: failure to address the persistent and serious problems of poverty; a gross inequality in the distribution of wealth among the population; the failure to implement agrarian reforms; the lack of proper health services and the drastic reduction of public expenditures in the field of health; the impoverishment of state schools over the past decade, coupled with a decline in teachers' salaries; a deterioration in educational standards that is accompanied by the increasing poverty of families; acute forms of discrimination that, despite reforms, particularly afflict women, indigenous people and other minority groups; the failure of the government to incorporate the provisions of the Covenant into the 1993 Constitution, noting that this gap in constitutional protections contradicts the information provided in the government's core document (as above); and, a decision of the Supreme Court which stated that the provisions of international instruments do not have constitutional status.

The Committee also expressed concern over: the insufficiency of the fulfilment of the rights of indigenous and black populations; the fact that approximately 22 per cent of Quechua-speaking inhabitants receive no schooling at any level; the relationship between a lack of education for poor women and a maternal mortality rate that is ten times higher than that of educated women; the various forms of discrimination against women, particularly in the area of employment; the fact that many workers do not earn the minimum wage fixed by law and that the minimum wage is lower than the cost of the basic shopping basket; the fact that young people aged 16 to 25 are characterized as "apprentices" and therefore excluded from coverage by the relevant labour legislation; the ineffectiveness of labour legislation to protect trade union rights, including the right to strike; exclusion of the majority of the population from social security because of the existence of a sizeable informal sector in the economy; the high mortality rate among children and women due to the lack or inadequacy of proper health services; the large number of child workers and street children and the inadequacy of the