



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

January – December 2008



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OMBUDSMAN'S OFFICE OF PERU

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Toll free line: 0800-15170

First Edition: Lima, Peru, December 2009

200 copies

Legal deposit made at the National Library of Peru N° 2009–15976

Translation: Clara María Cavagnaro.

Graphic design: Pixel Studio.

Printer: Ediciones Nova Print SAC

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Lince – Peru

The Executive Summary of the Twelfth Annual 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), Paola Carbajal Ponce, Jacqueline Valverde Romero and Yessica Viaña Pongo.

# INTRODUCTION

Upon presenting the Twelfth Annual Report of the Ombudsman of Peru to inform on the activities conducted during 2008, we are pleased to set forth in the first place the significant role played by this institution in defense of both male and female citizens that have been victims of exclusion, discrimination, and constant marginalization.

Likewise, the Ombudsman's Office strengthened its management through the implementation of the Institutional Strategic Plan (PEI) –designed to promote, execute, and monitor the actions conducted (and to be conducted) throughout the period 2007-2011 -, involving not only strict compliance with the principles that support our institution's vision and mission, but our full conviction that the steps we have taken evidence continuing progress, and a non-renounceable call for service.

We will now identify such actions, which have enhanced our trust in our own strengths and our insight that projects and plans do crystallize if the institution takes over leadership in its field of work. Regarding the strategic objectives we set to schedule our actions, three lines of action should be mentioned:

- To strengthen our external communication, increasing the Ombudsman's capacity of influence, and consolidating confidence among citizens.

- To promote, disseminate, and advocate the rights of the poorer and marginalized sectors of the population.
- To align, standardize, and strengthen the work developed by the Ombudsman's Office, and improve our internal communication so as to provide more effective and efficient services to citizens.

The reader of this annual report shall have several and various opportunities to verify the adequacy of these issues which, doubtlessly, over 2008 became our reference for using three management tools addressed at registering and collecting the information that was filed with our office. Such tools include the new Ombudsman's Protocol, the Ombudsman's Information System (SID), and the *Defensómetro* (Ombudsman performance indicator).

On the other hand, with regard to claims heard from male and female citizens, the ones filed with the Ombudsman's Office amounted to 30.615.

The 10 public institutions about which a high number of claims were heard include the following, in decreasing order: the *Oficina de Normalización Previsional* (ONP – Retirement Funds Standardization Office), 6.785; province municipalities, 6.141; Regional Education Bureaus (DRE), 4.100; Regional Health Bureaus (DIRESA), 1.689; the National Police of Peru (PNP), 1.673; the Judiciary, 1.339; Regional Governments, 868; the Ministry of Education (MINEDU), 837; EsSalud (Public Social Security Health Services), 821; and, finally, the Government Attorney General's Office, 575.

According to specific investigations conducted within the framework of our surveillance, we ought to mention that the above documents drew the attention of the public opinion in 2008. Similarly, the institutions that received recommendations from the Ombudsman's Office assimilated them to a large extent, evidencing an actual level of trust in our research and acknowledging these findings, which many times are sad and frustrating due to a void, to the unequal distribution of funds, or to negligence.

The reports published by the Ombudsman of Peru in 2008 included Ombudsman's Report N° 129, «*Análisis de los Decretos Legislativos promulgados*

*al amparo de las facultades otorgadas por la Ley N° 29009»* (Analysis of Legislative Decrees enacted under the Powers granted by Law N° 29009); Ombudsman's 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. Inspection of records damaged as a consequence of political violence); and Ombudsman's Report N° 131, «*Gratuidad en las Escuelas Públicas. Un compromiso pendiente*» (Cost-free Public Schools. An Outstanding Commitment).

Additionally, we published Ombudsman's Report N° 132, «*¿Ciudadanos desprotegidos?: Estrategias para fortalecer el Sistema Nacional de Seguridad Ciudadana*» (Unprotected Citizens?: Strategies for strengthening the Citizen Security National System); Ombudsman's Report N° 133, «*¿Uso o abuso de la autonomía municipal? El desafío del desarrollo local*» (Use or Abuse of Municipal Autonomy? The Challenge of Local Development); Ombudsman's Report N° 134, «*La salud de las Comunidades Nativas: Un reto para el Estado*» (Health in Native Communities: a Challenge for the State); and Ombudsman's Report N° 135, «*Por un acceso justo y oportuno a la pensión: Aportes para una mejor gestión de la ONP*» (For a fair and opportune access to Retirement Funds: A contribution to better managing the ONP).

Similarly, we should list Ombudsman's Report N° 136, «*La calidad del aire en Lima y su impacto en la salud y la vida de sus habitantes: seguimiento de las recomendaciones defensoriales*» (The Quality of Air in Lima and its Impact on the Health and Life of its inhabitants: Follow up of Ombudsman's Recommendations); Ombudsman's Report N° 137, «*El transporte urbano en Lima Metropolitana: Un desafío en defensa de la vida*» (Urban Transport in Metropolitan Lima: A Challenge in Defense of Life); and, finally, Ombudsman's Report N° 138, «*A cinco años de los procesos de reparación y justicia en el Perú. Balance y desafíos de una tarea pendiente*» (Five Years of Repair and Justice Processes in Peru. Balance and challenges of an outstanding endeavor).

The topics dealt with in the supervision tasks that allowed us to prepare and publish the above Ombudsman's Reports –with academic rigor and a high professional level- are related to a scenario of complex issues, the solution of which

is many times difficult or, at its best, partial or insufficient. The Ombudsman focuses on these issues because there are ambits where thousands of citizens face difficulties and, we should say, also a dramatic evidence of the risk their lives are subject to.

On the other hand, considering the cases of discrimination against female cadets and students of the National Police of Peru's training schools who were removed from their educational institution because of their pregnancy, and taking into account the cases of exclusion of applicants to police training schools for alleged reasons such as their physical appearance, the Deputy Ombudsman's Office for Human Rights and the Mentally/Physically Impaired or Disabled prepared Deputy Ombudsman's Office Reports N° 004-2008-DP/ADHPD, «*Análisis del Reglamento de aptitud psicosomática para el ingreso y reingreso del personal y del Manual del régimen educativo de las escuelas de formación de la Policía Nacional*» (Analysis of the Psychosomatic Aptitude Regulations for National Police Personnel Admission and Re-admission, and of the Educational Regime Manual of their Training Schools), and N° 006-2008-DP/ADHPD, «*Análisis de la Hoja de Estudio y Opinión elaborada por la Policía Nacional sobre las normas que regulan los procesos de admisión y el régimen educativo de las escuelas de formación*» (Analysis of the Study and Opinion Sheet prepared by the National Police on the Norms Regulating their Admission Processes and the Educational Regime of Training Schools).

Concerning our work in defense of the rights of persons living with HIV/AIDS, in 2008 we entered an agreement with the United Nations Development Program (UNDP) for the execution –between November 2008, and July 2009– of a Project for the Collection and Systematization of Effective Laws and Regulations on HIV/AIDS, within the framework of the United Nations Plan for Joint Work Plan on HIV/AIDS Matters («*Plan Conjunto para el trabajo en materia de VIH/Sida*»). Similarly, inspection visits were carried out to health care centers, aimed at verifying the conditions in which prevention and treatment services are provided to persons with HIV/AIDS and to vulnerable population within the 10 departments of Perú with the higher rate of such cases.

Additionally, we held work committees with MINSA (MOH) officials for the presentation of the preliminary findings of the health care center inspection conducted. Thus, by July 2008 we published Ombudsman's Work Paper N° 003, «*La Epidemia del VIH/Sida: El Rol de la Defensoría del Pueblo*» (The HIV/AIDS Epidemics: the Role of the Ombudsman's Office) which set forth our four institutional objectives in regard to this issue: i) consolidating the work of the Ombudsman in the advocacy of the rights of the most vulnerable; ii) contributing for persons living with HIV/AIDS to access quality public services; iii) contributing for persons living with HIV/AIDS to access mechanisms for protection of rights; and iv) carrying out actions aimed at minimizing the stigma and discrimination associated to HIV/AIDS.

The work carried out so far by the Ombudsman of Peru in equal opportunity matters allowed us to account for the actions adopted by public entities in implementing regulations on this issue, aimed at progressively eradicating the existing discrimination against women. However, there is still an outstanding number of measures that ought to be adopted, as stated in the «Second Ombudsman's Report on the Compliance of the Equal Opportunity Law between Women and Men (January-December 2008)». Further on, a proposal for an Ombudsman's Follow-up System on the Equal Opportunity Law shall be published, providing a methodological framework and a matrix with indicators useful for further surveillance by the Ombudsman's Office.

The purpose of the "Second Report" was to inform on the application of the Equal Opportunity Law by the public sector in 2008, and issuing the Ombudsman's recommendations pertaining to its actual compliance, lying within the ambit of our competence and in our role as critical collaborators.

As of November 2008, upon the approval of the new Ombudsman's Organization and Functions Regulations (ROF), the Social Conflicts Unit became the Social Conflicts Unit Bureau (*Dirección de la Unidad de Conflictos Sociales* - DUCS), evidencing the Ombudsman's purpose to consolidate its presence with regard to a highly significant issue in Peru's public agenda.



The new Bureau has strengthened the Ombudsman's data monitoring and collection system throughout the national ambit, as well as the entering of the records in their possession, in order to contribute to ensure compliance with the agreements entered. Likewise, an increasingly relevant presence has been attained by the Ombudsman in the processes of dialogue entered by the parties for solving mutual issues, and progress is being attained in the investigation of specific issues related to the structural causes of conflicts.

Based on the need to deal with the problem of corruption in public entities, in 2008 the Ombudsman's Office, within the framework of its constitutional mandate, established a Team for Transparency, Public Ethics and Corruption Prevention. Its purpose is contributing to strengthen the State's performance in the struggle against corruption in order to enhance respect for fundamental rights, promoting a fluent relationship between the State and the civil society in the fight against this scourge, and generating recommendations for the design and implementation of anti-corruption public policies.

In 2008, the Ombudsman's Office identified a most valuable and significant person who, like very few others, incarnates the principle of solidarity, something that our institution highlights every year through a public acknowledgement called the "Ombudsman's Award" (*Medalla "Defensoría del Pueblo"*). Ms. Pilar Coll Torrente was granted this outstanding distinction in acknowledgement of her inexhaustible work for her advocacy of the human rights of the poor, marginalized, and defenseless members of our society.

Also in 2008, we celebrated the 60 anniversary of the Universal Declaration of Human Rights, a paramount instrument that evidences that human rights pertain to all of us by virtue of our condition as human beings, and should be exercised regardless of the person's age, gender, social level, language or birth place.

I must not end these words without expressing my deepest appreciation to the international cooperation for their valuable contribution during 2008. Therefore I would like to express all of them our institutional acknowledgement for their hearty participation.

Finally, at this point of the 21st Century, we must also remark that Peru is becoming a promissory land, a territory that will soon face new challenges. As a consequence of the impact of new connections (namely continental highways and ports) with our neighbor countries, Peru will become a territorial hub for the trade of goods and services.

Taking into account the above progress, the Ombudsman shall remain alert, in accordance with its mandate and ethical assumptions, to protect the rights of every person who concurs to such development, in order for them to do so in equal conditions and without undergoing any kind of discrimination or exclusion.

Lima, May, 2009.

**Beatriz Merino**  
Ombudsman of Peru

# 1. INSTITUTIONAL CONSIDERATIONS

## 1.1 Institutional Vision and Mission

During 2008, the Ombudsman's Office fulfilled its role over the basis of the provisions of the Institutional Strategic Plan (Plan Estratégico Institucional - PEI) 2007-2011, a management tool that represents the guidance framework for decision-making and for articulating all the efforts addressed at the compliance of our institutional goals. The approval of the PEI was decisive for strengthening our institutional mission and vision.

Our *Vision* is defined as follows:

Being the institution that leads the transformation of the country by seeking to overcome the current social gap, contributing to eliminate exclusion, racism, and all kinds of discrimination, and counting on a highly qualified and efficient staff animated by a spirit of service to the citizenry; as well as counting on local and international acknowledgement as an institution .

Our vision is aimed at achieving our institutional *mission*, reflecting the sense of our activity in agreement with the constitutional mandate of Peru and with the Ombudsman's Office organic law.<sup>1</sup> Thus, our mission states that:

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

We are the institution that demands, on behalf of the people, that the power of the State be exercised for the benefit of the people, within the framework of Law. Due to our commitment with the destiny of every citizen, we defend their rights and oversee the performance of the state, as well as the rendering of public services.

During the reported period, progress was verified in the achievement of our strategic objectives, namely the following three:

- To strengthen external communication, enhancing the Ombudsman's Office influence capacity and consolidating trust among the citizens.
- To promote, disseminate, and advocate the rights of the poorer and more excluded sectors of the population.
- To align, standardize, and strengthen Ombudsman's Office advocacy work, as well as improving internal communication to provide the citizenry with more effective and efficient services.

In order to achieve these objectives, the Ombudsman's Office conducted information fairs –called «*La Defensoría del Pueblo más cerca de la gente*» (The Ombudsman's Office closer to the people)– in various cities of the country: Apurímac, Barranca, Cajamarca, Callao, Canta, Cusco Huancavelica, Ica, Junín, Lima Metropolitana, Pasco, Piura, Puno, San Martín, and Ucayali. Information campaigns were led on specific rights such as health, education, identity, access to justice, environment, and public services.

It ought to be pointed out that in 2008, the *Defensómetro* (Ombudsman performance indicator) was consolidated as a defense management tool measuring the rate of effectiveness and cooperation of public entities, and progress was achieved in rehabilitating the new headquarters building, in starting virtual training programs, and in standardizing criteria and tools for reporting, surveillance and itinerant programs.

On the other hand, the work lines and the strategic issues and transversal topics guiding the Ombudsman's Office performance were identified. Thus, the main work lines are:

- Public policies
- Public management
- Peace and dialogue

Likewise, six strategic issues and four transversal topics crossing the various strategic issues were determined. Their treatment is paramount if the institution aims at achieving its purposes.

**Strategic issues** include:

- Health
- Education
- Access to justice
- Access to public services, particularly in rural zones
- Environment
- Rights to identity and citizenship

**Transversal topics** include:

- Social conflicts
- Gender and non-discrimination
- Decentralization
- Transparency, public ethics, and prevention of corruption

Both strategic issues and transversal topics are aimed at solving problems related to groups that need special protection, including the mentally/physically impaired or disabled; male and female children, and male and female adolescents; indigenous communities; persons deprived from freedom; persons affected by political violence.

## **1.2 Organization of the Ombudsman's Office**

The Ombudsman's Office is an autonomous constitutional body essentially aimed at defending the constitutional and fundamental rights of persons and the community, as well as overseeing the compliance of public management duties and an appropriate rendering of public services to the citizenry.

It is headed by the Ombudsman, Beatriz Merino, appointed through Legislative Resolution N° 007-2005-CR, published in September 30, 2005.

On October 29, 2008, our new Organization and Functions Regulations (ROF) were approved under Ombudsman's Office Resolution N° 029-2008/DP,<sup>2</sup> including changes in the organizational and operational structure of the Ombudsman's Office. Such changes involved the creation of a General Secretariat in charge of overseeing and arranging the conduction of advisory and support activities in matters such as planning, operative planning, budgeting, rationalization, statistics, management, finance, procurement, human resources, and information technology.

Additionally, the ROF established the Ombudsman's Office, the Cabinet, and the First Deputy Ombudsman's Office as superior management bodies. The line bodies include the Deputy Ombudsman's Offices, the Territorial Coordination Bureau (DCT), and the Social Conflicts Bureau.<sup>3</sup> The Deputy Ombudsman's Offices report to the First Deputy Ombudsman's Office and are committed to orient and advice the Ombudsman, the Ombudsman's Offices, and the service modules in matters related to defense and advocacy issues within their jurisdiction. The Deputy Ombudsman's Offices include the following:

- Deputy Ombudsman's Office for Public Management, in charge of the Decentralization and Good Governance Program and the Identity and Citizenship Program.
- Deputy Ombudsman's Office for Human Rights and the Impaired or Disabled, in charge of the Program for Protection of Rights in Police Facilities and the Program on Criminal and Penitentiary Issues.<sup>4</sup>

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2 The Organization and Functions Regulations of the Ombudsman of Perú were published on official gazette *El Peruano* on October 30, 2008.

3 It ought to be mentioned that upon the drafting of this Executive Summary, the Deputy Ombudsman's Office for the Prevention of Social Conflicts and Governance, and the Programme on Public Ethics, Corruption and Public Policies ascribed to this entity were created under Ombudsman's Office Resolution N° 019-2009/DP, published on official gazette *El Peruano* on April 30, 2009.

4 Upon the drafting of this Executive Summary, the Programme for the Defense and Advocacy of the Rights of the Physically/Mentally Impaired or Disabled, comprised within the jurisdiction of Deputy Ombudsman's Office

- Deputy Ombudsman's Office for the Environment, Public Utilities and Indigenous Populations, in charge of the Indigenous Populations Program, formerly 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.

The Ombudsman's Offices are decentralized bodies based in various regions of the country. Upon the drafting of this executive summary, the Ombudsman's Office already had 28 Ombudsman's Offices and nine service modules. Each Ombudsman's Office is conducted by a head –appointed by the Ombudsman-, who conducts the defense and advocacy activities lying within their geographic scope, in agreement with the Ombudsman's Office policies.

On the other hand, the Itinerant Assistance Centres are those in charge of serving the citizenry on a non-permanent basis in towns and villages located in various zones of the country such as Ayabaca, and Huancabamba (Piura); Chupaca, Concepcion, Jauja, La Oroya, Tarma, and Tayacaja (Junin); Huanta (Ayacucho); La Convencion (Cusco); and Oxapampa (Pasco). Likewise, there are itinerant teams, composed by personnel from Ombudsman's Offices and from Service Modules who travel in shifts from headquarters to districts, villages, and communities, especially in rural zones, and hear claims and perform activities related to the powers of the Ombudsman's Office.

Finally, the institutional policy developed over 2008 acknowledged that the most important component of the Ombudsman's Office is its personnel. Thus, we developed the 2008 training plan including face-to-face service training on specific issues of Ombudsman's Office defense intervention and oversight, and in matters of internal management and competences. We should also mention

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for Human Rights and the Physically/Mentally Impaired or Disabled, was created under Ombudsman's Office Resolution N° 011-2009/DP, published on official gazette *El Peruano* on February 13, 2009.

**Figure N° 1**  
**Ombudsman's Offices (ODs) 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	Huanuco Ombudsman's Office
5. La Merced	Junin Ombudsman's Office
6. Satipo	Junin Ombudsman's Office
7. Andahuaylas	Apurimac Ombudsman's Office
8. Puquio	Ayacucho Ombudsman's Office
9. Juliaca	Puno Ombudsman's Office



the effective implementation of virtual courses in specific matters such as women's rights, public services, and ethics applied to public management. This project benefitted 170 workers and collaborators and represented the first nationwide virtual education experience developed by the Ombudsman's Office.

### 1.3 Management Tools for our Defense Activity

Due to the need to ensure an opportune and quality performance addressed at contributing to the restoration of individual rights, in 2008 we implemented a number of changes onto the management tools we use for our defense activity. This shall provide us with a clearer operational framework including indicators that show the reality of our core activity and the level of cooperation and solution of claims by public entities.

Currently, the Ombudsman's Office uses three management tools:

- a) *The New Ombudsman's Protocol*. Approved under Administrative Resolution N° 047–2008/DP–PAD, dated August 15, 2008, regulating the entire process of hearing of claims, consultations, and demands submitted to the Ombudsman.
- b) *The Ombudsman's Information System (SID)*. It is a database on which the entire information is recorded and updated with regard to the process of hearing of serving the intervention requests filed by citizens with the Ombudsman.
- c) *The Defensómetro ("Ombudsman performance indicator")*. It is the management tool aimed at monitoring the Ombudsman's performance within the national scope, measuring the efficiency of the Ombudsman's claim service procedures, the compliance with the public duty of cooperation by the entities upon which the Ombudsman intervenes, and the Ombudsman's performance in solving the claims filed by citizens.

## 1.4 Economic Issues

- **2008 Budget**

The Ombudsman's Office institutional budget is composed by two divisions: a) ordinary funds, and b) grants, and transfers. For fiscal year 2008, the Ombudsman's Office requested the Ministry of Economy and Finance (Ministerio de Economía y Finanzas - MEF) a budget amounting to 42.603.193 nuevos soles, addressed at funding the establishment of the Team for Transparency, Public Ethics and Corruption Prevention, and the implementation of the Service Module in Juliaca. However, the allocated budget was 36.230.000 nuevos soles, an amount inferior by approximately 15%.

Considering all our funding sources, the Institutional Opening Budget (PIA) amounted to 39.349.005 nuevos soles, out of which 92% pertains to ordinary funds, and 8% comes from grants and transfers.

For 2008, the Amended Institutional Budget (PIM), by sources of ordinary funds, was increased by virtue of two supplementary loans granted by Urgent Decrees N° 001-2008 and N° 040-2008-EF.<sup>5</sup> Thus, the final budget from ordinary funds sources amounted to 36.435.316 nuevos soles.

On the other hand, our self-generated revenues involved funds from the sale of terms of reference for contracting and procurement procedures, as well as from a balance of year 2007 amounting to of 39.831 nuevos soles.

Finally, with regard to the source of grants and transfers, the final budget amounted to 5.596.684 nuevos soles, composed by resources from our cooperating sources in the modality of «*canasta de fondos*» (basket funds), in addition to funds provided by the Embassy of the Kingdom of the Netherlands, and the International Institute of Ombudsman (IIO), plus a balance from 2007.

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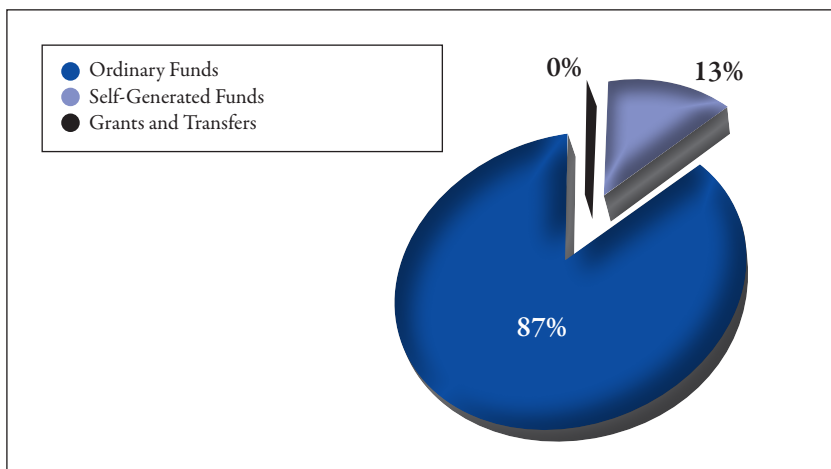
5 Urgent Decrees N° 001-2008 and N° 040-2008-EF were published on official gazette *El Peruano* on January 5 and March 15, 2008, respectively.

Thus, as of the closing of the fiscal year, the budget amounted to 42.071.831 nuevos soles, as shown on the table below:

**Table N° 1**  
**2008 Amended Institutional Budget**  
*(in nuevos soles)*

Funding Source	PIA	PIM	(PIM-PIA) Variation
Ordinary Funds	36.230.000	36.435.316	205,316
Self-Generated Funds		39,831	39,831
Grants and Transfers	3.119.005	5.596.684	2.477.679
<b>Total</b>	<b>39.349.005</b>	<b>42.071.831</b>	<b>2.722.826</b>

**Figure N° 2**  
**2008 Amended Institutional Budget**  
*(in nuevos soles)*



- **International Cooperation**

In 2008, the Ombudsman's Office continued developing the 2006 – 2010 Programme 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) and 20 projects funded by the International Cooperation.

One programme and 14 projects were implemented through the financial contribution from the international cooperation agencies of countries such as Germany, Belgium, Canada, Spain, the Netherlands, Sweden, and Switzerland, and from multilateral agencies such as the United Nations Program for Development (UNDP), the European Voluntary Service - Action 2 (EVS2), the European Union (EU), the Organization of the American States (OAS), United Nations Fund for Population (UNFPA), and the United Nations Children's Fund (UNICEF). The development of the other six projects was funded by the German Social-Technical Cooperation Service (DED), the Catholic Institute for International Relations (CIIR), IIO, Oxfam United Kingdom, and the Cooperative for Assistance and Relief Everywhere (CARE Perú).

The developed projects were managed in two modalities: grants, the funds of which are directly managed by the Ombudsman's Office; and contributions, where funds are managed by the cooperating agency itself or a third party.

As for grants, we used the "basket fund" modality for the third consecutive year. Through it, funds from various cooperation sources are managed, applying common procedures to all of them, in order to execute the 2006-2010 programme 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).

Thanks to support from the international cooperation, the Ombudsman's Office continued granting institutional priority to overseeing the design and the execution of public policies based on a comprehensive approach to rights, adopting a strategy aimed at strengthening its capacity of proposal in favor of inclusion, justice, and equality.

Most supervisions were conducted on health care centers focused on reproductive health, and on *Centros de Atención Residencial* (Residential Assistance Centers - CAR) for male and female children and adolescents; we continued with the supervision and follow up of the Integral Repair Plan (Plan Integral de

Reparaciones - PIR) for the victims of violence, we updated the «*Compendio de normas sobre Canon, Sistema Nacional de Inversión Pública (SNIP) y presupuestos participativos*» (Compendium of Rules on Canon, National Public Investment System – SNIP –, and participatory budgets); and an Ombudsman's Office Follow up System was designed to supervise the compliance of public obligations under the Law of Equal Opportunities for Women and Men.<sup>6</sup>

We also established a system for the follow-up, and monitoring of social-environmental conflicts; fostered the campaign for celebrating the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, called «*Dignidad y justicia para todos. Conociendo tus derechos te haces respetar*» (Dignity, and Justice for All, by Knowing your Rights you Gain Respect), and the campaigns called «*Tenemos derecho a una buena atención en salud*» (We Are Entitled to Good Health Care Service), «*Si lo descubres, ¡denúncialo!*» (If You Catch Them, Report Them!), «*Maternidad segura: un derecho de todas*» (Safe Maternity: A Right of All), «*Si transportas a un escolar, respeta sus derechos*» (If You Carry School Children, Respect their Rights), «*Los años no quitan derechos*» (Age Does Not Affect Your Rights), and «*Trabajando por un buen gobierno municipal*» (Working towards Good Municipal Governance).

Thanks to the support from the international cooperation we keep active our Information Center for Collective Memory and Human Rights and the exhibit called «*Yuyanapaq. Para recordar*» (*Yuyanapaq. To Remember*), shown at Museo de la Nación, our major national museum.

Finally, within the framework of institutional strengthening, the most relevant results are related to the design of tools and the creation of new units contributing to improve internal management. Thus, the 2007-2011 PEI was amended for year 2008, we standardized some criteria and tools for the purposes of reporting, supervisions, and itinerant visits, began our virtual training program, approved our new Organization and Functions Regulations (ROF), and created two new units: the General Secretariat and the Team for Transparency, Public Ethics, and Corruption Prevention.

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6 Law N° 28983, Law on Equal Opportunities for Women and Men, published on official gazette *El Peruano* on October 16, 2007.

# 2. HIGH PRIORITY OMBUDSMAN'S OFFICE INTERVENTIONS

## 2.1 Life and Personal Integrity

During 2008, the Ombudsman's Office continued hearing claims against the Armed Forces and the National Police of Perú (PNP) for alleged damage to citizens' lives. One of these claims referred the death of four persons occurred within the framework of the operations being carried out by the forces of order in the valley of the rivers Apurímac and Ene (VRAE).<sup>7</sup>

Similarly, we learned of cases of arbitrary deprivation of the life of soldiers, policemen, and civilians as a result of terrorist actions occurred between April and November 2008, also 23 terrorist attacks, ambushes, and struggles, all of which were publicly condemned by the Ombudsman's Office. On the other hand, the Ombudsman's Office recommended the authorities of the Ministry of Defense and the Ministry of Interior (MININTER) to begin the relevant procedures in order to allow the relatives to access the benefits they are entitled to under the law.

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<sup>7</sup> The zone called VRAE comprises the departments of Ayacucho (provinces of Huanta and La Mar), Cusco (province of La Convención), Huancavelica (province of Tayacaja), and Junín (province of Satipo).

On the other hand, the Ombudsman's Office heard claims for alleged torture and cruel, inhuman or degrading treatment, attributed to the PNP and Armed Forces members, as well as claims for vulnerations of personal integrity by members of the National Penitentiary Institute (Instituto Nacional Penitenciario - INPE), and members of the municipal police service.

Thus, Ombudsman's Report N° 139, «*A cinco años de los procesos de reparación y justicia en el Perú. Balance y desafíos de una tarea pendiente*» (Five Years of Repair and Justice Processes in Peru. Balance and Challenges of an Outstanding Endeavour),<sup>8</sup> accounts for 530 claims on reported tortures and cruel, inhuman or degrading treatment as recorded by the Ombudsman's Office between January 2003 and October 2008. 77.2% of them were filed against the PNP (409 cases), and 22.8% against the Armed Forces (121 cases).

With regard to this issue, the Ombudsman's Office warned about the persistence of difficulties for investigating criminal claims, related to unduly interventions on our inspections aimed at determining their responsibility in criminal offenses, and the non-abeance to the «*Protocolo de reconocimiento médico legal para la detección de lesiones o muerte resultante de tortura*» (Legal Medical Examination Protocol for the Detection of Lesions or Death Resulting from Torture.)<sup>9</sup> Likewise, the Ombudsman's Office held periodical visits to police stations, military bases, and penitentiary facilities within the national ambit, and conducted dissemination and training activities related to the rights to life and personal integrity.

Finally, the Ombudsman's Office iterated the need for the Peruvian State to appoint or establish a "National Mechanism for the Prevention of Torture", as provided for by the Facultative Protocol of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment<sup>10</sup> The term for its establishment was due October 14, 2007.

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8 Ombudsman's Report N° 139 was prepared by the Deputy Ombudsman's Office for Human Rights and the Physically/Mentally Impaired. The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

9 Legal Medical Examination Protocol for the detection of lesions or death resulting from torture, approved through Resolution of General Attorney's Office Executive Committee N° 705-98-MP-CEMP, published on official gazette *El Peruano* on November 4, 1998.

10 Ratified by the United Nations General Assembly in their Resolution N° 77/99, dated December 18, 2002.

## 2.2 Equality and Non-Discrimination

Discrimination represents a barrier to development and to inclusion. Given the occurrence of discriminatory practices, Perú still is a context of social exclusion and denial of rights to persons deemed different and inferior. In this scenario, the Ombudsman's Office undertook the task of contributing to eradicate racism and all kinds of active or latent discrimination within the society.

Thus, Ombudsman's Report N° 2, «*La discriminación en el Perú: problemática, normatividad y tareas pendientes*» (Discrimination in Perú: Issues, regulations, and outstanding tasks), delivered in September 2007, represented a stepping stone in this endeavor.

On the other hand, in 2008 the Ombudsman's Office heard 74 claims for reported discrimination due to reasons such as HIV/AIDS, race or ethnic identity, gender, mental/physical impairment, garment, origin, sexual orientation, religion, and age, among others. In particular, claims were filed due to the removal of police female cadets and students from the National Police training centers in reason of their pregnancy.

In order to eradicate discriminatory practices, the Ombudsman's Office heard claims regarding acts of discrimination and performed the follow up of each case, formulated recommendations to the pertaining authorities, conducted the supervision of the entities in charge of investigating and sanctioning such behavior – the Government Attorney General's Office, the Ministry of Education (Ministerio de Educación - MINEDU), the Ministry of Work and Promotion of Employment, and the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPÍ)-, and held training workshops addressed at public servants on the right to non-discrimination.

Finally, with regard to the cases of discrimination against female students and cadets of the National Police training centers, and focusing on the cases of exclusion of applicants of the above mentioned schools based on their physical appearance, the Deputy Ombudsman's Office for Human Rights and the Physically/Mentally



Impaired or Disabled prepared Deputy Ombudsman's Office Report N° 004–2008–DP/ADHPD, «*Análisis del Reglamento de aptitud psicosomática para el ingreso y reintegro del personal y del Manual del régimen educativo de las escuelas de formación de la Policía Nacional*» (Analysis of the Regulations on Psychosomatic Aptitude for the Admission and Re-Admission of Personnel and of the Manual of the National Police Training Centers Educational Regime), and Deputy Ombudsman's Office Report N° 006–2008–DP/ADHPD, «*Análisis de la Hoja de Estudio y Opinión elaborada por la Policía Nacional sobre las normas que regulan los procesos de admisión y el régimen educativo de las escuelas de formación*» (Analysis of the Study and Opinion Sheet prepared by the National Police on the Norms Regulating their Admission Processes and their Training Schools Educational Regime).<sup>11</sup>

Additionally, for the cases of discrimination against female cadets and students of the National Police Training Centers, the Ombudsman's Office filed an *amicus curiae* in defense of their rights to equality and non-discrimination by sex, reproductive rights, right to access public services under conditions of equality, the right to education, and the right to work.

## 2.3 Health

During 2008 we continued implementing the campaign «*Todos tenemos derecho a una buena atención en salud*» (We all are entitled to good health care service), begun in 2007 with the main purpose of contributing to rise the quality of health care services through the promotion of a culture based on the right to receive such service. Thus, we continued receiving claims on the lack of medicines and medical input, the insufficient infrastructure, and alleged medical negligence, while cases of abuse in health care services and inappropriate information recurred.

On the other hand, with regard to the defense of persons living with HIV, in 2008 the Ombudsman's Office entered an agreement with the United Nations Program for Development (UNDP) to execute, between November 2008 and July 2009, the «*Proyecto de recopilación y sistematización de la legislación vigente*

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11 To access the full text of these Deputy Ombudsman's Office Reports, please visit [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

*sobre VIH»* (Project for the Collection and Systematization of Effective Laws and Regulations on HIV/AIDS), which will be developed within the framework of the United Nations Plan for Joint Work on HIV/AIDS Matters; and published Ombudsman's Report N° 003, «*La epidemia del VIH-Sida: el rol de la Defensoría del Pueblo*» (The HIV/AIDS Epidemics: the Ombudsman's Role).

## 2.4 Social Security

With regard to social security rights, claims continued on the non-compliance of terms in the settlement of appealing resources, stemming from an unawareness of the contributions actually effected, and on the non-compliance in granting a retirement pension. In this context we published Ombudsman's Report N° 135, «*Por un acceso justo y oportuno a la pensión: aportes para una mejor gestión de la ONP*» (For a Fair and Opportune Access to Retirement Funds: A contribution to better managing the ONP),<sup>12</sup> which systematized 2.318 claims filed against the ONP between January 2004 and June 2007, representing 20% of the total claims filed against such institution over that period.

This Ombudsman's report disclosed five critical issues in ONP's management: i) the lack of an updated and individualized register of retirement pension contributions, ii) transfer of the burden of proof for the years contributed to affiliated persons, iii) the little motivation for administrative resolutions, iv) the complexity of procedures for the granting of pensions, and v) the absence of an efficient supervision that would ensuring an appropriate management through the stages of the delivery process of outsourced pensions.

## 2.5 Transport

During annual period 2008, traffic accidents figures increased throughout the national scope due to the fact that the companies rendering inter-provinces

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12 Ombudsman's Report N° 135 was prepared by the Deputy Ombudsman's Office for Public Management. The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

passenger carrier services and urban transport have been operating under informal conditions. This worsens due to the weakness of Regional Governments and municipalities in supervising carriers efficiently.

In this regard, the Ombudsman's Office implemented a campaign targeted on inter-province passenger carrier services, called «*Si no es seguro, no subas*» (If it's not safe, don't step in), for the purpose of assessing the execution of the 'Null Tolerance' Plan in locations where the highest occurrence of mortal accidents has been detected (Arequipa, Lambayeque, Lima, Puno, and Tacna).

Additionally, we conducted the campaign called «*Si transportas a un escolar, respeta sus derechos*» (If you carry a school student, respect their rights), the objective of which was making school principals and parents aware of the need for secure school transport vehicles, and on the other hand, making carriers aware of the school students' rights when using urban transport services.

Likewise, we prepared Ombudsman's Report N° 137, «*El transporte urbano en Lima Metropolitana: un desafío en defensa de la vida*» (Urban Transport in Metropolitan Lima: A Challenge in Defense of Life),<sup>13</sup> gathering the findings achieved through an investigation on road security in Metropolitan Lima. This paper examines issues such as the excess supply in passenger transport service, the urban transport congestion and the weakness in its supervision, and sets a number of conclusions and recommendations addressed at the Metropolitan Municipality of Lima.

## 2.6 Environmental Institutional

In 2008, the Ombudsman's Office identified some priority work lines and critical issues to be taken into account for the success of the reform of environmental

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13 Ombudsman's Report N° 137 was prepared by the former Deputy Ombudsman's Office for Public Utilities and the Environment, currently the Deputy Ombudsman's Office for the Environment, Public Utilities, and Indigenous Peoples. The full text is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

institutionality, begun with the announcement by the President of the Republic in December 2007 on the creation of the Ministry of the Environment.

Thus, the Ombudsman's suggestions included: i) entrusting the assessment of the environmental impact to a specialized technical body ascribed to the Environment Sector; ii) entrusting the elaboration of quality standards and maximum allowable limits (LMP) to the Ministry of the Environment; iii) entrusting environmental control and sanctioning to specialized technical bodies ascribed to the Environment Sector; iv) entrusting management of forestry and water resources to the Ministry of the Environment; v) the Ministry of the Environment conducting, overseeing and arranging the appropriate management of municipal solid waste; vi) entrusting the Management of the National System of Natural Protected Areas to a specialized technical body while also keeping the current system addressed at creating and modifying protected areas through Supreme Decrees and Laws; and vii) establishing a technical body engaged in environmental data collection and systematization targeted both at the State and the general population.

While the Ministry of the Environment was created through Legislative Decree N° 1013<sup>14</sup>, and suggestions ii), v), and vi) formulated by the Ombudsman's Office were entirely assimilated, and suggestions iii) and iv) were partially included in view of the creation of the Agency for Environmental Assessment and Control (OEFA - *Organismo de Evaluación y Fiscalización Ambiental*), suggestions i), and vii) issued by the Ombudsman's Office have not been included yet. Thus, environmental assessment is still in charge of sectoral authorities, and so far no technical body has been created for collecting and systematizing environmental data.

Our expectations for 2009 include witnessing the implementation of the transfer of environment-related roles as provided for in article 53, Organic Law on Regional Governments,<sup>15</sup> as well as the approval of the standards required

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

15 Law N° 27867, published on official gazette *El Peruano* on November 18, 2002.

by OEFA to be able to exercise its powers on environmental control issues. Additionally, we expect the Ministry of the Environment to overcome its delay in regulating several significant norms –including Law N° 27446,<sup>16</sup> Law N° 28611<sup>17</sup>, and Law N° 28245–,<sup>18</sup> as well as to repair its delay in enacting norms on environmental quality and maximum allowable limits.

## 2.7 Management of Renewable Natural Resources

During the reported period, the Ombudsman's Office focused its activities in the assessment of the regulatory framework for the management of renewable resources. Thus, we reviewed the draft of the Legislative Decree issued by the Ministry of Foreign Trade and Tourism (Ministerio de Comercio Exterior y Turismo - MINCETUR) addressed at promoting private investment in the Forestry Sector and in natural protected areas. We suggested that any such recommendations should appropriately protect the exploitation of natural resources as provided for by Organic Law N° 26821, Organic Law for the Sustainable Development of Natural Resources,<sup>19</sup> by Law N°28736, Law for the Protection of Indigenous People or Originary Communities in Isolation and in conditions of Initial Contact,<sup>20</sup> and by Law N° 26834, Law on Natural Protected Areas.<sup>21</sup>

On the other hand, given the issue of Legislative Decree N° 1090 -derogating-Law N° 27308, Law on Forestry, and Wild Fauna-, Deputy Ombudsman's Office Report N° 027–2008–DP–ASPMA.MA- was prepared and delivered to the Congress of the Republic accompanied by Official Communication N° 591–2008–DP/PAD, dated October 20, 2008-, dealing with: i) the exclusion of lands with forestry aptitude and forestry plantations from the Natural Resources and National Heritage Regime, ii) amendments in forestry institutionality,

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16 Law on the National System for Environmental and Impact Assessment, published on official gazette *El Peruano* on April 23, 2001.

17 General Environmental Law, published on official gazette *El Peruano* on October 15, 2005.

18 Framework Law on the National Environmental Management System. Published on official gazette *El Peruano* on June 8, 2004.

19 Published on official gazette *El Peruano* on June 26, 1997.

20 Published on official gazette *El Peruano* on May 16, 2006.

21 Published on official gazette *El Peruano* on July 4, 1997.

and iii) actions taken to minimize illicit lumber. The conclusions of the report included one dealing with the fact that removing lands with forestry aptitude and forestry plantations from their status as forestry resource generates uncertainty as to the actual consequences of an eventual application of Legislative Decree N° 1090. Such situation could worsen, considering that the above mentioned Legislative Decree N° 1090 does not include any regulations related to sustainable development modalities nor any conditions or restraints for its application.

Finally, in 2008 training workshops on environmental issues were held in Arequipa, Cajamarca, Huaraz, Iquitos, and Ica, addressed at Ombudsman's Offices personnel. Their purposes included among others developing their skills for hearing claims related to forest and basin management within a scenario of climate change.

## 2.8 Environmental Management in Urban Zones

Over recent years a significant growth has been recorded in the number of claims filed by population in urban zones due to the alleged vulneration of their environmental rights,<sup>22</sup> a fact which can be accounted for by the larger amount of information available on the negative effects of environmental degradation in both the local and global scope.

Within this context, the Ombudsman's Office decided, as part of its activity in 2008, to identify the issues that violate the constitutional right to enjoying a healthy and vitally balanced environment in the urban zones of Peru, such as contamination from solid waste, contamination from waste waters, and air pollution.

With regard to contamination from solid waste, Ombudsman's Report N° 125, «*Pongamos la basura en su lugar. Propuestas para la gestión de los residuos sólidos municipales*» (Disposing of garbage in the right place. Proposals for management of municipal solid waste)<sup>23</sup> reported on the follow up of the rate of

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22 The recorded claims increased from 64 in 2004 to 653 in 2008, as per the Ombudsman's Office Information System (SID).

23 The full text of this Ombudsman's Report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

implementation of formulated recommendations by the public entities associated to waste management. Such recommendations were addressed at minimizing the environmental impacts and risks resulting from the pollution of water, air, and soil due to the inappropriate management of solid waste, which affects the population's life and health conditions.

It ought to be pointed out that through the amendment of the General Law on Solid Waste –Legislative Decree N° 1065–, two important recommendations were complied with: i) to entrust the Ministry of Environment with its role as governing body for solid waste issues, and ii) to grant Regional Governments roles that are subsidiary to those of Local Governments with regard to waste management. However, no technical, legal or financial actions leading to the closing or environmental / sanitary adjustment of dumps throughout the country have been adopted yet, nor any measures addressed at facilitating the minimization of solid waste have been implemented.

Concerning the issues of air pollution, Ombudsman's Report N° 136, «*La calidad del aire en Lima y su impacto en la salud y la vida de sus habitantes: seguimiento de las recomendaciones defensoriales*» (The Quality of Air in Lima and its Impact on the Health and Life of its Inhabitants: Follow up of Ombudsman's Office recommendations),<sup>24</sup> was published in 2008, and thus a follow up was made of the recommendations formulated in Ombudsman's Report N° 116,<sup>25</sup> addressed at reducing the high atmospheric pollution levels in Lima.

Unfortunately, such Ombudsman's Report proved that during 2008, air pollution in some zones of Lima was still very high and, therefore, dangerous to human life. We recommended the adoption of five urgent measures to stop contamination in the capital city of Peru: i) solving the problem of excess supply and congestion of public transport, ii) promoting the production and consumption of diesel oil with low sulfate levels, iii) fostering the use of lower

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24 Ombudsman's Report N° 136 was prepared by Deputy Ombudsman's Office for the Environment, Public Services and Indigenous Populations. The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

25 Ombudsman's Report N° 116, «*La calidad del aire en Lima y su impacto en la salud y vida de sus habitantes*». The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)



environmental impact fuels such as gas, iv) approving environmental quality standards (EQS), and maximum allowable limits (MAL) for gas emissions, and v) monitoring air pollution.

## 2.9 Women

As for women's rights, the Ombudsman's Office focused its activity on the issues of violence against women (domestic violence), sexual and reproductive rights, and published the «*Segundo Reporte de la Defensoría del Pueblo sobre el cumplimiento de la Ley de Igualdad de Oportunidades entre Mujeres y Hombres (enero–diciembre del 2008)*» (Second Ombudsman's Report on the Compliance with the Law of Equal Opportunities for Women and Men (January-December 2008)).<sup>26</sup>

In Peru, domestic violence is defined as any action or omission causing physical or psychological harm, abuse without lesions, including serious and/or iterated threat or coercion, sexual violence involving spouses, former spouses, cohabitants, former cohabitants, ancestors, descendants, collateral relatives up to the fourth degree of kinship, and second degree of affinity living in the same household provided that no contractual work relationship exists among them, any two persons having born common children (regardless of their living together at the time of occurrence of the violent situation), and involving one of the cohabitants and the other cohabitant's relatives until the fourth degree of kinship, and second degree of affinity in *de facto* unions.<sup>27</sup>

Concerning this kind of violence, the Ombudsman's Office has repeatedly stated that the use of conciliation procedures in domestic violence processes involves a serious vulneration of the victim's human rights.<sup>28</sup> In this regard, Law N°29282<sup>29</sup>

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26 The second report was delivered in March 2009.

27 Article 1, Law N° 29282, Law amending the Single Ordered Text of the Law for Protection against Domestic Violence, Law N° 26260, and the Criminal Code.

28 The posture of the Ombudsman's Office may be reviewed in two Ombudsman's Reports: N° 95, «*La protección penal frente a la violencia familiar en el Perú*» (Criminal Protection vis-à-vis Domestic Violence in Perú); and N° 110, «*Violencia familiar: un análisis desde el derecho penal*» (Family Violence: a Criminal Law-based approach). Both texts are available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

29 Published on official gazette *El Peruano* on November 27, 2008.



was approved in 2008, amending several articles of the Single Ordered Text (TUO) of the Law for Protection against Domestic Violence, and of the Criminal Code as well. Thus, this norm determined the explicit prohibition to resort to conciliation mechanisms at police offices on occasion of such processes.

On the other hand, regarding the obligations of male or female law enforcers, who are responsible for guaranteeing the integrity of the victims of domestic violence by granting the protection measures provided for in Article 10, Law N° 29282, the Ombudsman's Office verified the prevalence of a certain reluctance among both male and female judges to providing protection measures to victims. Therefore, the Deputy Ombudsman's Office for Women's rights held two training workshops addressed at family court judges and government attorney generals, aimed at learning about the magistrates' perception on the granting of protection measures in cases of domestic violence, as well as stressing the importance of ensuring the integrity of victims.

Regarding sexual and reproductive rights, the Ombudsman's Office devoted efforts to promote the defense of the right of women to get appropriate health care services, particularly in issues related to sexual and reproductive health. Thus, in 2008, the Ombudsman's Office carried out supervisions in five regions of the country,<sup>30</sup> through which it verified that some problems still persisted in ensuring opportune and appropriate procurement of contraceptive methods to health care service centers.

Also, taking into account the State's obligation to promote respect for a safe maternity and to ensure the existence of appropriate conditions to its exercise without any discriminations, the Ombudsman's Office delivered Ombudsman's Report N° 138, «*Derecho a una maternidad segura: supervisión nacional a los servicios de ginecología y obstetricia del MINSA*» (The Right to a Safe Maternity: National Oversight of MINSA's Gynecology and Obstetrics Services)<sup>31</sup>, assessing the main issues of care services provided to pregnant mothers at the gynecology

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30 Ayacucho, Huancavelica, Junin, La Libertad, and Piura.

31 Ombudsman's Report N° 138 was prepared by the Deputy Ombudsman's Office for Women's Rights. The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

and obstetrics service of the Ministry of Health (MINSA). This was addressed at formulating recommendations that contribute to guarantee women a safe pregnancy and labor. The main issues include training of MINSA's health care personnel in their gynecology and obstetrics services for assistance of vertical labor in cross-cultural adequacy conditions, including their obligation to report on any alarm signs and provide appropriate care during pregnancy, as well as the relevant conduction of HIV and syphilis tests onto pregnant mothers.

Finally, the objectives of the «*Segundo reporte de la Defensoría del Pueblo sobre el cumplimiento de la Ley de Igualdad de Oportunidades entre Mujeres y Hombres (enero-diciembre 2008)*» (Second Ombudsman's Report on the Compliance of the Law of Equal Opportunities for Women and Men (January - December 2008) included: i) accounting for actions taken in compliance of Law N° 28983, Law on Equal Opportunities for Women and Men,<sup>32</sup> (hereinafter, Law on Equality) by public entities including the Executive, Regional Government, or Province Local Governments, and other autonomous constitutional bodies; and ii) contributing to the effective compliance of the Law on Equality by the involved sectors, through the delivery of a proposal for a Defense Follow Up System for Compliance of the Law on Equality from a Rights-based Approach. This system should allow for conducting a systematic observation of public policies with regard to equal opportunities; and generating any necessary recommendations.

## 2.10 Male and Female Children and Adolescents

During the reported period, the Ombudsman's Office noted that sexual violence and physical and humiliating punishment were the main mechanisms for vulnerating the rights of male and female children and adolescents. Thus, sexual harassment is a form of violence that is becoming increasingly noticeable within educational institutions in the regions of Cusco, Junin, Loreto, and Piura. This notoriety stems from the fact that male and female minors have begun to claim

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32 Published on official gazette *El Peruano* on March 16, 2007.

on the harassment they undergo by some of their teachers. And, regarding sexual violation, in 2008 a higher number of claims were filed in the departments of Ayacucho, Cusco, Huanuco, Junin, La Libertad, Lima, and Loreto.

For the purpose of building awareness of the particular conditions of vulnerability of male and female children and adolescents at home and at school, and aimed at preventing any future sexual violence situations, the Ombudsman's Office conducted throughout the country a promotional campaign against sexual violence in abuse of male and female children and adolescents called «*Si lo descubres, denúncialo*» (If you catch them, report them!). Similarly aimed at ensuring an appropriate performance of the Ombudsman's Office in cases of sexual violence, the Deputy Ombudsman's Office for Children and Adolescents held a national training workshop, namely «*Intervención frente a la violencia contra los niños, niñas y adolescentes*» (Intervention vis-à-vis violence against male and female children and adolescents), with the participation of female and male delegates from all over the country.

Concerning physical and humiliating punishment –as the form of violence still used by both teachers and parents–, the Ombudsman's Office prepared Work Paper N° 4, namely «*¡Adiós al castigo! La Defensoría del Pueblo contra el castigo físico y humillante a niños, niñas y adolescentes*» (Good bye, punishment! The Ombudsman against physical and humiliating punishment of male and female children and adolescents), which examines the conditions of scenarios in which physical and humiliating punishment occurs, as well as its impacts on the development of male and female children and adolescents. Similarly, mechanisms are identified through which protection can be more effectively provided to male and female children and adolescents who are victims of this kind of abuse, and defense intervention lines are proposed.

## **2.11 Physically/Mentally Impaired or Disabled Persons**

With regard to physically/mentally impaired or disabled persons, the Ombudsman's Office held, between July 2007 and November 2008, a supervision addressed at verifying the implementation of the mental health public policy designed by MINSA for the care of persons with mental disturbances.

Within the framework of this task, we supervised issues related to the coverage of mental health services, the population's access to mental health care services, the conditions under which it is provided, and the service of the population's mental health needs in the zones affected by political violence. The findings of this supervision were gathered in Ombudsman's Report N° 140, «*Salud mental y derechos humanos. Supervisión de la política pública, la calidad de los servicios y la atención a poblaciones vulnerables*» (Mental Health and Human Rights. Oversight of Public Policy, Health Care Quality, and Service to Vulnerable Populations),<sup>33</sup> delivered in February, 2009.

On the other hand, the Ombudsman's Office organized and took part in events focused on relevant training and dissemination of the rights of the mentally/physically impaired or disabled, especially dealing with the right of impaired male/female children and adolescents to an inclusive education. Also training workshops on the rights of patients with mental disturbances were held in Lima and Huánuco, addressed at mental health care service practitioners, users, and patients' relatives.

## 2.12 Native Communities

Currently, the situation of indigenous peoples is very complex. While the 1993 Political Constitution of Perú recognizes for indigenous people some rights such as the right to an ethnic and cultural identity (article 2) and to cross-cultural bilingual education (article 17), it does not recognize indigenous peoples as legal (juridical) entities entitled to an ethnic belonging within a multi-ethnic country. However, the rights of indigenous peoples are fully recognized by Agreement N°169 of the International Labor Organization (ILO)<sup>34</sup>, and by the United Nations Declaration on the Rights of Indigenous Peoples.<sup>35</sup>

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33 Ombudsman's Report N° 140 was prepared by the Deputy Ombudsman's Office for Human Rights and the Mentally/Physically Impaired. The full text is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

34 The Agreement was adopted in 1989 and became effective on September 5, 1991, ratified by Perú on February 2, 1994. It has been ratified by 19 countries and, so far, it is the single juridical mandatory instrument of international law dealing exclusively with the rights of indigenous peoples.

35 The United Nations Declaration on the Rights of Indigenous Peoples was approved by the UN General Assembly (UN), on September 13, 2007.

With regard to the right of indigenous peoples to be consulted, the Ombudsman's Office has noted that there is no common understanding among the various indigenous organizations, private actors, and the State concerning the essential contents of this right. It might be pointed out that the State has regulated certain procedures for the exercise of the right to consultation from an approach limited to citizen participation, while some civil society and indigenous peoples' organizations believe that, in applying the right to consultation, the State is obliged to adopt the indigenous peoples' decisions as it were a right to vital, especially when it comes to the use of natural resources and exploitation or extractive activities.

With regard to the status of cross-cultural health care, the Ombudsman's Office supervised the health care centers in the native communities of Imaza (Amazonas), Contamana (Loreto), Oventeni (Ucayali), and Manu (Madre de Dios). Ombudsman's Report N° 134, «*La salud de las comunidades nativas: un reto para el Estado*» (The Health of Native Communities: A Challenge for the State),<sup>36</sup> disclosing the findings of this supervision, determined that infectious health problems (diarrheic and respiratory diseases) still persist in these zones. Likewise, a warning was issued about the progressive development of sexually transmitted infections (STI), HIV/AIDS, and mental health, and it was concluded that health care services are not trained for cross-cultural assistance, that they are not available to large portions of native community populations, and that they lack equipment, supplies, and medicines.

Finally, with regard to the status of indigenous people's lands, their right was affected due to the enactment by the Executive of Legislative Decrees N° 1015,<sup>37</sup> 1073<sup>38</sup>, and 1064,<sup>39</sup> vulnerating the right to property, and violating the

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36 Ombudsman's Report N° 134 was prepared by the Program for Indigenous Populations of the Deputy Ombudsman's Office for the Environment, Public Services and Indigenous Populations. The full text is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

37 Legislative Decree N° 1015, unifying the procedures of peasant and native communities on the highlands and the Amazon region with those on the Coast, in order to enhance their farming production and competitiveness, published on official gazette *El Peruano* on May 20, 2008.

38 Legislative Decree N° 1073, amending item b) of article 10 of Law N° 26505, Law for Private Investment on Development of Economic Activities in Lands of the National Territory and Peasant Native Communities, amended by single article of Legislative Decree N° 1015, published on official gazette *El Peruano* on June 28, 2008.

39 Legislative Decree N° 1064, approving the juridical regime for the exploitation of farming lands, published on official gazette *El Peruano* on June 28, 2008.

obligation to consult with indigenous populations. Faced to these provisions, the Ombudsman's Office issued Report N° 016–2008–DP/ASPMA.PCN, «*Comentarios de la Defensoría del Pueblo sobre proyectos de ley: tierras, predios rurales, comunidades campesinas y nativas*» (Observations by the Ombudsman's Office on Law Projects: Land, rural property, peasant and native communities),<sup>40</sup> through which the Congress of the Republic was recommended to maintain the number of two thirds required to dispose, tax or carry out any other act of disposal of the lands of highlands and Amazon communities, and to expand this criterion to the lands of coastal communities.

Similarly, the Ombudsman's Office filed an unconstitutionality appeal against Legislative Decrees N° 1015, and N° 1073, since they affected the native communities' right to a cultural identity, to the extent they allowed for intervention in community organizations without respecting their right to be consulted on regulatory decisions affecting them, as demanded by ILO Agreement N° 169. Such legislative decrees were derogated by the Congress of the Republic through the enactment of Law N° 29261, published on official gazette *El Peruano* on September 21, 2008.

## 2.13 Persons Affected by Violence

In 2008, the supervision of the recommendations contained in the Final Report (*Informe Final*) of the Truth and Reconciliation Commission (CVR – *Comisión de la Verdad y la Reconciliación*), started five years ago by the Ombudsman's Office, continued focused on the implementation of the repair and justice processes in favor of the victims of violence, as well as in the delivery of absence certificates to relatives of missing persons due to their forced disappearance.

Thus, Ombudsman's Report N° 139, «*A cinco años de los procesos de reparación y justicia en el Perú. Balance y desafíos de una tarea pendiente*» (Five Years of Repair and Justice Processes in Peru. Balance and Challenges of an Outstanding Endeavour),<sup>41</sup> shows:

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<sup>40</sup> The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

<sup>41</sup> This Ombudsman's Report was prepared by the Deputy Ombudsman's Office for Human Rights and the Physically/Mentally Impaired or Disabled. The full text of this report is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

- i) the progress recorded in the implementation of the Integral Repair Plan (PIR), the preparation of the Single Register of Victims (Registro Único de Víctimas - RUV), the Collective Repair Program, and the need to strengthen the High Level Multi-Sectoral Committee in charge of the Follow up of Actions and Policies in the ambits of Peace, Collective Repair, and National Reconciliation (CMAN).
- ii) the surveillance conducted of judicial processes for violation of human rights, involving the development of a specialized subsystem for investigation and a trial for human rights violations, the status of criminal investigations and processes for human rights violations, the procedural exceptions, and other mechanisms for wavering criminal responsibility, the protection system for witnesses, victims, experts, collaborators, and human rights advocates, the legal counsel for victims and defendants, and the anthropological-forensic investigations.
- iii) the judicialization of cases of reported sexual violation against women occurred in the times of violence.
- iv) the balance of the Ombudsman's Office performance in hearing the requests for absence certificates of persons missing due to forced disappearance. In the last five years, the Ombudsman's Office heard 2.888 requests, 1.273 of which have been solved, granted 1.044 certificates, and denied 229 requests. Additionally, 1.486 requests are undergoing the verification stage, 127 cases do not count on the necessary information; and in other 45 cases the applicants withdrew their request.
- v) the progresses and difficulties in judicial matters involving the Peruvian State before the Inter American System, and the compliance of the judgments issued by the Inter American Court for Human Rights (CIDH). It ought to be mentioned that between 2003 and 2007, a total number of 1.423 claims on reported violations of human rights were filed with the CIDH. Until July 2008, the Peruvian State received notifications on 556 claims, 415 of which are now undergoing administrative procedure, 26 moved over to the CIDH's jurisdiction, and 115 have been filed.



## 2.14 Elderly Persons

From the very beginning of its activities, the Ombudsman's Office has constantly focused on the rights of elderly persons as a priority. However, in 2008 we deemed it necessary to take actions mainly addressed at strengthening the citizenry's awareness of the rights of this population segment.

Thus, in 2008 we began the campaign «*Los años no quitan derechos*» (Age does not Affect Your Rights), the purpose of which was to sensitize the community and, particularly, public servants, on the rights of the elderly. These include the right to health, to a retirement pension, to good treatment, and to preferential service.

Similarly, we published Ombudsman's Report N° 135, «*Por un acceso justo y oportuno al derecho a la pensión: aportes para una mejor gestión de la ONP*» (For a Fair and Opportune Access to Retirement Funds: A contribution to better managing the ONP). This report deals with the problems faced by the elderly to access their right to a retirement pension such as, for example, the excessive delay in file procedures by the ONP, and the unawareness of the years they actually contributed to the fund.

## 2.15 Social Conflicts

In Perú, social conflicts typically stem from both structural and historical reasons, and from other more immediate and circumstantial reasons. They develop within a context in which the economic growth reported in recent years has not reflected a substantial improvement of the population's welfare; a weak response and a reluctant attitude towards dialogue by public entities has been perceived, along with a lack of transparency and scarce information regarding the role of public and private institutions and participation and control procedures. However, the Ombudsman's Office believes that law and dialogue are the most appropriate mechanisms for solving issues and conflicts. Therefore, the service provided by the Ombudsman's Office to social claims is mainly based on respect for the principle of legality and on the promotion of dialogue.



We ought to mention that in 2008, given an increase in social conflicts and the multiple scenarios of violence that were generated, the Ombudsman's Office consolidated its activity in the monitoring and follow-up of social conflicts through the *Sistema de Monitoreo de Conflictos* (SIMCO - Conflict Monitoring System). This tool allowed to arrange the information collected by Ombudsman's Offices and Service Modules, mass media, and involved agents, as well as to facilitate the follow-up of the agreements entered into (records) as a result of dialogue processes.

Likewise, in November 2008, with the approval of the new Organization and Functions Regulations (ROF), the Social Conflicts Unit became a line body called *Dirección de la Unidad de Conflictos Sociales* (DUCS – Social Conflicts Unit Bureau).<sup>42</sup>

Finally, we ought to point out that between January and December 2008, a total number of 216 social conflicts were reported, 137 of which began in 2008 (63%), 42 began in 2007 (19%), 11 began in 2006 (6%), 10 began in 2005 (5%), and 16 began in 2004 or before (7%). Similarly, 45% of the 137 new social conflicts reported in 2008 were typified as social-environmental. Additionally, 15% were associated with Local Government matters; 14% with labor issues; 10% with National Government issues; and 5% with territorial boundaries issues.

## 2.16 Decentralization and Governance

The decentralization process represents an important opportunity to make more effective the services provided by the State in a heterogeneous country with high rates of inequality. Therefore, during 2008 the Ombudsman's Office continued overseeing the decentralization process, with a special emphasis in municipal autonomy and in the transfer of sectoral competences and functions to Regional Governments, also including the implementation of the Preliminary Plan for the Municipalization of Educational Management.

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42 Further on, through Ombudsman's Office N° 019-2009/DP, the Deputy Ombudsman's Office for the Prevention of Social Conflicts and Governance was established.

Regarding the transfer process of sectoral competences and functions to Regional and Municipal Governments, the Ombudsman's Office decided to carry out a supervision of the transfer of sectoral competences to 25 Regional Governments. This let us notice that the transfer of functions to Regional Governments might be done without their having complied with specific requirements ensuring minimum skills for the exercise of the transferred functions, since such requirements might be acknowledged through the entering of inter-governmental framework agreements.

Concerning the Preliminary Plan for the Municipalization of Educational Management, in 2008, between June and September the Ombudsman's Office conducted a supervision of the implementation of the Preliminary Plan, comprising 30 district municipalities of Perú.

On the other hand, with regard to the municipal autonomy held by Regional and Municipal Governments to perform upon discretion and in response to the interests of their population in the political, regulatory, administrative, and economic ambits, the Ombudsman's Office detected practices by Local Governments that evidenced an inappropriate public management and deficiency in the rendering of administrative services to the citizenry, using autonomy as a justification for such acts. Ombudsman's Report N° 133, «¿Uso o abuso de la autonomía municipal?: el desafío del desarrollo local» (Use or misuse of municipal autonomy?: the challenge of local development),<sup>43</sup> accounts not only for various expressions of the abuse of municipal autonomy affecting the citizens' interests and rights but also the non-compliance with the legal terms related to requests filed by citizens and the charging of excessive or illegal fees.

Within this context, we conducted a campaign «*Trabajando por un buen gobierno municipal*» (Working towards Good Municipal Governance), the main purpose of which was to make the civil society aware of the contents and limits of autonomy, as well as of the importance of filing claims whenever a municipality

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43 Ombudsman's Report N° 133 was prepared by the Program for Decentralization and Governance of the Deputy Ombudsman's Office for Public Management. The full text is available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)

incurs in actions exceeding such limits and violates the rights and interests of a person or represents barriers to the access to quality public services.

## 2.17 Citizen Security

Considering that citizen security involves the protection of fundamental rights such as the right to life, to integrity, and to property among others, as a member of the National System of Citizen Security (SINASEC – *Sistema Nacional de Seguridad Ciudadana*), by early 2008 the Ombudsman's Office published Ombudsman's Report N° 132, «¿Ciudadanos desprotegidos?: estrategias para fortalecer el Sistema Nacional de Seguridad Ciudadana» (Unprotected citizens?: Strategies to reinforce the National System of Citizen Security), accounting for the supervision conducted over 26 regional citizen security committees and 12 province citizen security committees, as well as the for the progress attained by SINASEC and its operational instances.

Similarly, Ombudsman's Report N° 132 accounted for the need to consolidate SINASEC as an effective ambit for the struggle against the lack of citizen security; the failure to appoint technical secretaries for citizen security committees; the absence of a citizen security policy in the national and local ambits; the unawareness of local citizen insecurity issues; and the scarce promotion of citizen participation.

# 3. THE OMBUDSMAN'S OFFICE IN FIGURES

The Ombudsman's Office hears claims, petitions, and inquiries, the statistical figures of which allow to quantify the way in which citizens demand the institution's service. According to the new Ombudsman's Office Protocol, **claims** are requests that need the intervention of the Ombudsman's Office through the report of a violation or risk of violation of a constitutional or fundamental right as a result from an act or omission by a public management entity, by the administration of justice, or by any public utilities company.

On the other hand, a **petition** is a request calling for the intervention of the Ombudsman's Office to hear and/or to settle a situation of defenselessness or threat of a fundamental right, not resulting from any acts or omissions by public management or any utilities company, but regarding something that could be served by the latter in compliance with their role.

Finally, an **inquiry** is a request for information and advice filed with the Ombudsman's Office regarding juridical matters, institutional matters, and social or psychological support issues, not involving the violation of any fundamental and/or other rights in which the Ombudsman's Office has no competence.

### 3.1 Service to Male and Female Users in the National Scope

Table N° 2 shows the historical evolution of the total number of services rendered by the Ombudsman's Office in the national scope between 2000 and 2008. As can be seen, the upward trend of recent years still continues even though the increase rate tends to settle down.

As in 2007, in 2008 the number of 100.000 services was also exceeded. Thus, during 2008, the Ombudsman's Office heard a total number of 112.694 cases. This is an evidence of the continuing trust by the population in the Ombudsman's Office, identified as an institution that is committed with the defense of the constitutional and fundamental rights of the male and female citizens of Peru.

**Table N° 2**  
**Number of services by service type within the National Scope: 2000 - 2008**

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total 1/	40.073	50.520	52.180	68.913	70.907	62.419	85.658	111.337	112.694
Claim	13.549	18.630	19.526	18.410	24.018	24.088	28.297	32.920	30.615
Petition	3.876	5.670	7.097	14.374	14.440	11.793	11.894	10.001	13.115
Inquiry	22.648	26.220	25.557	36.129	32.449	26.538	45.467	68.416	68.964

1/ This includes ex-officio interventions. Also, on this table, each annual period comprises from January to December. Until the Eighth Annual Report (April 2004 - April 2005) the comparison was made taking as a reference the period comprised between April 11 of a given year to April 10th of the next year.

Source: Ombudsman's Office of Peru - Information Technology Office (OTI).

Elaboration: Information Technology Office (OTI) - Cabinet - First Deputy Ombudsman's Office

On the other hand, Table N° 3 allows us to quantify the weight of each type of service – whether claims, petitions or inquiries- with regard to the total number of services rendered to citizens by Ombudsman's offices or Service Modules throughout the country.

The above table shows that during 2008, the highest concentration of services was rendered by the Lima Ombudsman's Office, which recorded 31.170 cases. As for province Ombudsman's Offices (OD) and Service Modules, the ones that

**Table N° 3**  
**Number of services by case type in Ombudsman's Offices (od) and Service**  
**Modules (md) 2008**

Ombudsman's Office	Total Cases	Claims		Petitions		Inquiries	
<b>Total National Scope</b>	<b>112.694</b>	<b>30.615</b>	<b>27,17%</b>	<b>13.115</b>	<b>11,64%</b>	<b>68.964</b>	<b>61,20%</b>
1 OD Lima	31.170	9.751	31,28%	1.074	3,45%	20.345	65,27%
2 OD Piura	6.400	976	15,25%	143	2,23%	5.281	82,52%
3 OD Junin	5.265	1.624	30,85%	386	7,33%	3.255	61,82%
4 OD La Libertad	5.259	1.143	21,73%	676	12,85%	3.440	65,41%
5 OD Ayacucho	5.200	797	15,33%	615	11,83%	3.788	72,85%
6 OD Arequipa	4.109	1.206	29,35%	792	19,27%	2.111	51,38%
7 OD Callao	3.819	803	21,03%	338	8,85%	2.678	70,12%
8 OD Huancavelica	3.676	423	11,51%	772	21,00%	2.481	67,49%
9 OD Northern Lima	3.613	1.024	28,34%	307	8,50%	2.282	63,16%
10 OD Southern Lima	3.515	712	20,26%	144	4,10%	2.659	75,65%
11 OD Cusco	3.014	926	30,72%	311	10,32%	1.777	58,96%
12 OD Eastern Lima	2.467	689	27,93%	272	11,03%	1.506	61,05%
13 OD Tacna	2.419	512	21,17%	570	23,56%	1.337	55,27%
14 OD Ucayali	2.382	449	18,85%	743	31,19%	1.190	49,96%
15 OD Loreto	2.338	585	25,02%	709	30,33%	1.044	44,65%
16 OD Ica	2.230	849	38,07%	157	7,04%	1.224	54,89%
17 OD Huanuco	1.983	489	24,66%	509	25,67%	985	49,67%
18 OD Lambayeque	1.865	828	44,40%	224	12,01%	813	43,59%
19 OD Tumbes	1.780	525	29,49%	171	9,61%	1.084	60,90%
20 MD Tarapoto	1.761	338	19,19%	331	18,80%	1.092	62,01%
21 OD Ancash	1.401	615	43,90%	204	14,56%	582	41,54%
22 MD La Merced	1.355	488	36,01%	146	10,77%	721	53,21%
23 OD San Martin	1.339	350	26,14%	175	13,07%	814	60,79%
24 OD Puno	1.339	399	29,80%	200	14,94%	740	55,27%
25 MD Chimbote	1.247	551	44,19%	147	11,79%	549	44,03%
26 OD Cajamarca	1.222	447	36,58%	279	22,83%	496	40,59%
27 OD Madre de Dios	1.220	391	32,05%	380	31,15%	449	36,80%
28 MD Puquio	1.155	313	27,10%	28	2,42%	814	70,48%
29 OD Apurimac	1.132	250	22,08%	412	36,40%	470	41,52%
30 MD Tingo Maria	1.103	266	24,12%	576	52,22%	261	23,66%
31 MD Andahuaylas	1.089	146	13,41%	401	36,82%	542	49,77%
32 OD Amazonas	1.034	391	37,81%	198	19,15%	445	43,04%
33 OD Pasco	1.016	400	39,37%	187	18,41%	429	42,22%
34 MD Satipo	950	181	19,05%	127	13,37%	642	67,58%
35 OD Moquegua	826	451	54,60%	152	18,40%	223	27,00%
36 MD Juliaca	563	173	30,73%	156	27,71%	234	41,56%
37 MD Jaen	438	154	35,16%	103	23,52%	181	41,32%

Source: Ombudsman's Office of Peru - Information Technology Office (OTI). Perú Information Technology Office (OTI)

Prepared by: Information Technology Office (OTI) - Cabinet - First Deputy Ombudsman's Office

stand out are the Piura OD (6.400 services), the Junin OD (5.265 services), the La Libertad OD (5.259 services), and the Ayacucho OD (5.200 services).

Regarding claims, Table N°4 shows the figures for claims heard by Ombudsman's Offices and Service Modules, divided in segments created

**Table N° 4**  
**Number of services by case type in Ombudsman's Offices (od) and service Modules (md) 2008**

Segment	Ombudsman's Office		Claims
I. More than 2.001 claims	1	OD Lima	9.751
II. From 1.001 to 2.000 claims	2	OD Junin	1.624
	3	OD Arequipa	1.206
	4	OD La Libertad	1.143
	5	OD Northern Lima	1.024
III. From 500 to 1.000 claims	6	OD Piura	976
	7	OD Cusco	926
	8	OD Ica	849
	9	OD Lambayeque	828
	10	OD Callao	803
	11	OD Ayacucho	797
	12	OD Lima Sur	712
	13	OD Lima Este	689
	14	OD Ancash	615
	15	OD Loreto	585
	16	MD Chimbote	551
	17	OD Tumbes	525
	18	OD Tacna	512
IV. From 1 to 499 claims	19	OD Huanuco	489
	20	MD La Merced	488
	21	OD Moquegua	451
	22	OD Ucayali	449
	23	OD Cajamarca	447
	24	OD Huancavelica	423
	25	OD Pasco	400
	26	OD Puno	399
	27	OD Madre de Dios	391
	28	OD Amazonas	391
	29	OD San Martin	350
	30	MD Tarapoto	338
	31	MD Puquio	313
	32	MD Tingo Maria	266
	33	OD Apurimac	250
	34	MD Satipo	181
	35	MD Juliaca	173
	36	MD Jaen	154
	37	MD Andahuaylas	146
<b>Total</b>			<b>30.615</b>

Source: Ombudsman's Office of Peru - Information Technology Office (OTI). Peru Information Technology Office (OTI)

Prepared by: Information Technology Office (OTI) - Cabinet - First Deputy Ombudsman's Office

in function of the number of claims served. Thus, segment I gathers the Ombudsman's Offices hearing more than 2,001 claims such as the Lima OD (9,751 claims), the one that heard the highest number of claims throughout the national scope.

Segment II, made up by the offices that heard from 1,001 to 2,000 claims, includes four Ombudsman's branch offices: Junin (1,624), Arequipa (1,206), La Libertad (1,143), and Northern Lima (1,024). Finally, segments III and IV include Ombudsman's branch offices gathering from 1 to 1,000 claims.

Table N°5 shows the rate of claims filed at Ombudsman's branch offices, and in multiple Service Modules throughout the national scope. Thus, the Ombudsman's Offices recording a higher number of claims were Lima (31,85%), Junin (5,30%), Arequipa (3,94%), La Libertad (3,73%), Northern Lima (3,34%), and Piura (3,19%), concentrating a 51.36% share of the total number of claims recorded by the Ombudsman's Office in 2008.

We ought to mention that this table has been divided in two sections: claims without *ex-officio* interventions (upon petition by a party), and claims stemming from *ex-officio* interventions. Within the national scope, 13,63% of the 30,615 recorded claims had its origin in *ex-officio* interventions, while 86,37% of claims were filed by male or female citizens requesting the intervention of the Ombudsman's Office.

Table N°6 shows the most frequent violation situations in the universe of claims filed with the Ombudsman's Office in 2008. A 'violation situation' can be defined as one in which the State vulnerates citizens rights. The new Ombudsman's Protocol introduces this concept for the purpose of establishing a list of fundamental rights that might be harmed.

It ought to be kept in mind that a claim may include one or more violation situations. Thus, for example, a citizen may file a claim with the Ombudsman's Office alleging that that a hospital's health care personnel abused them verbally, did not explain the diagnosis in an appropriate and simple way, and denied to



**Table N° 5**  
**Concentration rate of claims by Ombudsman's Offices**  
**(od) and service modules (md) 2008**

Ombudsman's Office		Served Claims						
		Total	share	cumulative share	without ex officio interventions		ex officio interventions	
1	OD Lima	9.751	31,85%	31,85%	9.629	98,75%	122	1,25%
2	OD Junín	1.624	5,30%	37,15%	808	49,75%	816	50,25%
3	OD Arequipa	1.206	3,94%	41,09%	913	75,70%	293	24,30%
4	OD La Libertad	1.143	3,73%	44,83%	939	82,15%	204	17,85%
5	OD Northern Lima	1.024	3,34%	48,17%	777	75,88%	247	24,12%
6	OD Piura	976	3,19%	51,36%	718	73,57%	258	26,43%
7	OD Cusco	926	3,02%	54,39%	872	94,17%	54	5,83%
8	OD Ica	849	2,77%	57,16%	827	97,41%	22	2,59%
9	OD Lambayeque	828	2,70%	59,86%	703	84,90%	125	15,10%
10	OD Callao	803	2,62%	62,49%	782	97,38%	21	2,62%
11	OD Ayacucho	797	2,60%	65,09%	595	74,65%	202	25,35%
12	OD Southern Lima	712	2,33%	67,41%	637	89,47%	75	10,53%
13	OD Eastern Lima	689	2,25%	69,67%	648	94,05%	41	5,95%
14	OD Áncash	615	2,01%	71,67%	441	71,71%	174	28,29%
15	OD Loreto	585	1,91%	73,58%	453	77,44%	132	22,56%
16	MD Chimbote	551	1,80%	75,38%	466	84,57%	85	15,43%
17	OD Tumbes	525	1,71%	77,10%	464	88,38%	61	11,62%
18	OD Tacna	512	1,67%	78,77%	450	87,89%	62	12,11%
19	OD Huánuco	489	1,60%	80,37%	378	77,30%	111	22,70%
20	MD La Merced	488	1,59%	81,96%	317	64,96%	171	35,04%
21	OD Moquegua	451	1,47%	83,44%	420	93,13%	31	6,87%
22	OD Ucayali	449	1,47%	84,90%	315	70,16%	134	29,84%
23	OD Cajamarca	447	1,46%	86,36%	339	75,84%	108	24,16%
24	OD Huancaavelica	423	1,38%	87,74%	395	93,38%	28	6,62%
25	OD Pasco	400	1,31%	89,05%	300	75,00%	100	25,00%
26	OD Puno	399	1,30%	90,35%	343	85,96%	56	14,04%
27	OD Madre de Dios	391	1,28%	91,63%	342	87,47%	49	12,53%
28	OD Amazonas	391	1,28%	92,91%	372	95,14%	19	4,86%
29	OD San Martín	350	1,14%	94,05%	270	77,14%	80	22,86%
30	MD Tarapoto	338	1,10%	95,16%	279	82,54%	59	17,46%
31	MD Puquio	313	1,02%	96,18%	214	68,37%	99	31,63%
32	MD Tingo María	266	0,87%	97,05%	252	94,74%	14	5,26%
33	OD Apurímac	250	0,82%	97,86%	230	92,00%	20	8,00%
34	MD Satipo	181	0,59%	98,46%	118	65,19%	63	34,81%
35	MD Juliaca	173	0,57%	99,02%	158	91,33%	15	8,67%
36	MD Jaén	154	0,50%	99,52%	140	90,91%	14	9,09%
37	MD Andahuaylas	146	0,48%	100,00%	138	94,52%	8	5,48%
		30.615	100,00%		26.442	86,37%	4.173	13,63%

Source: Ombudsman's Office of Peru Information Technology Office (OTI).

Elaboration: Information Technology Office (OTI) - Cabinet - First Deputy Ombudsman's Office

**Table N° 6**  
**Most frequent violation situations among total claims, 2008**

Violation Situation			32.546	Share	Cumulative Share
1	Right of petition	Omission to provide written response within legal term	3.780	11,61%	11,61%
2	Right to Social Security - D.L. N° 19990	Delay in retirement pension	1.801	5,53%	17,15%
3	Right to Social Security	Irregularities in request procedures for disaffiliation from the Private Pension Register	1.627	5,00%	22,15%
4	Labor Rights	Failure to comply with labor obligations	1.031	3,17%	25,31%
5	Right to Social Security	Delay in application procedures for disaffiliation from the Private Pension System	1.011	3,11%	28,42%
6	Right to good management	Vulnerations of the right to due process	972	2,99%	31,41%
7	Right to Social Security - D.L. N° 19990	Unawareness of years of contribution	943	2,90%	34,31%
8	Due process	Lack of procedural agility	937	2,88%	37,18%
9	Right to Information Access	Non compliance with term to deliver information	895	2,75%	39,93%
10	Access to Justice	Delay in preliminary investigation	553	1,70%	41,63%

Source: Ombudsman's Office - Information Technology Office (OTI).

Elaboration: Information Technology Office (OTI) - Cabinet - First Deputy Ombudsman's Office

provide them with a copy of their medical record. As can be seen, this claim contains three violation situations.

Thus, the previous table shows that 32.546 violations of rights were recorded in 2008, the most frequent type of which was “the omission to provide written response within the legal term”, which affects a petition right by the failure of the administrative authority to comply with issuing a statement on an opportune basis with regard to a request filed by a female or male citizen. This situation gathered 11,61% of the recorded total for the national scope.

Below are the next four most frequent violation situations: i) the “delay in monthly procedures”, a fact linked to the delay in which the ONP incurs in providing response to a claim and/or application for a retirement right within the framework of the National Pension System (Sistema Nacional de Pensiones - SNP); ii) the “irregularities in the procedures for requesting withdrawal from the Private Pension Register”, consisting of an irregular procedure in the request for withdrawal from the Private Register of Pensions, which affects the petitioner’s right to social security, as well as the possibility of defining whether their return to the SNP might be applicable; iii) the “non-compliance of labor applications”, which occurs on the state, as an employer, breaches a legal obligation or collective agreement in prejudice of a worker (for instance, omission to pay compensations); and iv) the “delay in the procedure for requesting withdrawal from the Private Pension System”, involving cases of delay in serving the insured person’s request for withdrawal.

It is relevant to point out that a violation situation may be declared grounded or not grounded. It is ‘grounded’ when the vulneration of constitutional or fundamental rights as well as the irregular performance by the entity complained about has been proven. Otherwise, the claim shall be declared ‘not grounded’.<sup>44</sup>

On the other hand, a violation situation is declared ‘unsettled’ when all possible procedures have been exhausted with the entity complained about, and it does not offer any cooperation and no sufficient elements exist to acknowledge their irregular performance or the vulneration of any constitutional or fundamental rights; or whenever it has not been possible to contact the petitioner or the person affected by such violation of rights for more than three months.<sup>45</sup>

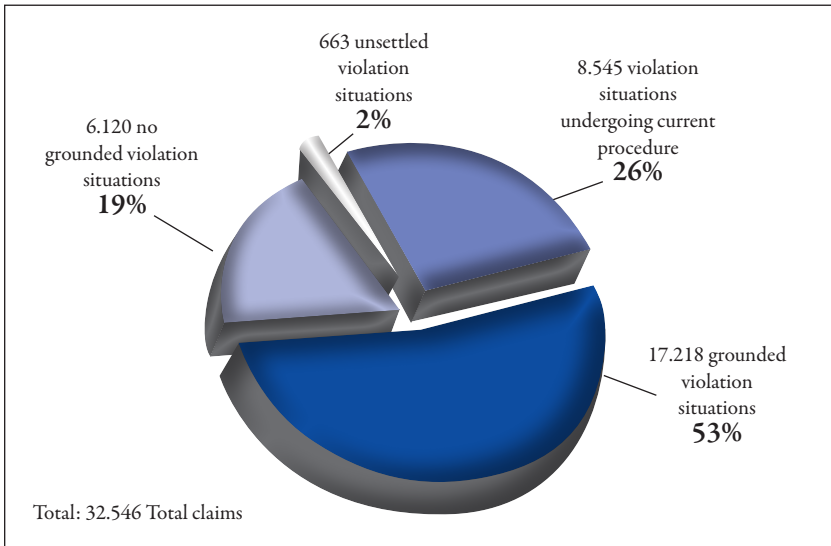
Thus, during 2008, in the national scope, 24.001 of the 32.546 recorded violation situations were settled, while 8.545 are still undergoing current administrative procedures. We may add that, taking the settled violation situations,

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<sup>44</sup> Article 47 of the Ombudsman’s Protocol.

<sup>45</sup> Article 50 of the Ombudsman’s Protocol.

**Figure N° 3**  
**Share of the Most Frequent Violation Situations**  
**Within the Universe of Claims for the Year 2008**



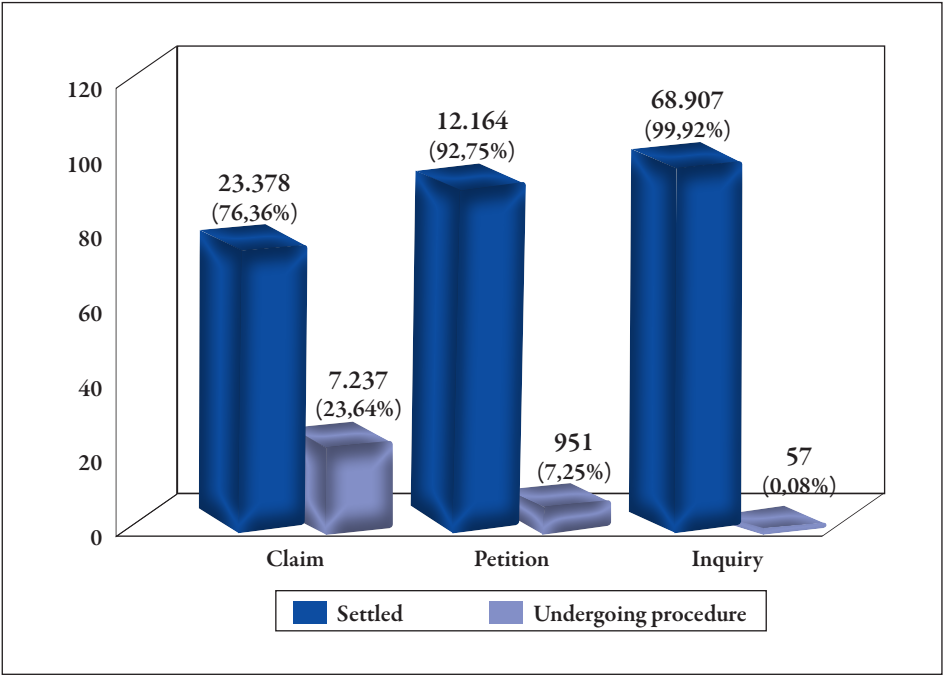
17.218 were declared grounded; 6.120 were declared not grounded; and 663 were declared unsettled (see Figure N° 3).

### 3.2 Status of Claims, Petitions, and Inquiries

Figure N° 4 shows the statistical figures referred to the resolution status of claims, petitions, and inquiries that the population filed with the Ombudsman's Office during 2008. It can be seen that by the end of 2008, 76,36% of the 23.378 filed claims, 92,75% of the 12.164 petitions filed, and 99,92% of the 68.907 inquiries had been settled, a fact that evidences the effectiveness of the Ombudsman's Office activity.

We ought to point out that there are still some claims, petitions, and inquiries undergoing procedures, but within the service terms provided

**Figure N° 4**  
**Status of Claims, Petitions and Inquiries Within the National Ambit, 2008**



for in articles 45, 61, and 65 of the above mentioned Ombudsman’s Protocol.

### 3.3 Institutions against which most claims were filed

Table N° 7 shows a list of the 10 institutions against which most claims were filed during 2008. On the one hand, it shows the total number of claims filed with the Ombudsman’s Office, along with the settled claims, and the claims undergoing current procedures. On the other hand, it shows the total number of settled cases –including the grounded, the not-grounded violation situations, and the unsettled violation situations-, as well as any violation situations undergoing current procedures, by institutions. We ought to point out that in order to

**CTable N° 7**  
**Institutions against which most claims were filed in the national scope 2008**

Public Entity	Filed claims			Violation Situations							
	Total	Undergoing procedure	Settled	Total	Current procedure	Settled			% of grounded & settled		
						Total	Grounded	Not grounded		Unsettled	
National Scope	30.615	7.237	23.376	76,36%	32.546	8.535	24.011	17.218	6.122	671	52,90%
1 Retirement Pension Management Office (ONP)	6.785	3.569	3.216	47,40%	7.446	3.989	3.457	2.890	563	4	38,81%
2 Province Municipalities	6.141	1.117	5.024	81,81%	6.461	1.227	5.234	3.824	1.020	390	59,19%
3 Regional Education Bureaus (DRE)	4.100	570	3.530	86,10%	4.202	885	3.317	2.507	740	70	59,66%
4 Regional Health Bureaus (DIRESA)	1.689	377	1.312	77,68%	1.737	403	1.334	974	336	24	56,07%
5 National Police of Perú (PNP)	1.673	262	1.411	84,34%	1.727	317	1.410	811	575	24	46,96%
6 The Judiciary	1.339	125	1.214	90,66%	1.356	158	1.198	716	468	14	52,80%
7 Regions	868	144	724	83,41%	886	189	697	533	148	16	60,16%
8 Ministry of Education	837	132	705	84,23%	887	154	733	449	269	15	50,62%
9 Social Security (EsSalud)	821	159	662	80,63%	872	184	688	482	189	17	55,28%
10 Attorney General's Office	575	69	506	88,00%	583	78	505	289	207	9	49,57%

Source : Ombudsman's Office of Peru Information Technology Office (OTT).  
 Elaboration : Information Technology Office (OTT) - Cabinet - First Deputy Ombudsman's Office

determine which institutions generated a larger number of claims, we took into account the number of claims filed and not the number of recorded violation situations because, as it has been said, one claim might include or involve more than one violation situation.

The above table shows that the ONP is the institution against which the Ombudsman's Office heard the highest number of claims during 2008 (6.785 total claims). Province municipalities rank second, with 6.141 claims filed; regional education's bureaus (DRE) rank third with 4.000 claims filed, the fourth rank is held by regional health bureaus (DIRESA), with 1.689 filed claims, and the fifth rank is held by the PNP, with 1.673 filed claims.

### **3.4 Figures of the Virtual Service Center (Centro de Atención Virtual - CAV)**

Since the establishment of CAV, in 2006, we have served a total of 49.904 requests from citizens. This service includes the reception of claims and petitions, the resolution of inquiries, the delivery of information regarding claims undergoing current procedures, and the reception of the applications to access information, as well as the delivery of any additional information regarding the Ombudsman's Office events and other activities.

The service provided through electronic media available to citizens throughout the country – the on-line form, the institutional Chat, the institutional mail, and the toll-free telephone line -- represents an additional tool for persons to have an access to the Ombudsman's Office and, in turn, for the institution to approach population groups that, due to geographic, economic, health, or impairment limitations, cannot physically resort to Ombudsman's offices.

In 2008, the CAV served 19.986 applications, 5% more than the equivalent figure for 2007 (19.042), and 83,76% higher than the one for 2006 (10.876 applications). Therefore, we can conclude that there is an upward trend in the population's use of technological tools.

**Figure N° 8**  
**Statistical figures from the virtual service center: 2006 - 2008**

	2006	2007	2008
Total	10.876	19.042	19.986
Telephone Services	3.766	10.708	14.454
On-line service form	6.783	7.816	4.534
Institutional Chat	211	516	924
E-mail service	116	2	74

Source : Ombudsman's Office Information Technology Office (OTI).

Elaboration : Information Technology Office (OTI) - Cabinet - First Deputy Ombudsman's Office



# 4. FINAL CONSIDERATIONS

- **Institutional Vision and Mission**

The year 2008 was marked by the continuity of economic growth, the beginning of the global financial crisis, and the occurrence in Peru of a number of historical issues related to discrimination.

Within this context, the Ombudsman's Office has maintained a corporate vision and mission of struggle against exclusion, racism, and all kinds of discrimination, in the understanding that the actual effectiveness of fundamental rights, regardless of their legal formalization, lies on building a social and institutional context that promotes values of respect of and abidance to democratic order.

Likewise, the struggle against exclusion and discrimination, aimed at overcoming the country's social gap, calls for the State administration to consider certain specific social issues as top priority -or at least that it questions the actual relevance that is usually assigned to them. Many of them were examined by the Ombudsman's Office during 2008. Consequently, these final considerations will deal with three topics that in the forthcoming years shall deserve special attention

and an articulate action by various sectors of the Central Government and the involved governmental instances: social conflicts, the country's decentralization, and attention to indigenous populations.

- **Social Conflicts**

In 2008, social conflicts increased in the country. By the end of the year, the Ombudsman's Report on Conflicts had recorded 197, approximately 150% more than in December 2007, when only 78 were reported. Until May 2009, when the Annual Report was delivered, the trend remained unaltered; conflicts dealing with environmental matters were the highest number. Conflicts with the Local and National Governments rank second, and labor conflicts rank third.

Social conflicts typically respond to both structural and historical causes as well as to other more immediate and circumstantial causes. They are generated in a context where, on the one hand, it can be perceived that the economic growth of recent years is not reflected on a material improvement of the population's wellbeing. On the other hand, such situation is aggravated by the slow development of public management skills in the various governmental instances, little willingness for dialogue and the lack of a transparent performance by authorities, a mutual lack of trust among public entities, and the corruption cases disclosed. Within this scenario, such factors turn unfavorable to developing mutual trust links among the agents involved in a conflict, hindering any constructive dialogue that might lead to practical and sustainable solutions.

Similarly, social sectors that lack trust and are little informed about the role of public and private institutions and on the participation and control procedures are seemingly more prone to acknowledge radical leaderships rather than choosing others based on a concerted effort and on constructive dialogue. At the same time, an increasingly smaller segment of the entrepreneurial sector shows scarce understanding of the vital and historical space on which they conduct their operations, as well as a fragile commitment with the communities settled in those places.

Notwithstanding the above, the Ombudsman's Office believes that respect for the principle of legality and the promotion of dialogue are pillars that can support consistent defense work focused on social demands. Thus, dialogue must always be an option for free choice by the parties, so that, supplemented by administrative, constitutional, and jurisdictional procedures, specific solutions dealing with social demands can be arrived at.

It is necessary to count on social institutions that incarnate the values of dialogue, tolerance, and respect for people's lives and dignity, which at the same time develop social sanction mechanisms addressed at any actors that promote an antidemocratic posture. The Ombudsman's Office is certain that social peace requires a social and constitutional context favoring the values of respect and compliance with the institutional nature of democracy.

Developing social institutionality, in turn, demands for democratic public institutions that through everyday work shed a light on the principles of dialogue, tolerance, and respect, as well as recognition of the individual person and their dignity. Along that same line, a society that is less prone to violence shall also be a society where the rights of persons are better protected.

The Ombudsman's Office, as an organ engaged in the defense of constitutional rights of individuals and of the community, faces the task of contributing to consolidate the country's democratic institutionality through its activity in: i) the political cycle; ii) the surveillance of the State; iii) the service of claims, petitions, and inquiries by citizens; and iv) the dissemination of human rights.

- **Decentralization**

The decentralization process, particularly the transfer of functions from the Central Government to the Regional and Local Governments, is especially important since the effectiveness of the citizens' fundamental rights depends on the appropriate rendering of the services that these governmental instances provide to the inhabitants of their regions.

On the success or failure of the decentralization process depend the actualization of many citizen rights –including health, education, security, care of children and adolescents- and the definitive and irreversible consolidation of the democratic system, the State of Law, and social peace.

The decentralization process is, indeed, a political process generating new expectations and opportunities for the promotion of human development and the appropriate response to a number of long-time delayed demands; it shall provide with new opportunities to introduce institutional reforms leading to the strengthening of the relations between the State and the society.

For the Ombudsman's Office, decentralization arises as a singular opportunity to deal with inequalities, to promote access to similar opportunities for development, and to improve the quality of people's lives; that is, to fully guarantee the exercise of the fundamental rights and imprint the meaning of democracy and its value in the minds of Peruvian citizens.

- **Indigenous Peoples**

The issues concerning indigenous peoples, excluded from the State and its decisions for centuries, are gradually becoming more important and urgent in the national social agenda. The very poor conditions in which indigenous citizens have lived in our country throughout our history worsened by the increasing pressure over their lands and the meager basic services they receive from the State –as a result from the expansion of extractive activities and the migration of settlers. This determines the necessity that the State serves them on a priority basis through inclusion policies that translate into respect for their cultural identity, their access to essential services, and the protection of their living space.

In view of the above, we point out the necessity for the State to expand the scope of and undertake the task of comprehensively and adequately applying the indigenous peoples' right to be consulted, as established by International Labor Organization (ILO) Agreement N° 169 on Indigenous and Tribal Peoples in

Independent Countries, ratified by Perú in 1993 through Legislative Resolution N° 26253.<sup>46</sup>

For an effective implementation, framework regulations ought to be approved with the status of law, aimed at ensuring the appropriate application of the right to consultation by the public sector every time a legislative and/or administrative action that may directly affect indigenous peoples may be foreseen. Such framework regulations should focus on four core issues: i) the purpose of the right to consultation; ii) its essential nature; iii) its governing principles; and iv) its procedural stages and guarantees.

Thus, the purpose of the consultation process is to ensure that the State's decisions protect the fundamental rights of indigenous populations, especially their right to their own cultural identity, while making part of the design and implementation of any and all public policies that involve them. By virtue of the above, it is the Peruvian State's task, on an exclusive and excluding basis, to implement mechanisms that ensure a cross-cultural dialogue process with indigenous populations, addressed at obtaining their agreement or at reaching one. It ought to be pointed out that further on, such cross-cultural dialogue shall expand to set a period for the implementation, follow up, and evaluation of such measures through the indigenous peoples' exercise of their right to citizen participation. This will prove a contribution to the consolidation of a more just and democratic society.

- **The Magistrature of Persuasion. A fundamental tool for the Ombudsman's Office**

The baseline of the activity of the Ombudsman is what we call «the magistrature of persuasion». That is, it does not impose but convince; it does not order but encourage; and it does not judge but defend. Thus, in absence of coercion, the

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<sup>46</sup> Legislative Resolution N° 26253, approving ILO Agreement N° 169 on Indigenous and Tribal Peoples in Independent Countries. Published on official gazette *El Peruano* on December 2, 1993.

Ombudsman of Perú must duplicate efforts to attain a level of credibility that allows it to convoke the trust of all citizens –who naturally seek the solution to their problems– and, at the same time, achieve the expected effect on public management, as addressee of the recommendations issued by the Ombudsman's Office.

In fact, an increasingly higher number of citizens are coming personally to Ombudsman's offices throughout the country to file their claims alleging the violation of a right, to request our intervention in the way of good offices, or to obtain legal advice.

On the other hand, an increasingly higher number of public instances understand the critical cooperation role performed by the Ombudsman vis-à-vis the State. This awareness of the nature of the Ombudsman's activity has translated into various work meetings held through 2008 with representatives of public institutions, and further on, the entering of inter-institutional cooperation agreements with such entities, with the aim of favoring citizens.

Thus, the Ombudsman's activity is based on the trust it can generate, what supports the magistrature of persuasion. We are certain that confidence is built and developed day by day if institutional performance is governed by solid principles and practices such as excellence in serving citizens, the defense of their fundamental rights, independence in exercising the mandate, and a behavior based on incoercible ethics.

## 5. OMBUDSMAN'S REPORTS APPROVED BY OMBUDSMAN'S OFFICE RESOLUTIONS AND OTHER WORK PAPERS

- **Ombudsman's Report N° 133**, «*¿Uso o abuso de la autonomía municipal? El desafío del desarrollo local*» (Use or Abuse of Municipal Autonomy? The Challenge of Local Development), approved by Ombudsman's Office Resolution N° 001–2008–DP, dated March 22, 2008, published on official gazette *El Peruano* on February 26, 2008.
- **Ombudsman's Report N° 134**, «*La salud de las comunidades nativas: un reto para el Estado*» (Health in Native Communities: a Challenge for the State), approved by Ombudsman's Office Resolution N° 011–2008–DP, dated April 20, 2008, published on official gazette *El Peruano* on May 6, 2008.
- **Ombudsman's Report N° 135**, «*Por un acceso justo y oportuno a la pensión: aportes para una mejor gestión de la ONP*» (For a fair and opportune access to Retirement Funds: A contribution to better managing the ONP), approved by Ombudsman's Office Resolution N° 020–2008–DP, dated July 11, 2008, published on official gazette *El Peruano* on July 15, 2008.
- **Ombudsman's Report N° 136**, «*La calidad del aire en Lima y su impacto en la salud y la vida de sus habitantes: seguimiento de las recomendaciones*»

*defensoriales*» (The Quality of Air in Lima and its Impact on the Health and Life of its inhabitants: Follow up of Ombudsman's Recommendations), approved by Ombudsman's Office Resolution N° 027–2008–DP, dated August 18, 2008, published on official gazette *El Peruano* on August 19, 2008.

- **Ombudsman's Report N° 137**, «*El transporte urbano en Lima Metropolitana: un desafío en defensa de la vida*» (Urban Transport in Metropolitan Lima: A Challenge in Defense of Life), approved by Ombudsman's Office Resolution N° 033–2008–DP, dated November 10, 2008, published on official gazette *El Peruano* on November 11, 2008.
- **Ombudsman's Report N° 138**, «*Derecho a una maternidad segura: supervisión nacional a los servicios de Ginecología y Obstetricia del MINSA*» (The Right to a Safe Maternity: National Oversight of MINSA's Gynecology and Obstetrics Services), approved by Ombudsman's Office Resolution N° 035-2008-DP, dated November 28, 2008, published on official gazette *El Peruano* on December 2, 2008.
- **Ombudsman's Report N° 139**, «*A cinco años de los procesos de reparación y justicia en el Perú. Balance y desafíos de una tarea pendiente*» (Five Years of Repair and Justice Processes in Perú. Balance and challenges of an outstanding endeavour), approved by Ombudsman's Office Resolution N° 037–2008–DP, dated December 17, 2008, published on official gazette *El Peruano* on December 20, 2008.
- **Ombudsman's Work Paper N° 3**, «*La epidemia del VIH/Sida: el rol de la Defensoría del Pueblo*» (The HIV/AIDS Epidemics: the Role of the Ombudsman's Office), available at [www.defensoria.gob.pe](http://www.defensoria.gob.pe)



Se terminó de imprimir en diciembre de 2009  
en los talleres gráficos de

**Ediciones Nova Print s.a.c.**

Av. Ignacio Merino 1546, Lince  
edicionesnovaprint@gmail.com

Telefax: 471-5366

Lima-Perú