



EXECUTIVE SUMMARY OF  
THE ELEVENTH ANNUAL REPORT OF  
THE OMBUDSMAN'S OFFICE

January - December 2007

OMBUDSMAN'S OFFICE OF PERU

Jirón Ucayali 388, Lima - Perú

Phone: (51-1) 311-0300

Fax: (51-1) 426-7889

E-mail: [defensora@defensoria.gob.pe](mailto:defensora@defensoria.gob.pe)

Web site: <http://www.defensoria.gob.pe>

Toll free line: 0800-15170

First Edition: Lima, Peru, February 2009

200 copies

Legal deposit made in National Library of Peru N° 2009-02958

Translation: Clara María Cavagnaro

Graphic design: Pixel Studio

Printer: Ediciones Nova Print SAC

The Executive Summary of the Eleventh Report of the Ombudsman's Office was compiled with information obtained from the different Ombudsman's offices around the country. The final document was prepared by National Ombudsman, Doctor Beatriz Merino, and her team: Felipe Paredes San Román (leader), Claudia Bezold Olivares, Erica Bedoya Chirinos, Paola Carbajal Ponce, Jacqueline Valverde Romero and Yessica Viaña Pongo.

---

# INTRODUCTION

During the 11<sup>th</sup> year since its creation, the Ombudsman's Office of Perú focused its work in the institutionalization of new management practices and perspectives on the internal front, and the reassessment of its links and an approach to socially excluded sectors on the external front. All this is compiled in the annual report of the Ombudsman's Office of Perú, which I am honored to deliver to the Congress of the Republic in strict compliance of article 162 of the Political Constitution of Perú.

At the Ombudsman's Office –and we will always say so–, we do not deem the delivery of this Report to the Congress of the Republic to be a mere constitutional obligation, but a sound and democratic practice, that allows us to undertake a critical review of our own work and, in close contact with national representatives, be accountable to the country for the results upon the completion of our constitutional mandate, namely: the advocacy of fundamental rights, as well as the surveillance of the management of the State and the provision of public services to the citizenry.

This Report, however, should not be perceived as a mere listing of activities, but rather as an information tool for the analysis of Peruvian social reality, with a specific focus on the State's performance, the defense of rights, and the strengthening of democracy. Certainly, over the basis of our presence in all the regions of the country through our 37 decentralized offices, we are able to capture the complex, dramatic, and dynamic reality of Perú, as well as its

beauty, its wealth, and the huge strength of Peruvian men and women dealing with many issues. Consequently, as Ombudsman of Perú, we not only describe actions, show results, or issue recommendations, but also seek to contribute with evidence on issues concerning citizens, and alternatives of solution or principles that should guide the institutional reforms addressed at the effective realization of rights. Thus, this Report should also be useful for those who have the responsibility of building a country that is fairer to its inhabitants.

During our first 10 years, we focused our work on the need to strengthen an inclusive and supportive State. In this 11<sup>th</sup> year, I must point out that the citizens' claims still evidence the urgency for a more efficient and more inclusive country, where rights are actually respected; in short, a country that is fairer to all its male and female citizens. Last year we exceeded the number of cases ever received in a single year (100.000) and we have found out that the claims, petitions, and enquiries that we hear continue evidencing human, domestic, social or communal dramas. Each case tells us about a man, a woman or a community whose rights are either threatened or affected by an action or omission of the State. In dealing with each of these cases, our commissioners face not only a file to review and to solve, but undertake the responsibility that their intervention will involve a specific contribution to the defense of human dignity, to its realization within a community without any excluded members, and to the development of a State that serves all citizens.

This is why we can say that over its 11th year, the Ombudsman's Office addressed its efforts at institutionalizing practices, an approach that will let us achieve our purpose, defining work lines such as the implementation of public policies, contributing to improving the quality of governmental management, and creating a culture of peace and dialogue as a core component of governance; building a team to fight against corruption, in strict respect of the constitutional powers granted to other agencies of the State; implementing campaigns to approach the poorer sectors of the population; and progressively assuming an objective-oriented modality for the management of our institution.

Thus, by enhancing our presence in the most remote locations through itinerant modules and teams –parallel to our strategy of overseeing the

implementation of public policies and intervening in social conflicts-, we have managed to identify both problems and drawbacks in various policy fields, as well as public management weaknesses concerning a number of issues; we have also managed to identify the main problems that affect citizens in the local, regional, and national scopes. In awareness of both policy decision-making processes and their public operative management, we have arrived at the permanent necessity of reminding the State of the need to adequate its performance to the Political Constitution of Perú, the urgency of serving the rural population by reaffirming the State's presence, and the need for endowing public decisions with a vision based on all male and female citizens, allocating them the highest priority, and seeking the realization of their rights as the drive for any action undertaken on behalf of the State.

Therefore, our work plan in this 11<sup>th</sup> year, the second for this Ombudsman's Office administration, was essentially addressed at solving the issues that affect those who are defenseless: female and male children and adolescents, mentally impaired persons, native communities, victims of political violence, women, individuals deprived from freedom, and non-documented individuals, whose right to identity is constantly vulnerated. However, along with these issues, we have also taken close care of the drama of rural inhabitants who lack fresh water, inter-province transportation issues –particularly moving because of the high number of dead and injured people, demanding more urgent and comprehensive actions-, as well as of the difficult situation of the victims of the earthquake occurred on August 15, 2007, whose recovery is still a matter of concern for the Ombudsman's Office.

I should not omit mentioning that as a part of our defense and advocacy work we have drawn the attention of governmental authorities to some major issues such as the need to strengthen the State's capacity for dealing with social conflicts, reforms in environmental management and in the management of the justice system, improvement of public policies, and the provision of education, health, and social security services. We have already stated it: our country needs a State devoted to reforming its structures so as to become closer to all its citizens, both male and female. Without any doubt, the challenge remains invariable.

The legitimacy of our Ombudsman's Office is based on the autonomy it shows in each of its actions and postures. Its strength lies on the deep conviction that any juridical and technical arguments should be driven by the defense of the human person and their dignity, as demanded by article 1 of our Political Constitution. Our main instrument, persuasion, sets the challenge to help authorities understand and undertake a rights-based approach for their public decisions. But, likewise, this process requires that both male and female citizens appropriate themselves of their rights, making them demandable and becoming subjects responsible for the duties that these involve. For this reason, every year the Ombudsman's Office continues strengthening its role of informing the population in order to generate capacities for the recognition and demandability of rights. Our television program "*De la Mano con la Defensoría*" (Hand in Hand with the Ombudsman), broadcasted by the State's TV channel, the fairs and workshops we hold such as "*La Defensoría del Pueblo más cerca de la gente*" (The Ombudsman is Closer to the People), and the campaigns we conduct -such as those addressed at the quality of air in Lima, non-violence against women, and the rights of children and adolescents-, as well as the close work undertaken by each of our Ombudsman Service Offices along with civil society organizations throughout the country, have become essential tools for the purpose of encouraging all male and female citizens to assume a role as advocates of their own rights.

In 2007, for the second time, the Ombudsman's Office acknowledged the huge contribution made by a few men and women to the strengthening of our citizenry, its values, and democracy. Two lives devoted to serving the poorer ones, the ones who have the least, the ones who can only make mute claims every day, were granted the "Ombudsman's Medal". They were Father Gustavo Gutiérrez and Mother María Estrella del Carmen Valcárcel Muñiz, better known as "*Madre Covadonga*". The former is a Catholic priest, philosopher, theologian, writer, and university professor who carries out a deeply creative and reflexive work in an everyday practice committed to the poorest. The latter is a Catholic religious, born in Asturias, Spain, who has exercised spiritual pedagogy and an unquestionable social leadership for more than 30 thirty years and who, based on her own courage and energy in defending the excluded ones, has become a

spirited bastion in the region of Ayacucho. The Ombudsman's Office of Perú conferred them these medals in acknowledgement of their inexhaustible call and full commitment to serving our fellow citizens.

Finally, in my capacity as Ombudsman of Perú, I am pleased to deliver this Executive Summary of the 11<sup>th</sup> Annual Report of the Ombudsman's Office, synthesizing the work done over 2007. This report reflects the huge effort undertaken throughout our country by our male and female commissioners, who often work in adverse conditions, fulfilling with conviction and perseverance their responsibility of advocating the rights of individuals and communities, contributing to building a country without exclusion and discrimination, aimed at transforming it into a more democratic country. Such is the commitment that the Ombudsman's Office of Perú now reaffirms.

Lima, August 2008

Beatriz Merino

Ombudsman of Perú

# 1. INSTITUTIONAL ISSUES

## 1.1 Organization of the Ombudsman's Office

The Ombudsman's Office is an autonomous constitutional body which under the Political Constitution of Perú and the Organic Ombudsman's Office Law, Law N° 26520,<sup>1</sup> is entrusted with the defense of the constitutional and fundamental rights of individuals and communities, as well as with overseeing the compliance of public management duties and the rendering of public services.

In order to fulfill its role, the Ombudsman's Office has an organizational structure that ensures its consistent presence nationwide through a decentralized service.

On September 30, 2006, its Organization and Functions Regulations (ROF, *Reglamento de Organización y Funciones*) were approved under Ombudsman's Office Resolution N° 0039-2006/DP, identifying the Ombudsman of Perú, the Cabinet, and the First Deputy Ombudsman's Office. The executive bodies include the Deputy Ombudsman's Offices and the Territory Promotion and Coordination Bureau (DPCT).

---

<sup>1</sup> Law N° 26520, Organic Law of the Ombudsman's Office. Published on official gazette *El Peruano* on August 4, 1995.



Likewise, under the new organizational structure, the Deputy Ombudsman's Office for Children and Adolescents was incorporated into the Social Conflicts Unit, since programs on specialized issues are in charge of Deputy Ombudsman's Office. Thus, the Deputy Ombudsman's Office includes the following:

- Deputy Ombudsman's Office for State Administration, in charge of two programs: Decentralization and Good Governance, and Protection of Populations Affected by Violence.
- Deputy Ombudsman's Office for Human Rights and the Disabled, in charge of two programs: Criminal and Penitentiary Issues, and Protection of Rights in Police Facilities.
- Deputy Ombudsman's Office for Public Utilities and the Environment, in charge of the Native Communities Program.
- Deputy Ombudsman's Office for Constitutional Matters.
- Deputy Ombudsman's Office for Women's Rights.
- Deputy Ombudsman's Office for Children and Adolescents.

Under the new Regulations, the Deputy Ombudsman's Office undertakes the responsibility to guide and advise the National Chief Ombudsman, the Ombudsman's Regional Offices, and the Ombudsman's Assistance Centers on their respective matters of action.

In order to provide decentralized services throughout the country, the National Ombudsman's Office counts on 28 Regional Ombudsman's Offices and 9 assistance centers.<sup>2</sup>

The Regional Ombudsman's Offices are de-concentrated organs reporting to the First Deputy Ombudsman's Office. They are installed throughout the Republic and operate in geographic ambits determined by the National

---

<sup>2</sup> On May 7, 2007, under Administrative Resolution Number 023–2007/DP, the creation of the Juliaca Assistance Center was approved, reporting to the Regional Ombudsman's Office of Puno, whose geographic jurisdiction encompasses the provinces of Azángaro, Carabaya, Huancané, Moho, and Sandia.

Figure N° 1  
Regional Ombudsman’s Offices and Service Modules



Service Modules	Reporting to:
1. Jaén	Cajamarca Ombudsman's Office
2. Tarapoto	San Martín Ombudsman's Office
3. Chimbote	Ancash Ombudsman's Office
4. Tingo María	Huánuco Ombudsman's Office
5. La Merced	Junín Ombudsman's Office
6. Satipo	Junín Ombudsman's Office
7. Andahuaylas	Apurímac Ombudsman's Office
8. Puquio	Ayacucho Ombudsman's Office
9. Juliaca	Puno Ombudsman's Office

Ombudsman's Office. Each Regional Ombudsman's Office is conducted by a Head –appointed by the National Chief Ombudsman–, who is responsible for conducting defense and advocacy actions within its jurisdiction, in accordance with the Ombudsman's Office national policies.

Every Ombudsman assistance module depends on a Regional Ombudsman's Office. They are established in province capital cities and handle any complaints, petitions, and enquiries filed by community members. They also oversee State offices and public utilities companies, and carry out training and dissemination activities on human rights.

On the other hand, there are also itinerant assistance modules that serve the public, on a non-permanent basis, in cities and towns located in various areas of the country, such as Ayabaca and Huancabamba (Piura); Chupaca, Concepción, Jauja, La Oroya, Tarma and Tayacaja (Junín); Huanta (Ayacucho); and Oxapampa (Pasco). These modules are offices where a male or female commissioner assists the inhabitants of each zone for a certain number of days every month, with intervals spent in the regional headquarters for processing the applications heard.

The National Ombudsman's Office also counts on itinerant assistance teams made up by commissioners from Regional Ombudsman's offices and assistance modules. These teams travel on a rotation basis from their own headquarters to districts, villages, and communities preferably located in rural zones, encompassing intermediate towns that make part of the circuit of each visit. These teams carry out dissemination and information actions on the powers held by the Ombudsman's Office and additionally hear complaints from the citizenry in various locations.

## **1.2 Management Tools for the Ombudsman's Office Activities**

For almost 10 years, the activity of the Ombudsman's Office in hearing complaints, petitions, and enquiries from citizens had been formally governed

by the provisions contained in the Guidelines for Ombudsman's Office Actions, approved in October 1996.<sup>3</sup>

However, in 2006 new tools were developed to improve Ombudsman interventions. Thus, in 2007, the Ombudsman's Office was strengthened by the consolidation and appropriate application of the following management tools for Ombudsman's actions:

- Protocol for Ombudsman's Actions, approved under Administrative Resolution N° 057-2006/DP-DAD, dated July 26, 2006.
- The "*Defensómetro*" (Defense Rate Indicator).
- SID, Ombudsman's Information System on specific files/cases.

In 2008 the Ombudsman's role shall be strengthened, in order to contribute to the transformation of the country by eliminating social exclusion, racism, and any other forms of discrimination. Therefore the following work lines shall be prioritized:

- Follow-up of public policies, with an emphasis on the rights to education and health.
- Strengthening of the quality of the State management.
- Building a dialogue-based culture, seeking to reach peace to attain good governance.

Therefore, the Ombudsman management tools are being redesigned this year in order to tune up the parameters used to record defense and advocacy actions, for the purpose of incorporating an appropriate work methodology that will allow the Ombudsman's Office to achieve the goals foreseen in the above mentioned thematic work lines.

---

3 Resolution of First Deputy Ombudsman Number 001-96/DP dated October 28, 1996, approving the Guidelines for Ombudsman's Office Actions, amended under resolution of First Deputy Ombudsman Number 003-96/DP, dated December 13, 1996, regulating the procedures for the Ombudsman's Office Actions.

### 1.3 Financial Matters

- 2007 Fiscal Year Budget

For the fiscal year 2007 budget, the Ombudsman Office requested the Ministry of Economy and Finance (MEF) a budget amounting to 50.617.455 *nuevos soles*, from ordinary funds. However the budget allocated by the Ministry amounted to only 33.175.824 *nuevos soles*, an amount lower by approximately 34% than the one requested from ordinary funds. On the other hand, the initial budget from funds of donations and transfers provided by agreements supported by various international cooperation agencies, amounted to 1.771.464 *nuevos soles*.

Taking into account all funding sources, the Institution's Initial Budget (PIA) for 2007 amounted to 34.947.288 *nuevos soles*, 95% of which came from ordinary funds and 5% from donations and transfers.

For 2007, the amended institutional budget (PIM), for ordinary funds, amounted to 38.432.639 *nuevos soles*, that is, it was increased by 5.256.815 *nuevos soles* due to the approval of the supplementary loan by the Congress of the Republic under Law N° 29035. These funds were granted for the purpose of funding 10 work positions and two investments projects: “*Modernización de los sistemas de comunicación para la mejora de la eficiencia de los servicios defensoriales brindados a nivel nacional*” (Modernization of the Communications Systems for the Improvements of Efficiency of Ombudsman Services provided in the National Scope); and “*Mejoramiento de los servicios que brinda la Defensoría del Pueblo en la ciudad de Lima*” (Improvement of Services provided by the Ombudsman's Office in the City of Lima).

Additionally, from the funding source called “direct-fund raising”, for 2007, revenues were obtained from the sale of terms of reference for the contracting and purchasing processes, as well as from remainders of the 2006 budget general balance sheet, for an amount of 36.391 *nuevos soles*. Finally, with regard to the funding source called “donations and transfers” the final budget amounted to 6.263.797 *nuevos soles*, made up by funds from cooperating sources under the

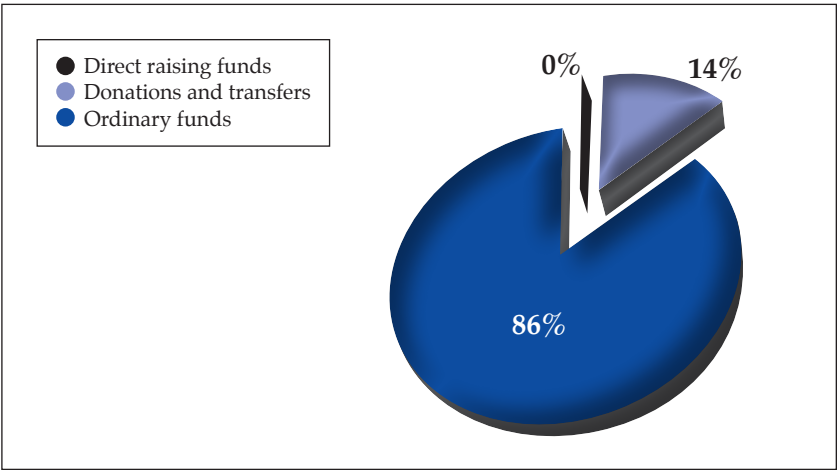
modality of Basket Funds, the incorporation of funds from new agreements entered into with international cooperation agencies, the recovery of the Value Added Tax (VAT/IGV), banking interests, and the remainder of the general balance sheet of the previous year.

As of the closing of the fiscal year, the Budget of the Ombudsman’s Office amounted to 44.732.827 *nuevos soles*, as shown on the following table.

**Table N° 1**  
**Amended Institutional Budget for 2007**  
(in *nuevos soles*)

Founding	Initial institutional budget	Amended institutional budget	Variation (PIM-PIA)
Ordinary funds	33,175,824	38,432,639	5,256,815
Direct raising funds		36,391	36,391
Donations and transfers	1,771,464	6,263,797	4,492,333
<b>Total</b>	<b>34,947,288</b>	<b>44,732,827</b>	<b>9,785,539</b>

**Figure N° 2**  
**Amended Institutional Budget for 2007**  
(in *nuevos soles*)



- **International Cooperation**

In the framework of international cooperation agreements, during 2007, the Ombudsman's Office continued implementing the Program for the Promotion of Equity and Inclusion for the Realization of Human Rights ("*La promoción de la equidad e inclusión para la realización de los derechos humanos*") and 19 other projects.

Thus, both the above program and 12 other projects were implemented with financial support from international cooperation agencies of eight countries –Germany, Belgium, Canada, the United States of America, Spain, the Netherlands, Sweden, and Switzerland– and from five multilateral agencies –the United Nations Program for Development (UNPD), the European Voluntary Service Action 2, the European Union (EU), the Organization of American States (OAS), the United Nations Funds for Population (UNFP) and the United Nations Joint Program on HIV-AIDS (UNAIDS). The implementation of the other 7 projects was funded by the German Service for Technical–Social Cooperation (DED), the Lay Movement for Latin America (MLAL), Futures Group Perú – United States Agency for International Development (USAID), Oxfam United Kingdom, and the Cooperative for Assistance and Relief Everywhere (CARE).

The implemented projects were managed in two modalities, namely: donations, directly managed by the Ombudsman's Office of Perú; and contributions, managed by the cooperating agency itself.

As must be recalled, in the *Tenth Annual Report of the Ombudsman's Office of Perú, January-December 2006*, the beginning of the donations modality called "Basket Funds" was reported. Two thousand seven (2007) was the second year for the operation of this mechanism, through which funds from various cooperation sources are managed under common procedures for all of them, and through which the program called "*La promoción de la equidad e inclusión para la realización de los derechos humanos*" (Promotion of Equity and Inclusion for the Realization of Human Rights), with a five year term (2006-2010) is funded.

It ought to be mentioned that in 2007 the Spanish Agency of International Cooperation for Development (AECID) and the Swedish Agency for International Development Cooperation (SIDA) entered our “Basket Funds” modality through the undersigning of bilateral agreements with the Ombudsman’s Office of Perú. Thus they joined the Canadian Agency for International Development (ACDI) and the Swiss Agency for Development and Cooperation (COSUDE) who contributes with the Ombudsman’s Office of Perú in this modality.

Thanks to the support of the international cooperation, the Ombudsman’s Office continued granting institutional priority to the surveillance of public policy design and implementation based on an integrated approach on rights. Thus, important supervisions were carried out in health centers, addressed at verifying medical health care offered by the Integrated Health Care Insurance (SIS, *Seguro Integral de Salud*); public policies on education were supervised, addressed at verifying the cost-free nature of public school education and the inclusion of physically/mentally impaired male and female children in regular schools; the campaign called “*Educación sin Corrupción*” (Education without Corruption) was conducted with support from the National Council for Public Ethics (PROÉTICA); and a preliminary diagnosis was developed regarding the issue of funds from royalties for the exploitation of mining resources (*canon*); the procedures of the National Public Investment System (SNIP), and the participatory Budget in the Regional Governments were developed.

On the other hand, this integrated approach on rights involved an emphasis in restoring violated rights, especially those of individuals who undergo a situation of poverty and exclusion.

In this regard, the Ombudsman’s Office carried out investigations on the issues of access and quality of service of water and sewerage on the rural zones of the country, promoted the restoration of the right to identity for approximately 14,000 individuals affected by violence, promoted State actions addressed at assisting the victims of violence and at the national reconstruction, and supervised the National Register of Bench Warrants of the Judiciary and their link with the identification system of individuals, in relation to cases of deprivation of personal freedom.



Finally, within the framework of the institutional strengthening, the most relevant results for 2007 included the completion of the Institutional Strategic Plan (PEI) for 2007-2011, the completion of the process of adequacy of the program on the Promotion of Equity and Inclusion for the Realization of Human Rights to the 2007-2011 PEI, and the ongoing training of the Ombudsman's Office staff in the issue of management by results. On the external front, the results included the holding in the city of Lima of the XII Congress and General Ordinary Meeting of the Ibero American Federation of Ombudsman (IFO).

#### **1.4 International Relations**

Ever since it started its activities, the Ombudsman's Office attempted to either develop cooperation networks with analogous and affine institutions or entered the existing ones, in order to achieve the strengthening of democratic institutionality and respect for human rights in Perú. Along this line, the Ombudsman's Office is a founding member of the Andean Council of Ombudsman (CADP) and of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (*La Red*). It also makes part of the International Ombudsman Institution (IOI) and the Ibero-American Federation of Ombudsman (IFO).

- **CADP**

On June 11, 2007, the Ombudsman's Office of Perú took part in the special CADP meeting held in the city of Quito, Ecuador, addressed at approving a joint declaration against the announcement by the International Federation of Football Association (FIFA) of prohibiting the practice of this sport in any cities located above 2,500 meters above the sea level.

- *La Red*

On May 16-18, 2007, the Ombudsman's Office of Perú took part in the "*Taller de seguimiento al Plan de Acción para la Promoción y Protección del Derecho Humano a la Educación*" (Workshop for the Follow-up of the Action Plan for

the Promotion and Protection of the Human Right to Education), held by La Red in Managua, Nicaragua. The purpose of this workshop was to comply to the commitments undertaken by La Red members as a consequence of the Action Plan for the Promotion and Protection of the Human Right to Education entered into on June 19, 2006 in Nuevo Vallarta, Mexico.

Likewise, on October 24-26, 2007 the Ombudsman's Office of Perú took part in the VI General Ordinary Meeting of La Red in Mexico City. This meeting dealt with, among other issues, the purpose of the National Human Rights Commission of Mexico to begin a program to prevent, eradicate, and sanction the traffic of human beings.

- **IFO**

On June 21-22, 2007 the Ombudsman of the People of Perú, Dr. Beatriz Merino, took part in the meetings held by the IFO Steering Committee and Chair Council, as well as in the celebration of the XXV Anniversary of the Ombudsman's Office in Spain, held in the city of Madrid. In the Chair Council Meeting, our Ombudsman had the opportunity to report on the scope of the XII IFO Congress and Ordinary General Meeting that would be held in the city of Lima.

Additionally, Dr. Merino took part in the international seminar called *"El papel de la institución del Defensor del Pueblo como garante del libre ejercicio de los derechos humanos y libertades de los ciudadanos en la consolidación del sistema democrático"* (The Role of the Ombudsman's Office as an Institution Ensuring the Free Exercise of Human Rights and Citizens' Freedoms in the Consolidation of the Democratic System), developed on occasion of the XXV Anniversary of the Ombudsman's Office in Spain.

Similarly, the XII IFO Congress and Ordinary General Meeting were held in the City of Lima on November 20-23, 2007. In this meeting, the attending Ombudsman drafted the document called "Declaration of Lima", dealing with usual situations generated by the violation of rights, discrimination, and exclusion, as well as with the actions and agreements adopted. During the development of the IFO meeting, Dr. Beatriz Merino, Ombudsman of Perú, was elected as IFO's First Deputy Chair for the term 2007-2009.

- **IOI**

During 2007, the Council of IOI Directors assessed the possibility of financially supporting an Ombudsman Institution from a Latin American country in order for it to develop a project based on the approach of institutional strengthening. The Ombudsman's Office of Perú was awarded this support, through the project called *"Fortalecimiento de la capacidad institucional de la Defensoría del Pueblo del Perú: diseño e implementación de aulas virtuales"* (Strengthening the Ombudsman's Office of Perú's Institutional Capacity: Design and Implementation of Virtual Classrooms).

- **With other International Institutions**

The Ombudsman's Office of Perú took part in activities organized by other International institutions linked to the protection of human rights and the advocacy of democratic institutionalality.

Thus, on May 12 – 16, 2007, the Ombudsman of Perú carried out an official work visit to the city of Helsinki, in response to a kind invitation from the Foreign Affairs Department of Finland and from the Ombudsman of the People of the Finnish Parliament, Ms. Riitta-Leena Paunio.

Additionally, the Ombudsman's Office of Perú took part in the Fifth Semi Annual Public Meeting of the Camisea Project, held on June 4, 2007, in the city of Washington, D.C.

On September 16 – 18, 2007, the Government of United States of America invited the Ombudsman of Perú to take part in the World Forum on "The Future of Democracy", held in the city of Williamsburg, Virginia, for the purpose of discussing issues related to the current effectiveness of democracy.

Finally, on December 10 – 13, 2007, the Ombudsman's Office of Perú took part in the "Second Global Meeting of Independent Human Rights Institutions". The event was held in New York City, organized by the United Nations Organization (UNO), through the United Nations International Children's Emergency Fund (UNICEF).

## 2. HIGH PRIORITY OMBUDSMAN'S INTERVENTIONS

### 2.1 Individual Life and Integrity

In 2007 the Ombudsman's Office continued the task of recording cases of reported torture and cruel, inhuman, or degrading treatments attributed to the National Police of Perú (PNP) members, members of the Armed Forces of Perú (FF. AA.), agents of the National Penitentiary Institute (INPE) and personal of the community security patrols (*serenazgo*). To a lesser extent, life-threatening actions were reported and heard.

These acts of reported torture and cruel, inhuman, or degrading treatment against individuals who were affected in their personal integrity, occurred either during their detention on the street, during their stay in a police station and, for the case of interns, in the various imprisonment centers of the country.

We ought to point out that in the case of the Armed Forces, the victims of such actions were mostly young individuals who had been drafted for military service, with the aggravating fact that some of them were of minor age. This

fact evidences the non-compliance with Law N° 27178,<sup>4</sup> providing that only individuals above 18 years old can be recruited for active military service.

In order to report on the persistence of this kind of cases, the Ombudsman's Office examined 139 complaints for reported torture and cruel, inhuman, or degrading treatment attributed to members of the National Police of Perú (PNP) or the Armed Forces of Perú (FF. AA.). These complaints, heard between August 2006 and December 2007, were set forth on Ombudsman's Office Report N° 128, namely "*El Estado frente a las víctimas de la violencia. ¿Hacia dónde vamos en políticas de reparación y justicia?*" (The State vis-à-vis the Victims of Violence. Where are we Heading in Repair and Justice Policies?)<sup>5</sup>

Similarly, with the objective of contributing to the respect of individuals' rights, and to prevent the violation of the right to personal integrity, the Ombudsman's Office carried out visits to police facilities, military bases, and penitentiary centers, and promoted events for the training of officers and staff.

## 2.2 Equality and Non-Discrimination

During 2007, the Ombudsman's Office of Perú noted that discrimination continues as one of the most serious issues affecting the Peruvian society, since there are still sectors and institutions vulnerating the rights of groups deemed as different and even inferior such as, for example, physically and mentally impaired individuals, the elderly, women, farmers and rural inhabitants, and individuals living with HIV-AIDS, among others.

Moreover, the lack of understanding of the causes of the problem represents an additional element that perpetuates the everyday exclusion in the ambit of

---

<sup>4</sup> Law N° 27178, Military Service Law, published on official gazette *El Peruano* on September 29, 1999.

<sup>5</sup> Ombudsman's Office Report N° 128, "*El Estado frente a las víctimas de la violencia. ¿Hacia dónde vamos en políticas de reparación y justicia?*" ("The State vis-à-vis the Victims of Violence. Where are we Heading in Repair and Justice Policies?"), was prepared by the Deputy Ombudsman's Office for Human Rights and the Physically/Mentally Impaired. The full text of the report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

social, family, and personal relationships, and in terms of the enjoyment of resources and services in educational and labor ambits.

Therefore, the Ombudsman's Office delivered Ombudsman's Office Paper N° 002, namely "*La discriminación en el Perú: problemática, normatividad y tareas pendientes*" (Discrimination in Perú: Problems, Regulations and Outstanding Tasks),<sup>6</sup> an investigation that represents an effort to deal on an integral basis with the issues of discrimination by showing specific cases, examining the effective regulations, and assessing the action of the various institutions of the State.

Thus, it was noted that while regulations addressed at promoting equality, the protection of individuals, and criminal sanctions to discrimination actions were generated, there are still public policies in force that contribute to preserve discrimination. For example, the current budgetary estimates and allocation of priorities in education, health, public transportation, and fresh water and sanitation services does not allow for low income sector populations to access the enjoyment of their rights. It was also noted that some officers are unaware of what actions should be undertaken for preventing, investigating, and punishing discrimination offenses.

For the purpose of contributing to the struggle against discrimination, the Ombudsman's Office organized in the city of Arequipa, Ayacucho, Cusco, Chimbote, Huancayo, Iquitos, and Trujillo, training workshops on the right to equality, addressed at officers from various public institutions, and spots were broadcasted against discrimination. It should be pointed out that in 2007 we reported the Government Attorney General's Office on a case of discrimination against a lady who suffered a motion and language impairment. This case represented one of the first criminal investigations carried out for the crime of discrimination.

---

6 Ombudsman's Office Paper N° 002, "*La discriminación en el Perú: problemática, normatividad y tareas pendientes*" ("Discrimination in Perú: Problems, Regulations and Outstanding Tasks"), was prepared by the Deputy Ombudsman's Office for Human Rights and the Physically/Mentally Impaired. The full text of this paper is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

## 2.3 Identity

During 2007, the Ombudsman's Office noted that the right to identity of female and male citizens continued being vulnerated, since there are still barriers within the documentary circuit for the obtention of identity documents. We ought to explain that this circuit begins with the issue of the live birth certificate granted by health posts and centers, follows with the issue of the birth record by the vital statistics and record offices of municipalities, and ends with the issue of the *Documento Nacional de Identidad* (DNI, National Identity Card), a task entrusted to the RENIEC, (National Registry of Identification and Civil Status).

One of the main problems within the documentary circuit is the unduly charge for cost-free procedures such as for example the issue of the live birth certificate, in the case of health posts and centers; in the ordinary or extraordinary registration of births; or in the issue of the first birth record by the vital records office of municipalities.

Another persisting problem is the demand by public servants of requirements that are not provided for in regulations. For example, for a mother to obtain a live birth certificate of her child, she is subject to the condition of having given birth in the same health facility. The distance of registry offices from some remote communities is also a problem.

In order for the individuals to access to their identity card, during 2007 the Ombudsman's Office of Perú promoted the realization of Identity Restoration Campaigns in 145 inhabited centers and farming and native communities, located in 98 districts in 12 regions: Amazonas, Ancash, Apurímac, Ayacucho, Cusco, Huancavelica, Huánuco, Junín, Pasco, Puno, San Martín, and Ucayali. Through these campaigns, more than 8,900 individuals were registered, including adults, female and male children and teenagers, and the procedures for documenting the identity of 19,512 individuals were promoted. The DNI was finally obtained by 12,100 of them.

Finally, the Ombudsman's Office carried out the oversight of the institutions involved in the documentary circuit, for the purpose of determining the main

issues and formulating recommendations to the relevant authorities to overcome these problems.

## 2.4 Education

Within the framework of the right to education, the Ombudsman's Office noted the existence of problems related to education availability, accessibility, permanence, and quality.

Thus, regarding availability, while the State increased the expenditure in school infrastructure, there is still a lack of teaching staff, specifically in rural zones and native communities, due to the unjustified absence of teachers, due to personnel reallocations –since the original work positions are vacated and the hiring of substitutes usually occurs with delay, and the excess of leaves of absence due to health reasons by some teachers.

With regard to accessibility, there are still cases in which the educational authorities subject the registration or enrollment of students to their purchasing of educational materials, uniforms, and to the payment of the quota of Parent's Associations (APAFA), vulnerating the right to cost-free education.

With regard to the permanence within the educational system, during 2007 it was noted that while the number of school drop-outs has not been large, there is a persistently inappropriate treatment provided to both male and female students by some teachers and administrative employees, and even some cases of sexual violence have been reported. Another issue was the lack of effectiveness were the mechanisms of sanction by relevant entities such as Local Educational Management Units (UGEL), the Claims and Complaints Service Commission (CADER – *Comisión de Atención de Denuncias y Reclamos*), Regional Education Bureaus (DRE), and the Government Attorney General's Office.

With regard to the quality of education, it is worthwhile pointing out that despite the measures adopted by the current governmental administration to



improve it, including the enactment of Law N° 29062 <sup>7</sup> and actions addressed at ensuring compliance with the scheduled number of hours taught, it is still deficient.

Considering this set of problems, for hearing claims from male and female students and parents, the Ombudsman's Office continued conducting the campaign "Education without Corruption". Also, work meetings were promoted with authorities of the education sector in order to report them on the scope and objectives of the campaign as well as promoting the building of educational supervision committees.

Similarly, through Ombudsman's Office Paper N° 001, namely "Con corrupción no hay educación. Resultados de la campaña piloto 'Educación sin Corrupción' (agosto a noviembre 2006)" (With Corruption, there is no Education. Results of the Pilot Campaign 'Education without Corruption' (August-November, 2006))<sup>8</sup>. The authorities of the Ministry of Education (MINEDU) submitted the conclusions of the abovementioned pilot campaign.

## 2.5 Health

With regard to the right to health, the Ombudsman's Office identified problems concerning the availability, accessibility, and quality of the provisions associated with this right.

As for the availability of health services, facilities are scarce in the zones undergoing extreme poverty. This lack is also evident in infrastructure, equipment and medical inputs allocated to health care facilities, whether depending on the Ministry of Health (MINSA) or on the Health Care Social Insurance Service

---

7 Law N° 29062 amends the Teaching Law concerning the Public Teaching Career. Published on official gazette *El Peruano* on July 12<sup>th</sup>, 2007.

8 Ombudsman's Office Paper N° 001, "Con corrupción no hay educación. Resultados de la campaña piloto 'Educación sin Corrupción' (agosto a noviembre 2006)" (With Corruption there is no Education. Results of pilot campaign 'Education without Corruption'), delivered March 13, 2007 and available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

(EsSalud). It was also noted that several public hospital drugstores lacked medicines.

Concerning the access to health care services, we noted a persistence of problems in affiliation procedures with the Health Integral Insurance (SIS), a demand for unduly payments from unaware patients, as well as a non-compliance with health care schedules by medical staff in drugstores or laboratories.

As for quality, some complaints were filed for non compliance with medical care service protocols and other complaints for disrespectful treatment of patients by medical staff and auxiliary personnel.

Aimed at improving the health care services, the Ombudsman's Office completed a sensitization campaign on the right of individuals to receiving a kind treatment and receiving good information on health matters –carried out in the regions of Arequipa, Callao, Junín, Lambayeque, Lima, Madre de Dios, Piura, and Ucayali– and conducted surveillance actions on the drugstore services of some health care centers. Likewise, the Ombudsman's Office issued Ombudsman's Office Report N° 120, namely “*Atención de salud para los más pobres: el Seguro Integral de Salud*” (SIS - Health Care Services for the Poorer: Integral Health Insurance),<sup>9</sup> and implemented the project called “*Derechos humanos en personas más afectadas y viviendo con VIH. Lucha contra el estigma y discriminación, promoción de la protección de derechos y acceso a ciudadanía*” (Human rights of the less favored and of individuals living with HIV. Fighting against the stigma and discrimination, promoting the protection of rights, and access to citizenship), during which six regional fora were developed under the name of “Developing a Public Agenda vis-à-vis HIV-AIDS”, in which the relevance of the issue was highlighted and a greater interest by authorities and the civil society was encouraged.

---

9 Ombudsman's Office Report N° 120, “*Atención de salud para los más pobres: el Seguro Integral de Salud (SIS - Health Care Services for the Poorer: Integral Health Insurance)*”, was prepared by the Deputy Ombudsman's Office for State Administration. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

## 2.6 Public utilities

### 2.6.1 Telecommunications

The Ombudsman's Office noted that during 2007 certain problems appeared regarding the dissemination of users' rights for telecommunications services, as it was seen when the default pre-selection of long-distance services was eliminated. In such case users did not have enough information on the pre-selection process of the long-distance service provider, so the Ombudsman's Office recommended the Supervision Agency for Private Investments in Telecommunications (OSIPTEL) to expand the term from October 31 to December 31, 2007.

Another problem seen in this sector was that the service to users at business offices of public utility companies was not assessed by the regulation agency, thus resulting in an inappropriate service. This was evident, for instance, in long waiting lines, an insufficiency of the number of business offices, an inappropriate service, and a delay in providing response to information requests.

A final problem was the quality of the mobile telephony service, affected by the large increase in the number of mobile telephone users over recent years. Thus, while the number of mobile telephone users increased from 5,5 millions in 2005 to 15 millions in 2007, the service quality did not increase to the same extent, something that was evident during the earthquake of August 15, 2007, when the service collapsed. These problems were described on Report N° 031–2007–DP/ASPMA.SP, namely "*La situación de los servicios públicos ante el sismo del 15 de agosto de 2007*" (The Condition of Utilities upon the Earthquake of August 15, 2007). In response to the situation generated by the earthquake, the Ministry of Transport and Communications (MTC) created the Emergency Communication System, including the Special Network for Emergency Communications, the Prevention Guidelines, the Emergency Action Guidelines, and the Action Guidelines for Damaged Zones.

## 2.6.2 Water and Sanitation

During 2007, while investments in water and sanitation infrastructure were carried out mainly in urban zones under certain social-interest programs conducted by the Government, problems persist in the access to and quality of water in rural zones, as well as in the quality of water and sanitation, and the service to users by the employees of public utility companies (EPS).

Ombudsman's Office Report N° 124, namely "*El derecho al agua en las zonas rurales: el caso de las municipalidades distritales*" (The Right to Water in Rural Zones: the Case of District Municipalities),<sup>10</sup> evidences that in rural zones there is not an appropriate access to water and sewage services. The various social programs for water supply and sewage that have been entrusted to district municipalities lack articulation, while national policies also lack provisions in this regard. Similarly, the report points out certain deficiencies in the treatment of water, which an impact on the quality of the water distributed for human consumption.

As for the quality of water and sewage services, it was seen that due to the age of pipes, problems such as the sinking of collectors, breakages, and block ups were frequent, damaging streets and dwellings. Likewise, in terms of service, abuses on users by EPS companies were recorded upon their filing of claims, and there was a lack of information or provision of inaccurate information concerning the procedures and regulations for users' rights vis-à-vis the EPS, delays in claim procedures, and non-delivery of relevant forms.

The Ombudsman's Office made arrangements with the Regional Health Bureau (DIRESA) and with the Sanitation Management Boards (JASS) for the training of municipal personnel. Also joint work was done along with EPS to train their personnel and improve service to users.

---

10 Ombudsman's Office Report N° 124, "*El derecho al agua en las zonas rurales: el caso de las municipalidades distritales*" (The Right to Water in Rural Zones: the Case of District Municipalities), prepared by the Deputy Ombudsman's Office for Public Utilities and the Environment. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

Finally it ought to be pointed out that the Ombudsman's Office took part as an attendant at public hearings held on the increase of fees for water and sewage services, in the cities of Abancay, Arequipa, Ayacucho, Huaraz, La Merced, Moquegua, Moyobamba, Tacna, and Trujillo.

### 2.6.3 Transportation

During 2007, the National Police of Perú (PNP) recorded 79,972 accidents, which caused 3,510 dead and 49,057 injured. For the specific case of the national road network, in 2007 there were 1,917 accidents causing 859 dead and 5,466 injured.<sup>11</sup> In this sector, the Ombudsman's Office identified the following issues:

The lack of road security in urban transport services in the city of Lima results from the existing informality in the rendering of this service, with a remarkable impact on the lack of security in school transport services of male and female children and adolescents.

On the other hand, in 2007, the Ombudsman's Office heard a number of complaints against the Associations of Regional / Province Funds against Transit Accidents (AFOCAT), which operate on an irregular basis and are therefore unable to provide an insurance coverage in the eventual case of a traffic accident.

However, the road security issue showed some progress due to the approval of the National Road Security Plan for 2007-2011 under Supreme Decree N° 13-2007-MTC, published on official gazette *El Peruano*. It sets the strategy of the Peruvian State addressed at minimizing traffic accidents figures in the country. The Ombudsman's Office conducts a follow-up looking forward to its implementation by the relevant authorities.

---

11 Source: PNP Highway Police Division. Available on < [www.pnp.gob.pe](http://www.pnp.gob.pe) >.

## 2.7 Environmental Institutionalality

### 2.7.1 Pollution due to Extraction Activities in the Hydrocarbon Sector

The exploitation of hydrocarbons is vital for the development of the country. However, their extraction has caused serious environmental and social impacts in the Peruvian Amazon region, due to the lack of a national environmental policy for regulating these activities. Only recently environmental and social regulations have been elaborated aimed at mitigating pollution problems and social conflicts with indigenous communities. Currently there are still some environmental and social management issues stemming from some private companies and state-owned enterprises that convey the violation of rights and subsequent claims by the population. Thus, not only the environment has been affected, but also the rights of native communities and their members have been violated, such as, for example, the quality of life and health. In some cases, the low level of receptivity of certain authorities and the limited institutional capacity of the State for channeling dialogue and arranging consultation mechanisms with the population have been decisive for such social conflicts.

Within this scenario, the Ombudsman's Office is monitoring and identifying likely sources of social-environmental conflicts related to hydrocarbon operations in order to warn the relevant authorities on eventual conflicts.

On the other hand, in 2007, the Ombudsman's Office delivered Report N° 009-2007-DP/ASPMA.CN, namely "*Superposición de lotes de hidrocarburos con áreas naturales protegidas y reservas territoriales en la Amazonía peruana*" (Overlapping of Hydrocarbon Blocks and Natural Protected Areas and Territorial Reserves in the Peruvian Amazon Region), reaching the conclusion that in order to ensure the preservation of natural protected areas, PERUPETRO S.A. should request information and opinion from INRENA before promoting any blocks, in order not to contract areas where the Law does not allow for exploitation of non-renewable natural resources.

Likewise, the Ombudsman's Office heard requirements for information and complaints submitted by native communities and indigenous populations from

various regions in the country with regard to the perforation of hydrocarbon wells, the delivery of blocks for new oil operations, and pollution problems, as well as about cases of risk of contact between oil company workers and members of indigenous populations in voluntary isolation or still undergoing the initial contact stage.

### **2.7.2 Environmental Pollution from Extraction Activities by the Mining Subsector**

Just like in the Hydrocarbon subsector, over recent years investment in the mining subsector has become one of the most important sources of funds, essential for national development. The buoyancy of the mining industry allowed that some regions traditionally lacking funds received significant revenues from mining royalties (*canon*) and enabled them to fund projects addressed at improving people's life quality.

Nevertheless, still several problems persist in environmental and social management, that has continued generating lack of trust among the population with regard to the State's capacity to protect their rights and their vital environment. This situation was aggravated due to the absence of an autonomous environmental authority, because the Ministry of Energy and Mining (MINEM), focused on the investment promotion sector, was until 2007 the only authority in charge of approving environmental management instruments.<sup>12</sup>

Another important factor that generates lack of trust among citizens is their perception that taking part in the environmental assessment of projects (giving an opinion, comments, and remarks) is but a mere formal action within the entire administrative process. This unfavorable view stems from the fact that in 2007 MINEM reduced the terms for citizen participation through the

---

12 It ought to be pointed out that upon the date of publication of the foregoing document, the Ministry of the Environment was created under Legislative Decree N° 1013, published on official gazette *El Peruano* on May 14, 2008.

submittance of observations on environmental impact studies from 25 to 20 days,<sup>13</sup> and did not comply to provide written responses to the observations under Law N° 28611, the General Environmental Law.<sup>14</sup>

The Ombudsman's Office heard complaints, petitions and enquiries regarding the performance of entities linked to the mining activity and its impact on the rights of people and submitted to the Congress of the Republic its Extraordinary Report N° 2, namely "*Los conflictos socioambientales por actividades extractivas en el Perú*" (Social-Environmental Conflicts due to Extraction Activities in Perú),<sup>15</sup> on which the causes, consequences, impacts and plans of social conflicts related to the extractive activity are examined. It is worthwhile mentioning that one of the recommendations of this report, adopted by the Peruvian State, was the creation of an independent environmental authority. In the year 2008 the Ministry of the Environment was created.<sup>16</sup>

### 2.7.3 Solid Waste Management

The Ombudsman's Office of Perú believes that the management of solid waste is a high priority issue, since inappropriate disposal or treatment leads to the persistence in the environment of organic pollutants such as dioxins;<sup>17</sup> of heavy metals as lead, cadmium, and mercury; and vectors of infectious diseases like mosquitoes, flies, rodents, and pigs. These pollutants cause or transmit diseases to human beings and jeopardize the balance of ecosystems.

---

13 Supreme Decree N° 014–2007–EM, published on official gazette *El Peruano* on March 10, 2007. It should be pointed out that Supreme Decree N° 014–2007–EM was annulled by Supreme Decree 020-2008-EM, dated April 2, 2008.

14 Law N° 28611, the General Environmental Law, published on official gazette *El Peruano* on October 15, 2005.

15 Special Ombudsman's Office Report N° 2, "*Los conflictos socioambientales por actividades extractivas en el Perú*" (Social-Environmental Conflicts from Extraction Activities in Perú), was submitted to the Congress of the Republic on April 3, 2007. The full text is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

16 Legislative Decree N° 1013, approving the Law for the Creation, Organization and Role of the Ministry of the Environment. Published on official gazette *El Peruano* on May 14, 2008.

17 Dioxins are chemical compounds obtained from a combustion process and formed over the basis of chlorine, and accumulate on the ground/soil, sediments, and organic tissues. Dioxins can penetrate the food chain and be extremely toxic.



Municipal governments show deficiencies in the management of solid waste of residues, and are responsible for their final disposal. As per the results of the Surveillance Program on the Management of Solid Waste conducted by MINSA, the average sanitary risk of the 12 cities monitored by this institution fluctuates between “high” and “very high”.

In turn, the Ombudsman's Office delivered Ombudsman Report N° 125, namely “*Pongamos la basura en su lugar. Propuestas para la gestión de los residuos sólidos municipales*” (Let's Dispose Properly of Garbage. Proposals for the Management of Municipal Solid Waste), which accounts for the supervision carried out in 55 provinces throughout the country, for the purpose of learning about the management of final disposal of municipal solid waste. The supervision verified that most municipalities lack the necessary infrastructure for the disposal of solid waste. For instance, 48 of the 55 municipalities do not have an appropriate sanitary landfill, systems for the control of gas, and systems for capturing and treating the output of leaching<sup>18</sup> to prevent the pollution of soils, (both surface and underground) water, and air.

Taking into account this set of problems, the Ombudsman's Office recommended MINSA to formulate, approve, and implement a program addressed at the closing or enforced adjustment of dumps, as well as providing technical and financial assistance to Province, District, and Local Governments. Additionally, it recommended province municipalities to prioritize investment in basic sanitation and the Ministry of Production (PRODUCE) to lead the design of the National Program for Solid Waste Minimization.

## 2.8 Repair / Redress Policy

During 2007, the Ombudsman's Office carried out for the fourth consecutive year a follow-up of the repair and justice process in favor of the victims of the

---

18 Leaching is a liquid generated from the percolation or water through any permeable material. It may contain suspended or dissolved matter. If the sanitary landfill does not have a system for the collection of leaching, these may reach underground waters and generate environmental and/or health problems.

political violence occurred between 1998 and 2000. Thus, as it has been stated, Ombudsman's Office Report N° 128, "*El Estado frente a las víctimas de la violencia. ¿Hacia dónde vamos en políticas de reparación y justicia?*" (The State Faced to the Victims of Violence. Where are we heading in repair and justice policies?),<sup>19</sup> accounting for both the progress and deficiencies of these processes, focused on two essential matters:

a) The oversight of the implementation of the Integral Redress / Repair Plan (PIR), the main progress of which so far is the execution of the health repair program –through the affiliation of victims to the SIS– and the beginning of the Collective Redress/Repair Program through which construction and/or development projects are funded within the farming and native communities that were most affected by violence. However, it is necessary that the High Multi Sector Commission (CNAM, *Comisión Multisectorial de Alto Nivel*) strengthen the technical support provided to the selected communities in order for them to design and develop their own projects, and obtain benefits without any trouble.

We ought to recall that the task of PIR additionally involves providing education, access facilities to a dwellingsolution, the restoration of citizen rights, symbolic repairs and economic indemnizations for the victims of violence. To this end, the Repair / Redress Board (*Consejo de Reparaciones*) must start elaborating the Single Registry of Victims (RUV, *Registro Único de Víctimas*), since the State should plan the development of repair programs based on the number of victims identified by such Registry.

b) The judicialization of human rights violations, encompassing the surveillance of the judicialization process of 59 cases of human rights violations,<sup>20</sup>

---

19 Ombudsman's Office Report N° 128, "*El Estado frente a las víctimas de la violencia. ¿Hacia dónde vamos en políticas de reparación y justicia?*" (The State faced to the victims of violence. Where are we heading in repair and justice policies?), was prepared by the Deputy Ombudsman's Office for Human Rights and the Physically and/or Mentally Impaired. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

20 This figure results from the addition of 47 cases submitted by the Commission of Truth and Reconciliation (CVR, *Comisión de la Verdad y Reconciliación*) to the General Attorney's Office for their judicialization, and 12 cases of extra-judicial executions investigated by the Ombudsman's Office of Perú for the same purpose.

as well as the oversight of the 159 cases whose investigation was matter of a friendly solution agreement between the Peruvian State and the Inter American Commission on Human Rights (IACHR).

With regard to this issue, the Ombudsman's Office was concerned about an excessive delay in the investigations and criminal processes conducted. For instance, in 2007, a criminal process was started only for the case of Sancaypata (Ayacucho), while for the farming communities of Manta and Vilca (Huancavelica), the granting of a legal status qualification is still outstanding.

It was also verified that procedural exceptions and other mechanisms impeding the criminal prosecution of human rights violators were admitted. The contents of the resolution issued by the Third Criminal Room for Non-Incarcerated Defendants of Lima are worrying, since the Room deemed grounded an *habeas corpus* petition, thus annulling the claim filed by the Government Attorney General's Office against 24 members of the Peruvian Navy involved in the events of prison *El Frontón* in 1986, based on the consideration that the criminal process had prescribed.

Likewise, it was noted that the consolidation of a judicialization subsystem for human rights violations, the establishment of a special unit for the legal advocacy of victims, and the implementation of an effective protection system for victims, witnesses, expert appraisers, collaborators, and human rights advocates are still outstanding.

On the other hand, during the year 2007, the Ombudsman's Office of Perú heard a total number of 1.158 absence declaration requests due to forced disappearance, 347 of which resulted in the issue of relevant certificates. Of the total number of requests received between January 2006 and December 2007, 1.732 are undergoing a verification stage, while in 87 cases there is not sufficient information to start a verification process. Similarly, the Ombudsman's Office heard 89 absence declaration requests due to forced disappearance, 41 of which are undergoing current procedures, and 48 have already been granted a favorable judgment.

## 2.9 Rights of Individuals in Conditions of Vulnerability

### 2.9.1 Women

In order to guarantee the exercise of the fundamental rights to equality, dignity, free development, well-being and autonomy, and to eradicate discrimination based on sex from all ambits, on March 16, 2007, Law N° 28983, the Law on Equal Opportunities for Women and Men (LIO) was published, establishing a regulatory, institutional, and public policy framework.

This rule entrusts the Ministry of Women and Social Development (MIMDES) with the arranging and overseeing the compliance of such law by every entity within the national, regional, and local scopes. Similarly, the LIO requires the Ombudsman's Office to annually report to the Congress of the Republic on the progress attained in the compliance with this law. Therefore, on March 7, 2008, the Deputy Ombudsman's Office Report N° 001-2008-DP/ADDM, namely "*Primer Reporte de la Defensoría del Pueblo sobre el cumplimiento de la Ley de Igualdad de Oportunidades entre Mujeres y Hombres (marzo-diciembre 2007)*" (First Ombudsman's Office Report on the Compliance with the Equal Opportunities Law for Men and Women (March-December 2007)).<sup>21</sup> The main findings of the above report on the issues of violence against women and reproductive rights are described in detail below.

#### *a. Violence against Women*

Violence against women occurs in two ambits: family violence and sexual violence. As for violence within the ambit of a family, the Ombudsman's Office noted that the most frequent irregular situations that women must face during the procedures of each case are unduly delays, the condition of subjecting the recording of the claim to the victim's examination by a forensic physician, the

---

21 "*Primer Reporte de la Defensoría del Pueblo sobre el cumplimiento de la Ley de Igualdad de Oportunidades entre Mujeres y Hombres (marzo-diciembre 2007)*" (First Ombudsman's Office Report on Compliance with the Equal Opportunities Law for Women and Men (March-December 2007)). Available on <<http://www.defensoria.gob.pe/descarga.php?pb=2116>>.

unduly use of the conciliation mechanism, and the reluctance to grant protection measures and a compensation. Faced to this reality, the Emergency Centers for Women (CEM) are addressed at providing specialized counsel to victims during the judicialization of their case, and granting them any psychological support that may be necessary, in order for them to overcome the physical and psychological consequences of the abuse undergone.

In March 2007, The Ombudsman's Office carried out a surveillance operation throughout the country in the already existing 48 CEM, in order to verify the appropriate operation of these facilities. The need for establishing new CEMs was noted, ensuring any human and financial resources needed to provide appropriate and timely services, considering the lack of personnel training and the non-compliance with the CEM multi sector model.

Concerning sexual violence against women, between February 26 and March 5, 2007, the Ombudsman's Office carried out a surveillance operation of the emergency rooms of 78 MINSA hospitals, in order to indentify their degree of non-compliance with the "*Protocolo sobre violencia contra la mujer en los casos de violación sexual*" (Protocol on Violence against Women in Cases of Sexual Violation).<sup>22</sup> This surveillance allowed to confirm the unawareness of such protocol by the personnel working in these emergency rooms, the lack of privacy –both in hearing and in sight– that should be granted to any victim, and the lack of proper clinic sampling and testing procedures that would allow to identify the reported aggressor.

### ***b. Reproductive Rights***

Over the reported period, the Ombudsman's Office noted the persistence of unduly charges in the rendering of family planning services, in spite that the Technical Family Planning Standard states their cost-free nature,<sup>23</sup>. This also occurred in

---

22 This protocol is included in the National Guidelines for Sexual and Reproductive Integral Health Care. General Individual Health Bureau. Lima: Ministry of Health 2004.

23 Technical Standard on Family Planning, approved under Ministry Resolution N° 536-2005/MINSA and published on official gazette *El Peruano* on July 18, 2005.

the affiliation of female users to the SIS. Additionally, the rejection or restriction to the access to contraceptive methods was verified –especially regarding the emergency oral contraceptive (AOE)–, the unawareness by health personnel of the Technical Standard on Family Planning regarding their obligation to deliver any contraceptive methods in the doctor’s office, and the shortage of contraceptive of various methods in the poorer and most remote zones in the country.

On the other hand, in July 2007, the Ombudsman’s Office conducted a surveillance in 246 health care facilities in the country, verifying the unawareness by health professionals of the application of the National Guidelines for the Integral Care of Sexual and Reproductive Health and of the Technical Standard for Assistance of Vertical Labor based on Cross-Cultural Adequacy<sup>24</sup> a fact that affects appropriate obstetric and neonatal care.

Finally the Ombudsman’s Office reminded MINSA of the need to set a protocol for assistance in therapeutic abortion at health care facilities so as to prevent clandestine abortions and protect the lives and the mental and physical health of Peruvian women.

### 2.9.2 Male and Female Children and Adolescents

Over the reported period, the Ombudsman’s Office recorded a constant abuse on the rights of male and female children’s and adolescents’ rights to personal integrity, equality, education, and participation.

In 2007 we identified cases of sexual violence against male and female children and adolescents, which mainly happened within the school ambit, with teachers, administrative staff or principals of the educational centers being deemed as directly responsible. In this context, Ombudsman’s Office Report N° 126, “*La aplicación de la justicia penal ante casos de violencia sexual*

---

24 Approved under Ministry Resolution N° 598.2005/MINSA, published on official gazette *El Peruano* on August 2, 2005.

*perpetrados contra niñas, niños y adolescentes*" (Application of Criminal Justice in Sexual Violence in Abuse of Female and Male Children and Adolescents)<sup>25</sup> examines deficiencies and irregular situations in the operation of the criminal justice system during the development of criminal proceedings for this kind of crimes. This evidences a delay in the investigation stage of these cases, as well as an inappropriate qualification of the crime by the PNP and the justice administration bodies, besides a lack of victim protection measures.

Similarly, within the administrative ambit, gross errors were seen in the investigations undertaken by the Local Educational Management Units (UGEL) with regard to the filed claims. For example, the authorities promoted transactions and agreements among the parties in order to terminate the investigation procedures in advance.

In order to prevent such crimes, the Ombudsman's Office developed the Pilot Plan for School / Student Security Walking Corridors in the North, East and South zones of Lima. Also, for the purpose of promoting the actual participation of male and female children and adolescents in the protection of their own rights, the Ombudsman's Office implemented the program called "*Niño/a Defensor/a*" (Boy/Girl Ombudsman) in educational institutions "*Independencia Americana*" and "*Signos de Fe*", based in the district of San Juan de Lurigancho, in Lima.

### 2.9.3 Physically and/or Mentally Impaired Individuals

On February 23, 2007, Supreme Decree N° 001-2007/MIMDES was published on official gazette *El Peruano*, incorporating the National Council for the Integration of Physically/Mentally Impaired Individuals (CONADIS) in the

---

25 Ombudsman's Office Report N° 126, "*La aplicación de la justicia penal ante casos de violencia sexual perpetrados contra niñas, niños y adolescentes*" (Application of criminal justice to Sexual Violence in Abuse of Female and Male Children and Adolescents), was prepared by the Deputy Ombudsman's Office for Children and Adolescents. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

structure of MIMDES, a circumstance implying a step back, since CONADIS was thus deprived from its status as an autonomous entity with an allocated budget. In practice, this merge generated difficulties in the delivery of identity cards to the impaired, as well as a delay in the elaboration of the 2007-2016 Plan on Equal Opportunities for the Physically/Mentally Impaired, and a lack of participation by the civil society in the decision-making process of the CONADIS Board of Directors.

However, in December 2007, Law N° 29146<sup>26</sup> annulled the above mentioned Supreme Decree, and granted the Executive a term no longer than 90 calendar days to transfer any and all movable and real property, personnel, resources, documentary inventory without limitations, back from MIMDES to CONADIS.

On the other hand, it is worthwhile pointing out that the Congress General Assembly approved in September the creation of the Special Commission for the Impaired, entrusted with the task of proposing, examining, and formulating opinions with regard to Law projects referred to this matter.

*a. Educational Inclusion of Impaired Male and Female Children and Adolescents*

In 2007, the Ombudsman's Office conducted a supervision action in 82 regular educational centers, in order to assess the implementation of the inclusion policy in educational matters, as designed by MINEDU. The results of this supervision were published on Ombudsman's Office Report N° 127, *"Educación inclusiva: educación para todos. Supervisión de la política educativa para niños y niñas con discapacidad en escuelas regulares"* (Inclusive Education: An Education for All. Supervision of Educational Policy for Impaired Male and Female Children in Regular Schools).<sup>27</sup>

---

26 Law N° 29146, published on official gazette *El Peruano* on December 13, 2007.

27 Ombudsman's Office Report N° 127, *"Educación inclusiva: educación para todos. Supervisión de la política educativa para niños y niñas con discapacidad en escuelas regulares"* (Inclusive Education: An Education for All. Supervision of Educational Policy for Impaired Male and Female Children in Regular Schools), was prepared by



In this report, the Ombudsman's Office accounts for the lack of participation by impaired students in the educational process (87.1% of impaired individuals do not attend a regular school); the lack of training for teachers to teach impaired students; and the lack of financial resources allocated to the adjusting the equipment of regular schools oriented at better physical accessibility.

### ***b. Mental Health***

As part of the follow-up of the recommendations provided by Ombudsman's Office Report N° 102, "*Salud mental y derechos humanos: la situación de los derechos humanos de las personas internadas en establecimientos de salud mental*" (Mental Health and Human Rights: The Situation of Human Rights of Individuals Interned in Mental Health Facilities),<sup>28</sup> during June and October 2007, the Ombudsman's Office conducted the supervision of the psychiatry hospitalization services of Hipólito Unanue Hospital in Tacna and the Iquitos Rehabilitation Center for the Mentally Impaired (CREMI, *Centro de Rehabilitación del Enfermo Mental de Iquitos*).

During this supervision it was noted that problems persist in the infrastructure of both facilities; and, for the specific the case of CREMI, inappropriate hospitalization conditions such as, for instance, an absence of cleanliness and hygiene in several areas of the facility.

#### **2.9.4 Native Communities**

During 2007, problems associated to the native communities' rights to land, to a healthy environment, to health, and to education were aggravated.

---

the Deputy Ombudsman's Office for Human Rights and the Impaired. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

28 Ombudsman's Office Report N° 102, "*Salud mental y derechos humanos: la situación de los derechos humanos de las personas internadas en establecimientos de salud mental*" (Mental Health and Human Rights: The Situation of Human Rights of Individuals Interned in Mental Health Facilities"). Lima, 2006. The text of the report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

The formalization of the title to lands of native communities is still a core problem, mainly due to delays in the recognition and/or titling of land. In addition, there are still conflicts between native communities and settlers in several areas of the Peruvian Amazon region, and there are cases of native and farming communities' lands overlapped with other forms of usage of the land.

On the other hand, the Ombudsman's Office observed that the participation of indigenous peoples in consultation and citizen participation meetings is weak because the State holds these discussions after having entered concession contracts with third parties. Also, these meetings are developed as expert lectures and are therefore frequently not understood by the indigenous people. Obviously this has generated a lack of trust toward public management. In order to protect these rights, the Ombudsman's Office designed the Ombudsman's System for the Defense of the Rights of Indigenous Peoples in the Framework of Hydrocarbon Activities.

Regarding the right to education and health, it has been verified that the State does not provide these services appropriately and sufficiently, mainly due to the lack of personnel, infrastructure, equipment, and basic utilities, as well as due to the difficulties of transporting teachers and health care staff to the native communities. An additional problem in the Educational sector is the lack of compliance with cross-cultural education policies, which are only applied in the elementary education level, thus adversely impacting the appraisal of indigenous cultures.

It should be pointed out that, in view of the recommendations set forth in Ombudsman's Office N° 101, "*Pueblos indígenas en situación de aislamiento voluntario y contacto inicial*" (Indigenous Peoples in Voluntary Isolation and in the Initial Contact Stage),<sup>29</sup> MINSA, belonging to the Health sector, approved in September 2007 the "*Guía técnica sobre relacionamiento para casos de interacción con indígenas en aislamiento o en contacto reciente*" (Technical Guidelines for

---

29 Ombudsman's Office Report N° 101 "*Pueblos indígenas en situación de aislamiento voluntario y contacto inicial*" (Indigenous Peoples in Voluntary Isolation and undergoing the Initial Contact Stage). Lima, 2006. The text of the report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

Interaction Relations with Indigenous Peoples in Isolation or undergoing the Recent Contact Stage),<sup>30</sup> the “*Guía técnica sobre atención de salud a indígenas en contacto reciente y en contacto inicial en riesgo de alta morbilidad-mortalidad*” (Technical Guidelines for Health Care of Indigenous Populations undergoing the Recent Contact Stage and the Initial Contact Stage with Risk of High Morbidity-Mortality),<sup>31</sup> the “*Norma técnica de salud; prevención, contingencia ante el contacto*” (Technical Guidelines for Health. Prevention and Contingency upon Contact), and “*Mitigación de riesgos para la salud en escenarios con indígenas en aislamiento y en contacto reciente*” (Mitigation of Health Risks in Scenarios with Indigenous Peoples in Isolation and undergoing the Recent Contact Stage).<sup>32</sup>

## 2.9.5 Individuals Deprived from Freedom

In 2007, the situation of the penitentiary system did not show any signs of improvement. For instance, regarding the issue of overcrowding, as of December 2007 the Ombudsman's Office verified that the penitentiary population distributed among the various penitentiary facilities in the country amounted to 41,546 individuals deprived from freedom, while the sheltering capacity of these jails collectively taken amounts to only 20,497 places.

Likewise, it was worrying to see the lack of significant improvement regarding prison infrastructure. Only 35% of the country's penitentiary facilities are in good conditions, while 65% are below average conditions and/or undergoing bad usage and conservation conditions.

Additional problems include inappropriate food, deficient health care services, low personnel compensations, deficiency of human and material resources for the fulfillment of tasks, and the prevalence of corruption cases within the sector.

---

30 Ministry Resolution N° 797-2997/MINSA, published on official gazette *El Peruano* on September 27, 2007.

31 Ministry Resolution N° 798-2007/MINSA, published on official gazette *El Peruano* on September 27, 2007.

32 Ministry Resolution N° 799-2007/MINSA, published on official gazette *El Peruano* on September 27, 2007

It is also worrying to witness the situation of adolescents in breach of criminal laws and regulations. Thus, by late 2006 and early 2007, the Ombudsman's Office conducted a visit to juvenile centers and determined that their infrastructure, sheltering conditions, and ways of treating adolescents ought to be improved. The findings of this supervision were published on Ombudsman's Office Report N° 123, "*La situación de los adolescentes infractores de la ley penal privados de libertad (Supervisión de los centros juveniles 2007)*" (The Situation of Adolescents Breaching Criminal Law and Deprived from Freedom: 2007 Supervision of juvenile centers).<sup>33</sup>

## 2.10 Governance

### 2.10.1 Justice

The major issues that were noted concerning justice during the reported term include, in the first place, the unduly delay of the preliminary investigation and judicial procedures involving entities such as the Judiciary, the PNP, the Government Attorney General's Office, and the Constitutional Courts. In the second place, restraints to the access of citizens to justice, due to the insufficient presence of the State in rural and urban-marginal zones, the conditions for or the rejection to hearing claims, and charges for specific assessments.

A third issue recorded were restraints to the right of advocacy, since the number of attorneys who can conduct an *ex officio* or technical defense is insufficient, and this affects mainly the poorer and most vulnerable sectors. In spite of the efforts made by the Ministry of Justice, it is still necessary to expand the coverage of its Cost-Free Legal Counsel Centers (ALEGRA).

---

33 Ombudsman's Office Report N° 123, "*La situación de los adolescentes infractores de la ley penal privados de libertad (Supervisión de los centros juveniles 2007)*" (The Situation of Adolescents Breaching Criminal Law and Deprived from Freedom – 2007 Surveillance of juvenile centers) was prepared by the Criminal and Penitentiary Program conducted by the Deputy Ombudsman's Office for Human Rights and Impaired Individuals. The full text of the report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

We also found a persistent problem of the State's non-abidance by court judgments, especially by bodies such as the Provisional Standardization Office (ONP - *Oficina de Normalización Previsional*), the Judiciary, and the Government Attorney General's Office in retirement fund matters or labor issues.

Finally, the labor conditions to which police, fiscal staff, and judicial personnel are subject and their lack of training lead to their poor performance or to an abuse of their roles.

Faced to this set of problems, the Ombudsman's Office carried out supervisions at magistrate courts and police stations, and held coordination meetings with the Judiciary's control bodies and the Chair of the Constitutional Court (*Tribunal Constitucional*).

## 2.10.2 Citizen Security

The deficiency in citizen security is an underlying problem that affects the entire society. Similarly, the population perceives crime as the main problem in cities, due to an increase in the number of crimes committed. For instance, in 2005 the PNP recorded a total number of 201.002 offenses, while in 2006, 232.504 crimes were recorded.<sup>34</sup>

This situation is examined in Ombudsman's Office Report N° 119, "*Justicia de paz letrada en comisarias: una propuesta para enfrentar la inseguridad ciudadana*" (Justice by Magistrate Courts in Police Stations: A proposal for dealing with the lack of citizen security),<sup>35</sup> addressed at the performance of justices of the peace as a part of the strategy for dealing with the lack of citizen

---

34 Instituto Nacional de Estadística e Informática (INEI, National Institute of Statistics and Informatics). *Perú: compendio estadístico 2007* (Perú: 2007 Statistical Figures). Lima: INEI, 2007, pgs. 371 and 372.

35 Ombudsman's Office Report N° 119, "*Justicia de paz letrada en comisarias: una propuesta para enfrentar la inseguridad ciudadana*" (Justice by Magistrate Courts at Police Stations: A proposal for dealing with the lack of citizen security) was prepared by the Ombudsman's Office in Constitutional Matters. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

security, and with the performance of PNP and INPE members and *ex officio* attorneys.

On the other hand, for the purpose of approaching the problem on an integrated basis and in order to assess the performance of the National Citizen Security System (*Sistema Nacional de Seguridad*) and the bodies make part of it –such as province and regional citizen security committees, and the National Counsel for Citizen Security (CONASEC) and its Technical Secretariat– the Ombudsman’s Office of Perú published Ombudsman’s Office Report N° 132, “*¿Ciudadanos desprotegidos? Estrategias para fortalecer el Sistema Nacional de Seguridad Ciudadana*” (“Unprotected Citizens? Strategies to strengthen the National Citizen Security System”).<sup>36</sup>

Ombudsman’s Office Report N° 132 examines the deficiencies of province and regional citizen security committees, such as the absence of orderly procedures for transferring roles and documentary inventories, little participation of some bodies in the making up of committees –for example, in the case of province committees there was little participation from neighbor committees such as farmer patrols; and in regional committees, little participation from province municipalities–, and the insufficient organization of training activities addressed at citizens, resulting in the lack of continuity of citizen security policies.

Regarding CONASEC and its Technical Secretariat, during 2007, this institution held its meetings on a continuous and speedy basis, and prepared national plans that make part of their set of objectives, responsibilities, actions, and goals. It also issued two papers: “*Manual para los comités de seguridad ciudadana*” (Manual for Citizen Security Committees) and “*Guía metodológica para la formulación de diagnósticos participativos y planes locales de seguridad ciudadana*” (Methodological Guide for the Design of Citizen Security Participatory Diagnosis and Local Plans).

---

36 Ombudsman’s Office Report N° 132, “*¿Ciudadanos desprotegidos? Estrategias para fortalecer el Sistema Nacional de Seguridad Ciudadana*” (Unprotected Citizens? Strategies to strengthen the National Citizen Security System), was prepared by the Deputy Ombudsman’s Office for Constitutional Matters. The full text of this report is available on <[www.defensoria.gob.pe](http://www.defensoria.gob.pe)>.

Nevertheless, in spite of the progress achieved, CONASEC lacks the relevant logistic resources and means, a fact difficulting the performance of their work.

## 2.11 Social Conflicts

Social conflicts in Perú represent an issue of utmost importance for the Ombudsman's Office, since they occur within a framework of sustained economic growth and upon evidence that the country is facing a great opportunity for development. However, the scenario also includes a large portion of citizens who perceive they are not included in the distribution of benefits and have the erroneous belief that, given the inefficiency of the Peruvian State to deal with these issues, violence could be an efficient mean for achieving objectives.

For the Ombudsman's Office, 2007 was the year to consolidate its Social Conflicts Unit (*Unidad de Conflictos Sociales*), which carried out a steady activity in social conflict monitoring and related data collection. The collected information was published on a monthly basis through the *Reporte de Conflictos Sociales* (Social Conflicts Report).

Likewise, the Ombudsman's Office prioritized preventive intervention with the objective of preventing violent consequences. The Ombudsman's Office actions mainly focused on delivering information requests to authorities, preventing violence, generating conditions for dialogue, mediating between opposing parties, taking part in discussion tables, and carrying out humanitarian and legal interventions with injured and imprisoned persons.

As of the Declaration of Dorissa –which solved a conflict generated by the pollution of River Corrientes (Loreto), the need was detected to undertake a follow-up of any acts undersigned as a result of negotiation processes. Thus, the Ombudsman's Office and the German Cooperation for Development (GTZ) entered into an agreement to implement the Social Conflict Monitoring

System (SIMCO, *Sistema de Monitoreo de Conflictos Sociales*), which should start operating in 2008.

It is important to recall that, upon request of the Congress of the Republic, the Ombudsman's Office prepared Special Report N° 2, namely "*Los conflictos socioambientales por actividades extractivas en el Perú*" (Social-Environmental Conflicts due to Extraction Activities in Peru), which sets forth a proposal for creating an independent environmental authority.

With regard to social conflict statistics figures between January and December 2007, a total of 154 social conflicts was recorded, 57 of which began that same year (37%), 28 in 2006 (18%), 31 in 2005 (20%), 32 in 2004 (21%), and six (6) in 2003 or before (4%).

Concerning the types of scenario of such social conflicts it is relevant stating that 38% (59 cases) of the reported conflicts was related to an objection to the performance of a province or district mayor, 32% (49 cases) to environmental issues, 10% (16 cases) to community issues, 8% (12 cases) to labor demands and territorial boundaries or access to resources (13 cases), and 3% to objections to the coke crop eradication policy (5 cases). Additionally, it was detected that 130 conflicts (84%) developed in places where the majority of the population lived below the poverty line.

For 2007, 57 new conflicts were recorded, 46% of which were related to social-environmental issues, 32% to municipal conflicts, 12% to objections to a regional government, 7% to labor/union claims, and 4% to coke crop eradication. It can be seen that during 2007 the conflicts caused by disputes between communities and corporations exploiting natural resources ranked first.



# 3. OMBUDSMAN'S OFFICE REPORTS APPROVED UNDER OMBUDSMAN'S RESOLUTIONS

- **Ombudsman's Office Report N° 118**, “Afectación de los derechos a la libertad personal e identidad por mandatos de detención ilegales” (Vulneration of the Rights to Individual Freedom and Personal Integrity), approved under Ombudsman's Office Resolution N° 014–2007–DP, dated March 19, 2007, published on official gazette *El Peruano* on March 23, 2007.
- **Ombudsman's Office Report N° 119** “Justicia de paz letrada en comisarías: una propuesta para enfrentar la inseguridad ciudadana” (Justice of the Peace in Police Stations: A proposal for dealing with the lack of citizen security), approved under Ombudsman's Office Resolution N° 015–2007–DP dated March 23, 2007, published on official gazette *El Peruano* on March 27, 2007.
- **Ombudsman's Office Report N° 120**, “Atención de salud para los más pobres: el Seguro Integral de Salud (SIS)” (SIS - Health Care Services for the Poorer: Integral Health Insurance), approved under Ombudsman's Office Resolution N° 023–2007–DP, dated May 21, 2007, published on official gazette *El Peruano* on May 22, 2007.
- **Ombudsman's Office Report N° 121**, “Propuestas para una reforma de la justicia contencioso–administrativa desde la perspectiva del acceso a la

justicia” (Proposals for a Reform of Contentious-Administrative Justice from a Justice-Accessibility Approach), approved under Ombudsman’s Office Resolution N° 024–2007–DP dated May 30, 2007, published on official gazette *El Peruano* on June 5, 2007.

- **Ombudsman’s Office Report N° 122**, “La cuota de género en el Perú: supervisión de las elecciones regionales y municipales provinciales 2006” (Gender Quota in Perú: Surveillance of 2006 Regional and Province Municipal Elections), approved under Ombudsman’s Office Resolution N° 050–2007–DP dated August 14, 2007, published on official gazette *El Peruano* on August 15, 2007.
- **Ombudsman’s Office Report N° 123**, “La situación de los adolescentes infractores de la ley penal privados de libertad (supervisión de los centros juveniles 2007)” ((The Situation of Adolescents Breaching Criminal Law and Deprived from Freedom: 2007 Supervision of juvenile centers), approved under Ombudsman’s Office Resolution N° 036–2007–DP dated July 13, 2007, published on official gazette *El Peruano* on July 17, 2007.
- **Ombudsman’s Office Report N° 124**, “El derecho al agua en las zonas rurales: el caso de las municipalidades distritales” (The Right to Water in Rural Zones: the Case of District Municipalities), approved under Ombudsman’s Office Resolution N° 055–2007–DP dated September 13, 2007, published on official gazette *El Peruano* on September 18, 2007.
- **Ombudsman’s Office Report N° 125**, “Pongamos la basura en su lugar. Propuestas para la gestión de los residuos sólidos municipales” (Let’s Dispose Properly of Garbage. Proposals for the Management of Municipal Solid Waste), approved under Ombudsman’s Office Resolution N° 056–2007–DP, dated September 25, 2007, published on official gazette *El Peruano* on September 26, 2007.
- **Ombudsman’s Office Report N° 126**, “La aplicación de la justicia penal ante casos de violencia sexual perpetrados contra niñas, niños y adolescentes”

(Application of Criminal Justice in Sexual Violence in Abuse of Female and Male Children and Adolescents), approved under Ombudsman's Office Resolution N° 059–2007–DP dated November 6, 2007 and published on official gazette *El Peruano* on November 6, 2007.

- **Ombudsman's Office Report N° 127**, “Educación inclusiva: educación para todos. Supervisión de la política educativa para niños y niñas con discapacidad en escuelas regulares” (Inclusive Education: An Education for All. Supervision of Educational Policy for Impaired Male and Female Children in Regular Schools), approved under Ombudsman's Office Resolution N° 058–2007–DP date don October 30, 2007, published on official gazette *El Peruano* on November 14, 2007.
- **Ombudsman's Office Report N° 128**, “El Estado frente a las víctimas de la violencia. ¿Hacia dónde vamos en políticas de reparación y justicia?” (The State vis-à-vis the Victims of Violence. Where are we Heading in Repair and Justice Policies?), approved under Ombudsman's Office Resolution N° 060–2007–DP dated December 6, 2007, published on official gazette *El Peruano* on December 17, 2007.
- **Ombudsman's Office Report N° 129**, “Análisis de los Decretos Legislativos promulgados al amparo de las facultades otorgadas por la Ley N° 29009” (Analysis of Legislative Decrees under the Powers Granted by Law N° 29009), approved under Ombudsman's Office Resolution N° 063–2007–DP dated December 21, 2007, published on official gazette *El Peruano* on December 22, 2007.
- **Ombudsman's Office Report N° 130**, “Devolverles su identidad es devolverles sus derechos. Supervisión a los registros siniestrados a consecuencia de la violencia política” (Restoring their Identity is Restoring their Rights. Oversight of Damaged Records as a Consequence of Political Violence), approved under Ombudsman's Office Resolution N° 064–2007–DP dated December, 2007, published on official gazette *El Peruano* on December 26, 2007.

- **Ombudsman’s Office Report N° 131**, “Gratuidad en las escuelas públicas: un compromiso pendiente” (Cost-free nature in Public Schools: An Outstanding Commitment), approved under Ombudsman’s Office Resolution N° 065–2007–DP dated December 27, 2007, published on official gazette *El Peruano* on December 29, 2007.
- **Ombudsman’s Office Report N° 132**, “¿Ciudadanos desprotegidos?: estrategias para fortalecer el Sistema Nacional de Seguridad Ciudadana” (Unprotected Citizens? Strategies to Strengthen the Citizen Security National System), approved under Ombudsman’s Office Resolution N° 066–2007–DP dated December 27, 2007, published on official gazette *El Peruano* on December 29, 2007.

## 4. OTHER OMBUDSMAN'S OFFICE PAPERS

- **Ombudsman's Office Paper N° 001**, “Con corrupción no hay educación. Resultados de la campaña piloto “Educación sin Corrupción” (august – november 2006)” (With Corruption, there is no Education. Results of the Pilot Campaign ‘Education without Corruption’ (August-November, 2006), delivered on March 13, 2007 and available on [www.defensoria.gob.pe](http://www.defensoria.gob.pe)
- **Ombudsman's Office Paper N° 002**, “La discriminación en el Perú: problemática, normativa y tareas pendientes” (Discrimination in Perú: Problems, Regulations and Outstanding Tasks), delivered on September 12, 2007 and available on [www.defensoria.gob.pe](http://www.defensoria.gob.pe)
- **Special Ombudman's Office Report N° 2**, “Los conflictos socioambientales por actividades extractivas en el Perú” (Social-Environmental Conflicts due to Extraction Activities in Perú), delivered to the Congress of the Republic on April 3, 2007 and available on [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

# 5. THE • OMBUDSMAN'S OFFICE IN FIGURES

During 2007, the Ombudsman's Office activity was addressed at strengthening the servicing of complaints, petitions, and enquiries submitted by citizens. A **complaint** is an oral or written request submitted by a person or group of persons reporting the violation of a fundamental right, or objecting the performance or omission to perform by a public administration entity or a public utility provider. A **petition** is a request for the intervention by the Ombudsman's Office, in the way of good offices, so as to serve or solve a fact or situation of defenselessness that affects a male or female citizen's constitutional rights. Finally, an **enquiry** is a consultation concerning issues on which the Ombudsman's Office does not have jurisdiction, but regarding which it may provide technical-juridical information to the applicant.

## 5.1 Users Served Nationwide

(1) On Table N° 2, each annual period recorded encompasses from January to December. Up to the Eighth Annual Report (April 2004–April 2005), the

**Table N° 2**  
**Number of Individual Services per Category, Nationwide: 1999-2007**

Year <sup>(1)</sup>	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total	32.543	40.073	50.520	52.180	68.913	70.907	62.419	85.658	111.337
Complaints	9.119	13.549	18.630	19.526	18.410	24.018	24.088	28.297	32.920
Petitions	2.848	3.876	5.670	7.097	14.374	14.440	11.793	11.894	10.001
Enquiries	20.576	22.648	26.220	25.557	36.129	32.449	26.538	45.467	68.416

Source: Ombudsman's Office Information System (SID).

1. Law N° 28895, a law suppressing *prefecturas* and *subprefecturas*, published on official gazette *El Peruano* on October 24, 2006. Under this law, the roles and attributions of *prefecturas* were transferred to the *gobiernos*, as of February 1, 2007.

comparison was carried out taking as a reference the term comprised from April 11 of a year to April 10 of the next year.

On Table N° 2 we show the historic evolution of the total number services provided by the Ombudsman's Office within the national scope from 1999 until 2007. As can be seen on the table, there is an increasing trend in the number of individual services which, in 2007, amounted to the record figure of 111.337 individual services. This progressive increase can be understood as an indicator that the trust deposited by the population on the Ombudsman's Office to defend their fundamental rights increases every year.

Similarly, the 32.920 complaints heard in 2007 represent the highest figure for the nine-year series, showing an increase of 16,34% as compared to 2006.

With regard to petitions, there is a slight fall (15,91%) as compared to the previous year. That is, from 11.894 recorded petitions for 2006, the figure decreased to 10.001 for 2007.

As for enquiries, in the reported period 68.416 cases were recorded. This figure reflects a significant 50,47% increase, in comparison to the previous year, so it can be said that this is the service category that showed the highest growth rate. This growth was due to the fact that in 2007, the Ombudsman's Office increased its mechanisms for citizen guidance, including workshops,

information fairs (*“La Defensoría más cerca de la Gente”* or The Ombudsman always close to the people), television program, toll-free line, among others. As a result of the dissemination undertaken, citizens come for advisory from the Ombudsman’s Office as to where to resort or what to do in order to better defend their rights.

On the other hand, Table N° 3 evaluates the percentage weight for each kind of service (complaints, petitions, and enquiries) represents with regard to the total number of individual services provided to citizens by Ombudsman’s Service Offices. It should be set forth that in order to analyze this table and to conduct an equitable comparison, the first group will comprise the Lima Ombudsman’s Office (encompassing the offices of Lima, Northern Lima, Southern Lima, and Eastern Lima) and the Callao Ombudsman’s Office; while the second group will comprise the Ombudsman’s Service Offices in other provinces of the country.

For example, it can be seen that, taking the Lima and Callao Ombudsman’s Offices, the Lima Ombudsman’s Office gathers 29,08% of the total individual services, 27,52% of which pertains to complaints; while the Callao Ombudsman’s Office gathers 4,79%; the Northern Lima Ombudsman’s Office, 3,75%; the Eastern Lima Ombudsman’s Office, 2,46%; and the Southern Lima Ombudsman’s Office, 2,01% of the total number of individual services.

However, the highest concentration in service of the cases heard by the Ombudsman’s Office occurred in provinces other than Lima and Callao. Thus, 57,91% of the total number of individual services pertains to Ombudsman’s Service Offices in provinces, while the Lima and Callao Ombudsman’s Offices recorded 42,09%.

The analysis of the indicator called ‘relative weight of complaints’ with regard of the total number of individual services carried out in 2007, shows the Eastern Lima Ombudsman’s Office with 47,20% in the first place; followed by the Southern Lima Ombudsman’s Office, with 30,89%; the Lima Ombudsman’s Office with 27,52%; the Northern Lima Ombudsman’s Office with 27,00%; and finally, the Callao Ombudsman’s Office, with 22,87%.



**Table N° 3**  
**Number of Services by Case Category / Ombudsman's Service Office in 2007**

Ombudsman's Service Office	Total Cases		CASE CATEGORY					
			Enquiries		Petitions		Complaints	
	#	%	#	%	#	%	#	%
Lima	32.378	29,08	22.373	69,10	1.095	3,38	8.910	27,52
Junín	8.099	7,27	5.386	66,50	631	7,79	2.082	25,71
Ayacucho	7.217	6,48	4.801	66,52	890	12,33	1.526	21,14
Piura	6.898	6,20	5.413	78,47	136	1,97	1.349	19,56
Callao	5.338	4,79	3.464	64,89	653	12,23	1.221	22,87
La Libertad	4.388	3,94	2.898	66,04	380	8,66	1.110	25,30
Arequipa	4.302	3,86	2.583	60,04	640	14,88	1.079	25,08
Northern Lima	4.171	3,75	2.466	59,12	579	13,88	1.126	27,00
Ancash	3.104	2,79	1.434	46,20	287	9,25	1.383	44,56
Loreto	3.068	2,76	1.371	44,69	608	19,82	1.089	35,50
Eastern Lima	2.737	2,46	1.172	42,82	273	9,97	1.292	47,20
San Martín	2.671	2,40	1.833	68,63	342	12,80	496	18,57
Cusco	2.542	2,28	1.098	43,19	202	7,95	1.242	48,86
Ucayali	2.376	2,13	1.145	48,19	282	11,87	949	39,94
Ica	2.326	2,09	1.303	56,02	177	7,61	846	36,37
Apurímac	2.301	2,07	1.505	65,41	459	19,95	337	14,65
Southern Lima	2.240	2,01	1.384	61,79	164	7,32	692	30,89
Huánuco	2.051	1,84	704	34,32	576	28,08	771	37,59
Lambayeque	2.038	1,83	937	45,98	188	9,22	913	44,80
Huancavelica	1.971	1,77	1.204	61,09	262	13,29	505	25,62
Puno	1.924	1,73	983	51,09	254	13,20	687	35,71
Moquegua	1.284	1,15	509	39,64	150	11,68	625	48,68
Tumbes	1.261	1,13	593	47,03	149	11,82	519	41,16
Madre de Dios	1.055	0,95	326	30,90	247	23,41	482	45,69
Tacna	1.042	0,94	594	57,01	141	13,53	307	29,46
Cajamarca	952	0,86	202	21,22	85	8,93	665	69,85
Amazonas	892	0,80	465	52,13	71	7,96	356	39,91
Pasco	711	0,64	270	37,97	80	11,25	361	50,77
<b>Overall Total</b>	<b>111.337</b>	<b>100,00</b>	<b>68.416</b>	<b>61,45</b>	<b>10.001</b>	<b>8,98</b>	<b>32.920</b>	<b>29,57</b>

Source: Ombudsman's Office Information System (SID).

Concerning the Ombudsman's Service Offices in provinces, the Cajamarca Ombudsman's Office (69,85%) stands out, followed by the Pasco Ombudsman's Office (50,77%), the Cusco Ombudsman's Office (48,86%), and the Moquegua Ombudsman's Office (48,68%).

Tables N° 4 and N° 5 show a sorting of Ombudsman's Service Offices by number of cases served. Thus, Table N° 4 analyzes the case concentration rate,

**Table N° 4**  
**Rate of Concentration of Cases Served by Ombudsman's Service Office in 2007**

N°	Ombudsman's Service Office	Total Cases	%	Cumulative %
1	Lima	32.378	29,08	29,08
2	Junín	8.099	7,27	36,36
3	Ayacucho	7.217	6,48	42,84
4	Piura	6.898	6,20	49,03
5	Callao	5.338	4,79	53,83
6	La Libertad	4.388	3,94	57,77
7	Arequipa	4.302	3,86	61,63
8	Northern Lima	4.171	3,75	65,38
9	Ancash	3.104	2,79	68,17
10	Loreto	3.068	2,76	70,92
11	Eastern Lima	2.737	2,46	73,38
12	San Martín	2.671	2,40	75,78
13	Cusco	2.542	2,28	78,06
14	Ucayali	2.376	2,13	80,20
15	Ica	2.326	2,09	82,29
16	Apurímac	2.301	2,07	84,35
17	Southern Lima	2.240	2,01	86,36
18	Huánuco	2.051	1,84	88,21
19	Lambayeque	2.038	1,83	90,04
20	Huancavelica	1.971	1,77	91,81
21	Puno	1.924	1,73	93,54
22	Moquegua	1.284	1,15	94,69
23	Tumbes	1.261	1,13	95,82
24	Madre de Dios	1.055	0,95	96,77
25	Tacna	1.042	0,94	97,71
26	Cajamarca	952	0,86	98,56
27	Amazonas	892	0,80	99,36
28	Pasco	711	0,64	100,00
	<b>Total</b>	<b>111.337</b>	<b>100,00</b>	

Source: Ombudsman's Office Information System (SID).

**Table N° 5**  
**Rate of Concentration of Complaints served by Ombudsman's Office**  
**and by Segment in 2007**

Segment	N°	Ombudsman's Service Office	# of Complaints	%	Cumulative %	Cumulative % by segment
I Specific case from 2.001 complaints and more	1	Lima	8.910	27,07	27,07	33,39
	2	Junín	2.082	6,32	33,39	
II From 1.001 to 2.000 complaints	3	Ayacucho	1.526	4,64	38,03	37,72
	4	Ancash	1.383	4,20	42,23	
	5	Piura	1.349	4,10	46,32	
	6	Eastern Lima	1.292	3,92	50,25	
	7	Cusco	1.242	3,77	54,02	
	8	Callao	1.221	3,71	57,73	
	9	Northern Lima	1.126	3,42	61,15	
	10	La Libertad	1.110	3,37	64,52	
	11	Loreto	1.089	3,31	67,83	
	12	Arequipa	1.079	3,28	71,11	
III De 500 a 1.000 complaints	13	Ucayali	949	2,88	73,99	21,79
	14	Lambayeque	913	2,77	76,76	
	15	Ica	846	2,57	79,33	
	16	Huánuco	771	2,34	81,68	
	17	Southern Lima	692	2,10	83,78	
	18	Puno	687	2,09	85,87	
	19	Cajamarca	665	2,02	87,89	
	20	Moquegua	625	1,90	89,78	
	21	Tumbes	519	1,58	91,36	
	22	Huancavelica	505	1,53	92,89	
IV From 1 to 499 complaints	23	San Martín	496	1,51	94,40	7,11
	24	Madre De Dios	482	1,46	95,87	
	25	Pasco	361	1,10	96,96	
	26	Amazonas	356	1,08	98,04	
	27	Apurímac	337	1,02	99,07	
	28	Tacna	307	0,93	100,00	
	<b>Total</b>		<b>32.920</b>	<b>100,00</b>		<b>100,00</b>

showing that more than half (53,83%) of the cases served in the national scope are focused in the first five Ombudsman's Service Offices on the table: Lima (29,08%), Junín (7,27%), Ayacucho (6,48%), Piura (6,20%), and Callao (4,79%).

However, as was mentioned before, 42,09% of the cases is focused in the Lima and Callao Ombudsman’s Offices, while the Ombudsman’s Service Offices in provinces altogether accounted for 57,91% of the total number of individual cases.

Table N° 5 shows the figures for complaints served by Ombudsman’s Offices divided in segments, created as a function of the number of complaints served in 2007 and compared to the 32.920 of the national total. Of this national total, 50,25% focused on the first six offices of the ranking, that is on the group led by the Lima Ombudsman’s Office (rank N° 1) up to rank N° 6, belonging to the Eastern Lima Ombudsman’s Office.

5.2 Execution Status of Complaints and Petitions

Figure N°3  
Service to Users by Case Category, as per Execution Status, in 2007

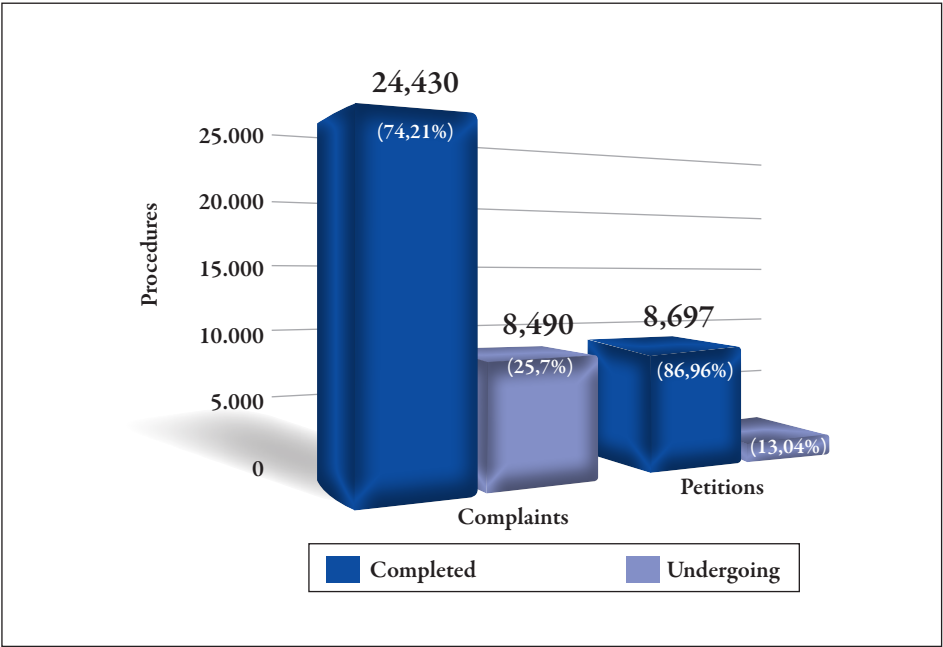


Figure N° 3 shows statistics on the status of execution of complaints and petitions filed by the population with the Ombudsman's Office in 2007. Thus, it can be seen that by late 2007, 74.21% of the total filed complaints had been served. On the other hand, 86.96% of the 10,001 petitions filed were served, evidencing the effectiveness of the Ombudsman's Office in advocacy actions. We ought to mention that enquiries are always served on an immediate basis, so all of them were solved.

### 5.3 Institutions against which More Complaints were Filed

Table N° 6 shows a list of institutions against which the Ombudsman's Office received more complaints during 2007. The table shows the total of filed complaints, the number of solved complaints, the number of unsolved complaints due to non-compliance of the duty to cooperate, and the number of outstanding complaints.

It can be seen that the institution that generated the highest number of complaints was MINEDU, a Ministry against which 6,013 complaints were filed. It should be said that this institution includes regional education bureaus (DRE) as well as schools belonging to MINEDU. Of this total number, 82.25% or 5,006 complaints were served, 73.43% of which were declared as grounded.

The Retirement Funds Standardization Office (ONP – *Oficina de Normalización Previsional*) ranks second with 5,262 complaints. MINSA ranks third with 2,287 complaints. Just as in the case of MINEDU, the statistics for MINSA include complaints filed with regard to health bureaus (DISA) located in Lima and Callao, regional health bureaus (DIRESA) located in the various regions of the national territory, and various health centers depending on the former. The fourth and fifth ranks were held by the by PNP with 1,372 complaints, and the Judiciary with 1,477 complaints, respectively.

It ought to be pointed out that the first five institutions gather 50.71% of the total number of complaints filed with the Ombudsman's Office over the reported

term. Thus, MINEDU-DRE accounts for 18.27%, the Retirement Funds Standardization Office (ONP – *Oficina de Normalización Previsional*) accounts for 15.98%; MINSA-DISA-DIRESA account for 6.95%; the National Police of Perú (PNP) accounts for 5.02%; and the Judiciary accounts for 4.49%.

**Table N° 6**  
**Institutions against which More Complaints were Received Nationwide in 2007**

Institutions generating the complaint	Filed Complaints	Heard Complaints settled as Grounded	Heard Complaints settled as Not Grounded	% of Grounded Complaints / Heard Complaints	Outstanding Complaints due to non-compliance with the Cooperation to Cooperate	Complaints undergoing Procedures
Ministry of Education – Regional Education Bureaus	6.013	3.676	1.330	61,13	150	857
Retirement Funds Standardization Office - ONP	5.262	826	1.548	15,70	2	2.886
Ministry of Health – Health Bureaus – Regional Health Bureaus	2.287	1.299	444	56,80	31	513
National Police of Perú – PNP	1.653	795	577	48,09	13	268
The Judiciary	1.477	631	571	42,72	13	262
Social Security Health Service	842	441	206	52,38	5	190
Government Attorney General's Office	653	324	233	49,62	4	92
SEDAPAL	457	183	210	40,04	0	64
INPE – National Penitentiary Institute	376	155	158	41,22	0	63
Telefónica del Perú	341	152	53	44,57	4	132
Peruvian Army	322	161	86	50,00	4	71
Ministry of the Interior	307	116	60	37,79	3	128
National Registry of Identification and Civil Status	302	190	72	62,91	9	31
Ministry of Agriculture	300	171	69	57,00	5	55
Ministry of the Interior – Government Offices <sup>1</sup>	286	151	66	52,80	7	62
Other Institutions	12.042	6.399	2.511	53,14	316	2.816
<b>Overall Total</b>	<b>32.920</b>	<b>15.670</b>	<b>8.194</b>	<b>47,60</b>	<b>566</b>	<b>8.490</b>

Source: Ombudsman's Office Information Systems (SID).

#### **5.4 Figures Provided by the Virtual Service Center** *(Centro de Atención Virtual)*

The Virtual Service Center (CAV) was created in 2006 in order to facilitate the service of citizens' complaints, petitions, enquiries, and requests for access to information through easy-to-use technological tools.

Thus, the CAV received the population's requests through a toll-free telephone line, the institutional chat, the institutional e-mail and on-line forms. In 2007, a number of 19,042 requests were served, that is 75.1% more than in 2006, when 10,876 requests were served.

Finally, it should be pointed out that through the toll-free telephone line, 56% (10,708) of the total requests were handled, while the on-line form and the institutional chat served 41% (7,816) and 3% (516) of requests, respectively.

# 6. FINAL REFLECTIONS

In 2007, the Ombudsman's Office started on the road it will travel along its forthcoming decade of institutional life, facing the challenge to preserve and consolidate the mechanisms that allow it to play a significant role in the democratic history of the country. It has also foreseen the challenge to implement the most appropriate measures for contributing to overcome the social gap that prevents the population from enjoying full equality in the exercise of their rights and difficulties the development of the country.

To achieve these purposes, the Ombudsman's Office conducted a number of innovations in the planning and organization of its work, aligning its institutional efforts throughout the national territory, with the objective of increasing its effectiveness through higher efficiency levels. Thus, during the period assessed in the foregoing report, the institution determined the thematic axes on which it will focus its performance over the next years: the surveillance of public policies and the State management, and the promotion of a culture of peace and dialogue addressed at ensuring governance in the country.

Similarly, the Ombudsman's Office consolidated macro-regional meetings, in which the personnel of all the Ombudsman's Offices and Modules in Perú took part. These meetings represent an essential tool in the process of planning



the activity of the Ombudsman's Office, since they allow to integrate various needs, concerns, proposals, and insights within the framework of work lines addressed at achieving institutional objectives.

These efforts will allow to reinforce the work undertaken by the Ombudsman's Office, transcending from each specific case to the level of surveillance of public policies with a focus on rights. Thus, we will continue providing service to complaints, petitions, and enquiries filed with our offices throughout the national scope, and at the same time we will conduct surveillance on the State's development of policies addressed at ensuring the individuals' fundamental rights and their efficient implementation.

To attain this objective, the Ombudsman's Office has established a public policy team which, over the basis of a cross-horizontal approach through the entire institution, will take part in the design of indicators allowing to measure the State's compliance with its obligations addressed at ensuring the fundamental rights of male and female citizens. This effort will also include developing and implementing a follow-up system of the recommendations, letters requisitorial, and obligations aide-mémoires issued by the institution.

In 2007, the Ombudsman's Office also deemed opportune to redefine the instruments through which its institutional voice is expressed. Therefore, the publication of Ombudsman's Office Reports –essentially addressed at investigating collective interest issues– shall be supplemented by statements on the institutional posture regarding specific issues through Deputy Ombudsman's Offices reports, resolutions, work papers, institutional guidelines, and special reports –the latter stemming from an express request from the Congress of the Republic. This shall allow for a faster response by the Ombudsman's Office to specific issues, which in no way are less significant than the ones included in Ombudsman's Office Reports.

On the other hand, considering the strengthening of the institution's intervention in new work lines –such as inter-province transportation, the environment, the right to education, social conflicts, the promotion of a

culture of peace and dialogue, and the rights of children and adolescents, the Ombudsman's Office adopted measures that will enable it to deal optimally with the new tasks involved by all the above.

Thus, the revision of some important management tools was begun, including the Ombudsman's Information System (SID), the list of violation situations, the list of institutions causing complaints, and the Ombudsman's Meter (*"Defensómetro"*), in order to upgrade them and adjust them to the new institutional tasks and challenges. This will allow the Ombudsman's Office to provide better quality reports and statistics, including larger volumes of data concerning the Ombudsman's activity in serving complaints, petitions, and enquiries at service offices and modules, as well as its impact on public management and on the generation of public policies focused on rights.

Concerning the framework of our activity, one of the main goals that the Ombudsman's Office has sought to attain is that the share of public funds in our institutional budget be increasingly higher than the significant assistance received from the International Cooperation ever since our creation. To date, the original public budget / donations ratio has been reverted, thus favoring the continuity of our institutional activities and work lines and better ensuring the achievement of the Ombudsman's Office mid- and long-term objectives.

Certainly, the Ombudsman's Office of Perú is going through a stage of strengthening of the work undertaken, and while it can be said that over the time it has consolidated its presence as an efficient and effective institution serving male and female citizens both in the public scenario and within the framework of the State, we are also aware of the huge responsibility involved in meeting new challenges while at the same time keeping up with the achieved levels of credibility, prestige, and support from the population.

By virtue of all the above, the Ombudsman's Office of Perú once again reaffirms its commitment to defend the population's fundamental rights, especially of those who are in conditions of exclusion and subject to a higher

degree of defenselessness and vulnerability to power, as well as its commitment to closing the social gap in our country, in order for all Peruvians –especially the weakest and defenseless sectors of the population- to overcome the various barriers that keep them from fully experiencing their capacity as citizens and hinder the integral development of our country.