

## REPORTS TO TREATY BODIES

### Committee against Torture

Peru's second periodic report (CAT/C/20/Add.6, January 1997) was considered by the Committee at its May 1998 session. The report prepared by the government contains information on, *inter alia*: anti-terrorist legislation, the institution of "faceless judges", the use of military courts, pre-trial detention, the crime of enforced disappearance and the Easing of Measures Act; provisions and measures related to states of emergency; the Office of the Public Prosecutor; constitutional provisions related to judicial functions, the competence of the military courts, the Code of Military Justice; trials of civilians for crimes of treason and regulation of military jurisdiction; the National Council of the Judiciary, the Judicial Coordination Council, the Office of the Ombudsman, the role and functions of the Office of the Public Prosecutor; due process and the rights of detainees; the special register of disappeared persons and the register of reports on disappeared persons; Special Offices of the Ombudsman and Procurator for Human Rights; human rights training and education for civil and military law enforcement personnel; and compensation and rehabilitation for victims, the National Judicial Error and Arbitrary Detention Compensation Fund, and relevant provisions in the Civil and Penal Codes.

The Committee's concluding observations and comments (CAT/C/PER) welcomed, *inter alia*: the discontinuation of the use of "faceless judges"; incorporation into domestic legislation of a definition of torture that is consistent with the Convention; and reform measures aimed at strengthening the independence of the judiciary and improving human rights protections relative to anti-terrorist legislation.

The principal subjects of concern identified by the Committee included, *inter alia*: the frequency of allegations of torture; continuation of military jurisdiction over civilians in some cases and the fact that military jurisdiction continues to operate to the detriment of civil jurisdictions; the laws enacted between 1995 and 1998 calling into question the independence of the judiciary; and legislation related to states of emergency which does not contain adequate guarantees for the protection of human rights, in particular regarding the eradication of torture.

The Committee recommended, *inter alia*, that the government:

- ♦ abrogate legislation that has a negative impact on the independence of the judiciary and ensure that the system of appointment of judges and rules of judicial procedure are independent from government and the administration; and
- ♦ take the appropriate steps to ensure that victims of torture and ill treatment and/or their families have recourse to indemnification, compensation and rehabilitation.

### Committee on the Elimination of Discrimination against Women

Peru's third and fourth periodic reports were submitted as one document (CEDAW/C/PER/3-4, September 1995) which was considered by the Committee at its July 1998 session. The report prepared by the government contains general information on the country's land and people, the political structure, and the general legal framework for the protection of human rights. Specific areas addressed in the report included, *inter alia*: implementation of the principle of non-discrimination against women; commercial and administrative legislation, the Penal Code, the Domestic Violence Act 1993 and measures to address domestic and sexual violence, the Code of Children and Adolescents, the consequence of terrorism for women, actions by the Sendero Luminoso (The Shining Path) and Tupac Amaru Revolutionary Movement; the Standing Commission on Women's and Children's Rights, the National Programme for the Advancement of Women (1991-1995), the Wawahuasis programme (community education homes), the Land Titling Programme, the National Programme for Food Aid (PRONA), the Office for Women (Ministry of Justice); NGOs working with and for women; women and employment; sex roles and stereotypes; education and access to education, illiteracy; the role of women in the family; steps taken to abolish prostitution; participation in political and public life; health and health care, women and HIV/AIDS, mental and occupational health; the situation of rural women; equality before the law in civil matters; and women as heads of household, marriage, property rights, inheritance.

The Committee's concluding observations and comments (CEDAW/C/1998/II/L.1/Add.7) noted developments since preparation of the government's report, including: establishment in 1996 of the Ministry for the Advancement of Women and Human Development (PRO-MUDEH), creation of the Special Office for the Defence of the Rights of Women within the office of the Special Ombudsperson, integrated literacy programmes designed and implemented by the Ministry for the Advancement of Women; and establishment of the Programme for Reproductive Health and Family Planning for 1996-2000 to guarantee access to an integrated range of services designed to address, *inter alia*, maternal health, contraception and sexually transmitted diseases.

The Committee acknowledged the difficult situation in the country as a result of the economic crisis and terrorist violence and welcomed, *inter alia*: entry into force of the 1993 Constitution; introduction of significant new legislation and reforms to current legislation to promote compliance with the Convention; the establishment of the Office of the Ombudsman; the establishment of the independence of the judiciary; the Act on Domestic Violence; and the establishment of the Ministry for the Advancement of Women and Human Development.