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Ambassador José Antonio García Belaúnde  
Minister of Foreign Affairs  
Ucayali N° 318, Lima  
Peru

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Dear Minister,

## **OPEN LETTER RE: PERU'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL**

We write on the occasion of Peru's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 6 April 2011 from the Permanent Mission of Peru to the Secretariat.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.<sup>1</sup> We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council. <sup>2</sup> We take this opportunity to make some comments on Peru's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

### **1. Commitments at the international level:**

#### ■ *Ratification of international human rights instruments*

We welcome your commitment to promote the ratification of all international instruments for the protection of human rights. We take this opportunity to encourage you to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights. We further urge you to implement decisions and rulings by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights and to pursue efforts to bring Peruvian legislation in line with the Rome Statute.

#### ■ *Cooperation with the Special Procedures*

We welcome your commitment to continue to support the process of strengthening of the Council's Special Procedures and to encourage more States to extend standing invitations to them. In this regard, we would encourage you to facilitate without delay the visit requested by the Special

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<sup>1</sup> *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>  
<sup>2</sup> Operative paragraph 9.

Rapporteur on the right to food, the Special Rapporteur on freedom of opinion and expression, and the Special Rapporteur on adequate housing, as well as the visit agreed in principle by the Rapporteur on extrajudicial, summary or arbitrary executions.

We also note that a number of Special Procedures have visited Peru in recent years. We take this opportunity to highlight a number of key recommendations, including by the Special Rapporteur on health, following his visit in 2004, to ensure access, in particular for poor populations, to sexual and reproductive health services and to quality services for the management of complications, whether arising from pregnancy, childbirth or abortion, and to remove punitive legal provisions against women who undergo abortions and the relevant service providers.

From the visit by the Special Rapporteur on indigenous peoples in 2009 we wish to highlight the recommendation to implement a consultation process with Indigenous peoples consistent with the international standards, including concerning the development of future projects that affect Indigenous peoples.

Following the visit in 2010, the Special Rapporteur on countering terrorism called for obstacles to prosecution and conviction for grave human rights violations in the course of counter-terrorism operations, be overcome in accordance with the jurisprudence of the Inter-American Court of Human Rights and applicable international human rights law. He further urged the Government of Peru to repeal the Legislative Decree No. 1095 and to confine declarations of a state of emergency and the deployment of military forces to only exceptional and temporary situations.

■ *Cooperation with the treaty monitoring bodies*

We welcome your commitment to maintain collaboration with the treaty bodies by submitting pending periodic reports and disseminating and implementing the recommendations issued by these bodies. We note that periodic reports are due to the Committee against Torture, the Human Rights Committee, the Migrant Workers Committee and the Committee on the Rights of the Child. We urge you to submit these without further delay.

■ *Engagement with the Universal Periodic Review*

We welcome your commitment to continue to participate constructively in the Universal Periodic Review process and to respond to the recommendations emerging from this mechanism. We consider of particular importance the recommendations, made to Peru during the review:

- to promote and protect the human rights of vulnerable groups, in particular Indigenous peoples;
- to fully implement the recommendations of the Truth and Reconciliation Commission, in particular with regard investigating all cases of human rights violations committed during the twenty-year armed conflict, bringing to justice those responsible and granting reparations to victims;
- to address the issue of prison overcrowding and poor prison conditions, including providing prisoners with access to medical staff and court-appointed counsel, especially in the Challapalca prison where detainees live under extreme climatic conditions;
- to ensure that human rights defenders, including victims of human rights violations, witnesses, prosecutors, forensic experts, journalists and trade union workers, can carry out their human rights work freely and without fear of intimidation.

■ *Participation in the deliberations of the Human Rights Council*

- We note your willingness, expressed in your election pledges, to actively participate in the institutional strengthening and review processes of the Council, focusing on making it more efficient in its promotion of universal respect for and protection of the fundamental rights of all persons, based on the criteria of legitimacy, non-discrimination and rejection of political selectivity. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

## 2. Commitments at the national level:

### ■ *National human rights policy*

We note your commitments to scale up implementation of policies on social inclusion, equity and poverty eradication, to ensure the effective implementation of policies adopted under the National Human Rights Plan (2006-2011); to continue the fight against impunity, providing access to justice and the provision of educational and health reparations; to eliminate all discriminatory practices; and to improve dialogue with indigenous peoples and scale up efforts to improve their quality of life, focusing on reducing poverty, promoting their development and adequately protecting their living environment. We urge you to adopt a new National Human Rights plan from 2012 to ensure the continuation of policies adopted under the 2006-2011 Plan.

We welcome the pledges and commitments already made by Peru and encourage your government to use this opportunity to further strengthen its pledges and commitments by including the additional elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

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Amnesty International