

Committee on the Application of Standards

Date: 21 May 2024

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Peru (ratification: 1994)

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

The Government has provided the following written information.

Article 1. Peoples

The identification of indigenous/native peoples is carried out on the basis of identification criteria in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Act No. 29785. This enables the Official Database of Indigenous and Native Peoples (BDPI) to be updated so that public services can be provided according to cultural/linguistic characteristics.

According to the BDPI, 55 indigenous or native peoples have a traditional presence divided up into 9,211 localities (5,153 are peasant farming (*campesino*) communities, 2,303 are native, 1,708 have no identified type and there are 47 indigenous peoples in initial contact). Of these localities, 4,327 are georeferenced (49 per cent), 7,455 are recognized (81 per cent), and 5,825 are titled (63 per cent), covering a total of 2,880,352 persons (9.8 per cent of the population).

Since 2022, the BDPI has undertaken visits to 144 communities in 12 departments in order to identify peoples, since there was no information from 1,393 communities. In 2023, that figure decreased to 1,251 and there were four updates of the list (in May, June, September and December), incorporating 192 new localities.

Articles 2 and 33. Coordinated action

The proposal for a national policy on indigenous or native peoples seeks to guarantee the effective exercise of the collective rights of over 5.9 million persons belonging to various indigenous peoples. The policy comprises three phases: (i) updating; (ii) prior consultation; and (iii) approval.

As of 2024, the proposal is in the prior consultation phase, which consists of seven stages: (i) identification of measures for consultation; (ii) identification of peoples; (iii) publicity; (iv) information stage; (v) evaluation; (vi) dialogue; and (vii) decision stage.

Between May and September 2023, the following activities took place:

- 4 meetings with organizations enabling consensus on the proposal.
- 9 meetings providing further information on the proposal.
- 17 instances of technical assistance regarding multisectoral validation of the proposal.
- 6 meetings with the National Strategic Planning Centre to assess the public issue.
- Deliverables 1, 2 and 3 approved by the National Strategic Planning Centre.

In March and April 2024, the following activities took place:

- Consolidation of the involvement of 45 entities.
- 56 meetings with 37 entities to review proposals.
- Presentation of proposals for services during the fifth meeting (6 and 9 May) with 8 indigenous organizations and 33 public entities.
- Identification of 61 services and preparation of 102 proposals for review.

Regarding the Multisectoral Committee approved by Supreme Decree No. 005-2021-MC, up to May 2024 the members reported the completion of strategic actions.

Of 122 strategic actions, 41 have been completed, 50 are in progress and 31 are pending, according to the respective technical working groups (GTTs):

- GTT No. 1: Access to comprehensive/intercultural healthcare – 16 strategic actions completed, 7 in progress.
- GTT No. 2: Indigenous development/economy – 5 strategic actions completed, 15 in progress.
- GTT No. 3: Access to intercultural education – 9 strategic actions completed, 12 in progress.
- GTT No. 4: Rights of indigenous women – 7 strategic actions completed, 1 in progress.
- GTT No. 5: Legal certainty regarding land – 4 strategic actions completed, 15 in progress.

Articles 3 and 12. Human rights. Indigenous women

In relation to the guidelines approved by Supreme Decree No. 0090-2019-MC, the following actions were undertaken:

- Implementation of 11 training workshops for public servants on the subject of sexual violence (September–December 2023).
- Updating, translation (into six indigenous languages) and dissemination of messages on the prevention of sexual violence in three regions (Loreto, Ucayali and Puno) (December 2023).
- “Meritorious cultural personality” award for six indigenous women for their contributions to activism (September–December 2023).

- “First national meeting of indigenous women entrepreneurs” to strengthen their role in recovery, held on 11–14 December 2023 with 53 women (Awajún, Ashaninka, Bora, Kichwa, Matsigenka, Quechuas-Secoya and Shipibo-Konibo) from 15 regions.
- “National meeting of indigenous women leaders” to present the women’s entrepreneurship network with a view to capacity building, held on 14 December 2023 for women, including 18 women leaders from 9 regions (Pasco, Cusco, Ayacucho, Loreto, San Martín, Amazonas, Puno, Huancavelica and Áncash).
- The creation of the “National network of indigenous, native and Afro-Peruvian women entrepreneurs” (Ministerial Decision No. 086-2024-MC) in order to facilitate entrepreneurial access to the labour market.
- 19th edition of the training course for interpreters/translators (August–September 2023, Tarapoto, San Martín); for the first time, this catered for 50 women from 15 regions speaking seven languages.
- Incorporation of women who completed the 19 training courses in the National Register of Interpreters and Translators of Indigenous or Native Languages at the Ministry of Culture.

Article 3. Human rights and fundamental rights

Under Act No. 31405, which promotes the protection and comprehensive development of orphaned children and young persons, assistance was provided according to the register of beneficiaries:

Deceased defender	Orphaned minor(s)	Current status
Edwin Chota	Andi Chota	Incorporated – 17 April 2023
Leoncio Quintisima	Leoncio and Leyner Quintisima	Incorporated – 1 June 2023
Jorge Ríos	Robert, Mario, Luis and Junio Ríos	Judicial declaration of presumed death in progress
Francisco Pinedo	Elmer, Aníbal and Diana Pinedo	Renewal of ID in progress

After being apprised of possible risk situations for relatives of the deceased persons (11 September 2023) in the context of the “Intersectoral mechanism for the protection of human rights defenders”, the Ministry of Justice and Human Rights (Ministry of Justice) asked for the relatives to be given personal guarantees, which was duly done (29 September 2023).

Various entities met with relatives on 4 December 2023 to report on progress of the Saweto Action Plan.

On 11 April 2024, logging contractors Mr Hugo Soria and Mr José Estrada (instigators) and Mr Josimar and Mr Segundo Atachi (co-perpetrators) were sentenced to 28 years and 3 months’ imprisonment by the Collegiate Criminal Court within the High Court of Ucayali for the aggravated homicide of indigenous leaders, and were ordered to pay 200,000 Peruvian soles in civil compensation. Trial proceedings relating to another accused, Mr Eurico Mapes, were deferred pending his arrest.

In the context of the “Intersectoral mechanism for the protection of human rights defenders”, the “Register of risk situations for human rights defenders” detailed the following information as of 31 March 2024:

- There were 339 registered risk situations involving 599 rights defenders. Of these persons, 397 (66.28 per cent) self-identified as belonging to the following peoples: Shipibo-Konibo (74), Kichwa (65), Ashaninka (42), Tallán (41) and Kakataibo (38).
- These 397 persons indicated that they faced one or more types of risk, such as threats to safety (59.43 per cent), assaults (16.67 per cent), destruction of property (5.98 per cent), defamation (4.89 per cent) and harassment (4.71 per cent).
- As regards risk situations for self-identified indigenous rights defenders, 170 were linked to activities such as illegal logging (87), illicit drug trafficking (74), illegal mining (36) and land trafficking (35).

In order to reinforce the intersectoral mechanism, the following activities were carried out:

- Installation of seven regional roundtables for the protection of human rights defenders (Madre de Dios, Ucayali, San Martín, Loreto, Amazonas, Junín and Piura) with a view to territorial coordination in relation to risk situations connected with illegal activities, with the participation of the Government and social actors.
- Two technical roundtables in Ucayali regarding: (i) titling of community territories, with the participation of the authorities and indigenous peoples (19 March 2024); and (ii) socio-economic development in conjunction with communities (21 March 2024).
- Seven meetings with the authorities and social organizations in five regions (Piura, Iquitos, Chachapoyas, Satipo and Huánuco) in order to coordinate multi-level forums for the protection of rights defenders.
- Six high-level public visits (with the participation of the Ministry of Justice, Ministry of the Environment and Ministry of Culture) in Ucayali (3), Huánuco (1), Piura (1) and Madre de Dios (1), with a particular focus on visits to the Flor de Ucayali and San Francisco communities, for fact-finding purposes in relation to risk situations.
- Implementation of a pilot project to identify risk situations, linked to the design of an early warning system to prevent the negative impact of illicit drug trafficking (Flor de Ucayali community, 28 February 2024).
- Participation in three Congress initiatives: (i) prevention session relating to deforestation caused by illicit activities (8 September 2023); (ii) public hearing on issues faced by rights defenders in Ucayali (23 October 2023); and (iii) decentralized meeting of the budget committee to reinforce the budget for the intersectoral mechanism (24 October 2023).
- Presentation of the project for strengthening the intersectoral mechanism by the Ministry of Justice, Ministry of Culture and Ministry of the Environment (26 February 2024).
- Three training activities: (i) workshop on human rights defenders facing risk situations, for 95 police officers from 6 regions (Madre de Dios, Ucayali, Loreto, Huánuco, Junín and Amazonas); (ii) workshop on the intersectoral mechanism, for 126 leaders from 53 organizations in 7 regions (San Martín, Ucayali, Huánuco, Madre de Dios, Loreto, Pasco and Amazonas); and (iii) course on the role of rights defenders and police protection with regard to risks, for 115 police officers from 7 regions (Madre de Dios, Ucayali, Loreto, Huánuco, Junín, Amazonas and San Martín).

Regarding new cases of murders of leaders:

- Mr Quinto Inuma Alvarado (leader of the Kichwa community, Santa Rosillo de Yanayacu): the Ministry of Justice managed: (i) the transferral of authority to the community; (ii) the exhumation of remains; (iii) the safeguarding of the life and integrity of relatives and other leaders; (iv) the implementation of actions, together with the Ministry of Women and Vulnerable Populations and the Ministry of Health, to provide psychological support for relatives/the community; and (v) the provision of assistance for relatives.
- Mr Santiago Contoricón Antúnez (Ashaninka chief of the Puerto Ocopa-Junín community): the Ministry of Justice managed: (i) the provision of ombuds services for the relatives of victims; (ii) visits to the community and provision of information on the intersectoral mechanism and on recognizing relevant risk situations; (iii) the organization of an orphan scholarship at the Continental University (granted on 5 May 2023); (v) the granting of guarantees for relatives (19 May 2023); (vi) the provision of social assistance for relatives through the *Juntos* programme; and (vi) the follow-up of the case (Ministry of Justice-Ombuds Office).

The executive branch submitted Bill No. 7752/2023-PE, in which the Ministry of Culture proposes paragraph 3.8.5 for the “amendment of sections 108, 108-C and 200 of the Penal Code”, in order to introduce aggravating circumstances for cases in which victims are indigenous rights defenders.

Measures to prevent the excessive use of force include: Ministerial Decision No. 952-2018-IN; Directives Nos 015-2022-CG-PNP-EM, 008-2022-IN, 13-2023-CG PNP/EMG and 014-2023-CG PNP/EMG; and National Police General Headquarters Decision No. 280-2023-CG PNP/EMG. Measures concerning the armed forces include: Ministerial Decisions Nos 0066-2022-DE, 0065-2022-DE, 0067-2022-DE, 038-2022-DE and 013-2023-DE.

This framework includes an approach based on human rights and interculturalism and, as part of its application, the following actions were implemented between December 2023 and April 2024:

- Five training initiatives for police officers: (i) a training course for trainers on human rights in relation to police work, for 25 police officers; (ii) a post-operation evaluation workshop for 40 senior officers holding the position of regional chief or chief of a provisional police structure (*frente policial*); (iii) a refresher programme on police interventions and operations for 11,000 officers and sub-officers; (iv) a seminar/workshop on the use of force and human rights during social unrest, for 60 general officers; and (v) interculturalism workshops for 446 police officers.
- Five programmes on human rights and international humanitarian law for the armed forces: (i) two basic programmes for officers and civilians; (ii) two advanced programmes for officers and civilians, technicians and sub-officers; and (iii) a programme for operational legal advisors. The armed forces’ Centre for International Humanitarian Law and Human Rights trained 1,094 members of the armed forces, police officers and civilians.
- Training workshops and conferences on interculturalism, human rights and standards on the use of public force by prosecutors, in accordance with the directive approved by Public Prosecutor’s Office Decision No. 534-2022-MP-FN.

Article 6. Consultation

Regarding the Multisectoral Committee for the Application of the Right to Prior Consultation, in April 2024 the Ministry of Culture reported the following:

- Implementation of 95 consultation processes (83 concluded).
- Submission of 166 requests for information to entities responsible for concluding agreements, and holding of 102 technical assistance meetings.
- Implementation of the 2023 work plan and further follow-up actions.
- Follow-up on 52 prior consultation processes (1,183 agreements concluded), of which 14 were related to protected natural areas.
- Follow-up on compliance with consultation agreements relating to Plot 192, in which the Ministry of Energy and Mining (Ministry of Energy) was involved.
- Strengthening of follow-up on prior consultation agreements by the “Technical roundtable for the prevention of unrest and for the communities of the ‘four basins’ group in the area of Plot 192 in the Loreto region”.
- Establishment of sub-working groups (education, health, housing and titling) and coordination for the fulfilment of agreements.

Articles 7 and 15. Consultation and mining projects

The environmental assessment of mining exploration/exploitation projects for environmental impact studies, and the drafting of environmental impact statements, in accordance with the scope of the mining activity, are carried out by the National Service for Environmental Certification of Sustainable Investments (SENACE) and the Ministry of Energy/regional governments, respectively, with the participation of indigenous peoples. On 22 December 2023, the Ministry of Culture issued 181 opinions at the request of SENACE and the Ministry of Energy, of which three are binding.

Regarding the Ministry of Energy criteria for identifying which indigenous peoples must be consulted concerning a project, each promoting body must identify measures that may be related to the collective rights of indigenous peoples and, where indigenous peoples may be affected, prior consultation must be carried out.

With regard to measures to inform indigenous peoples of the importance of consultation and encourage their participation in such processes, the following actions were carried out in 2023:

- Participation of 16 entities: 5 ministries (Ministry of Energy, Ministry of Education, Ministry of Culture, Ministry of Transport and Communications, and Ministry of the Environment), 3 public bodies (National Service for State-Protected Areas, National Intercultural Health Centre, and National Forestry and Forest Fauna Service), 4 regional governments (Loreto, Cusco, Huancavelica and Ucayali), and 3 local governments (Ucayali, Manseriche and Nueva Requena), on matters related to natural protected areas, mining projects and hydrocarbon plots.
- Implementation of 141 technical assistance actions related to prior consultation for 2,389 participants (865 officials and 1,524 inhabitants).
- Management of 21 cases, of which 12 are related to prior consultation.

- Capacity-building for 3,106 persons: 931 public officials, 1,118 indigenous/native inhabitants, and 1,057 other individuals.
- Implementation of 11 online courses on the right to and process of prior consultation, through which 3,890 persons were trained, with a 12th course currently under way.
- Development of a plan for the implementation of intercultural dissemination mechanisms on the status of prior consultation agreements.

Article 14. Land

The Ministry of Culture provides support in guaranteeing the collective right to land and territory for 49 communities in 9 departments: San Martín (22); Ayacucho (9); Huánuco (5); Ucayali (3); Loreto (4); Pasco (3); Amazonas (1); Madre de Dios (1); and Cusco (1). To date, the following actions have been conducted:

- Capacity-building for 32 indigenous leaders from Loreto and Ucayali.
- Participation in dialogue forums and titling roundtables convened by the regional agrarian directorates of three regions (San Martín, Huánuco and Ucayali).
- Organization of coordination meetings with authorities to expedite processes for the physical and legal clarification of rights defenders' cases in five regions (San Martín, Huánuco, Ucayali, Pasco and Loreto).
- Provision of technical assistance to the regional governments of Ucayali, Pasco and Huánuco for the creation of "technical titling roundtables", in order to resolve disputes, and carry out processes for the demarcation and titling of land.

Articles 26 and 27. Education

With regard to education services, the Ministry of Education indicates the implementation of the following actions in 2024:

- Classification of 73,092 teachers according to level of native language proficiency, with the majority having an advanced level (39,493).
- Issuance of 98 text titles in 14 native languages, and 305 library resources in 43 native languages for basic education.
- Publication of 16 writing manuals and 9 vocabulary teaching resources as linguistic tools for teachers.
- Drafting of a plan for teacher development in bilingual intercultural education in order to close gaps.

Concerning the defence and protection of the rights of indigenous peoples in bilingual intercultural education in 2024, the Ombuds Office notes that the sectoral policy on bilingual intercultural education provides recommendations for 23 regional education departments with respect to the following:

- Allocation of vacancies for teachers in bilingual intercultural education in accordance with requirements.
- Processes and necessary resources for the distribution of teaching materials.