

**Sale of children, child prostitution, child pornography, Special Rapporteur on the:**

(E/CN.4/1998/101, paras. 6, 117)

In the section dealing with education as a catalyst to help children better understand their rights and themselves the report notes that the Education Ministry has been developing sex education programmes. A commission of teachers, psychologists and representatives of the Catholic Church prepared notebooks with sex topics children usually asked about. The notebooks are different according to the age of the children.

**Torture, Special Rapporteur on:** (E/CN.4/1998/38, paras. 154–157; E/CN.4/1998/38/Add.1, paras. 300–327)

The main report refers to information indicating that torture continued to be widely practised in the country, both against those suspected of common criminal offences and against those suspected of offences of a political nature, and not only in the zones under a state of emergency. Allegations were received that torture was commonly practised in towns and cities by units of the anti-terrorist police (DINCOTE), and in the rural areas by the armed forces having control over the zone because of the state of emergency. The report notes that various aspects of the anti-terrorist legislation appear to contribute to the situation, including the nearly unlimited period of time available to the police to interrogate suspects and bring charges.

The report refers to information indicating that prison conditions were particularly bad for persons serving a sentence under the anti-terrorist legislation, including, for the first year of sentence, solitary confinement and permission to leave cells for only 30 minutes a day and to receive visits only from lawyers.

The addendum to the main report summarizes cases that were transmitted to the government and replies received to some of them.

The cases related to or involved, *inter alia*: detention of approximately 80 persons in the province of Tocache and questioning by the Tocache specialized police unit and allegations of ill treatment; detention of an individual because he was not carrying his identity papers with him and death in custody from a cerebral and pulmonary oedema, leading to criminal proceedings against the officers involved and their being relieved of duties; detention of an individual by police officers who were drunk, followed by repeated beatings and an attempt by the officers to abuse him sexually; arrest on a charge of theft, followed by torture, with the detainee eventually released; detention of an individual for not having his identity papers with him, followed by beatings by soldiers at a military base, with disciplinary sanctions later imposed on the soldiers involved; detention and torture of an indeterminate number of persons at a military base in the course of a military operation carried out after the killing of a soldier, apparently by members of his own unit; detention and torture committed by personnel of the National Criminal Investigation Directorate (DININCRI)

of the national police against an individual accused of murder and child rape; detention and torture of a number of persons by military personnel in an effort to obtain information about the detainees' suspected subversive activities; beatings following arrest of an individual who was accused of theft and later released; detention, torture and questioning of a member of the Army Intelligence Service (SIE), by SIE personnel in connection with alleged leaks of confidential information about the Service, noting the case was under consideration by the military jurisdiction; detention of more than 40 peasants, including 8 juveniles, accused by the army of belonging to the Túpac Amaru Revolutionary Movement (MRTA), followed by incommunicado detention and torture and ill treatment, with all but one of the individuals eventually released by the DINCOTE for lack of evidence.

The government responses to previous communications from the Special Rapporteur (SR) variously asserted that: the person or persons named underwent an examination and did not show traces of recent traumatic injuries; no record was found of the person named ever having been detained and the individual had not produced any evidence to support the allegations; the persons named had been detained but were not tortured, as attested in a medical certificate; a *habeas corpus* action had been brought before the Seventh Court of Criminal Investigation in Lima against DINCOTE personnel for ill treatment, and the application was declared admissible; the person named had not provided evidence making it possible to establish the veracity of the allegation of ill treatment and had not availed himself of domestic legal remedies; in response to a death in custody, the military penal court had sentenced two police officers for abuse of authority to two years' imprisonment, together with disqualification and payment of damages amounting to 2,000 new soles (Peruvian currency); the complaint was withdrawn following admission to the facts by the officer responsible and payment of a sum to the victim; and, the case was under investigation at the penal and disciplinary level.

**Violence against women, Special Rapporteur on:** (E/CN.4/1998/54, Section I.A)

In the section dealing with violence against women in situations of armed conflict, the report states that rape has been used by both sides to the conflict in Peru as an instrument of war — with women being threatened, raped and murdered by government security forces and by the Shining Path guerrillas. The report notes that there is little national redress for women victims of sexual violence which has led to some cases being filed before the Inter-American Court of Human Rights. The report cites a recent decision of the Inter-American Court which found that one woman, a teacher, had been arbitrarily detained, tortured and raped by members of the security forces and the court ordered her release. In October 1997, the government released the university teacher, who had been imprisoned since 1993.

