

OEA/Ser.L/V/II.151  
Doc. 34  
25 July 2014  
Original: Spanish

**REPORT No. 69/14**  
**CASE 12.041**  
REPORT ON FRIENDLY SETTLEMENT

M.M.  
PERU

Approved by the Commission at its session No. 1995 held on July 25, 2014  
151 Regular Period of Sessions

**Cite as:** IACHR, Report No. 69/14, Case 12.041. Friendly Settlement. M.M. Peru. July 25, 2014.

**REPORT No. 69/14**  
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FRIENDLY SETTLEMENT  
M.M.  
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JULY 25, 2014

**I. SUMMARY**

1. On April 23, 1998, the Inter-American Commission on Human Rights (hereinafter, “the Inter-American Commission,” “the Commission,” or “the IACHR”) received a petition lodged by the Latin-American and Caribbean Committee for the Defense of Women’s Rights [*Comité Latinoamericano y del Caribe para la Defensa de los Derechos de la Mujer—CLADEM*] and the Center for Reproductive Law and Policy (CRLP) (hereinafter, the petitioners) against the State of Peru (hereinafter, “the State” or “Peru”). After the petition was lodged the Commission was informed of the co-representation of the Center for Justice and International Law (CEJIL) in the proceedings. The petition alleged the international responsibility of the State for violation of Articles 1(1), 5, 8(1), 11, and 25 of the American Convention on Human Rights. The petitioners likewise alleged violations of Articles 3, 4, 7, 8 and 9 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Para), and Articles 1 and 12(1) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to the detriment of M.M.<sup>1</sup> The foregoing allegations stem from the alleged sexual abuse suffered by M.M. from a doctor of the Public Hospital Carlos Monge Medrano de Juliaca, as well as the errors of the Peruvian State in its investigation [of the matter] and its failure to punish those responsible.

2. The State questioned the admissibility of the petition in its first briefs, highlighting the lack of exhaustion of domestic remedies. On March 6, 2000, the parties signed a friendly settlement agreement, and under the IACHR’s supervision and monitoring, undertook planning and reporting activities regarding the commitments that were pending and those that had been fulfilled during the friendly settlement proceedings. In this regard, the IACHR positively highlights that there was a constructive and ongoing dialogue between the State and the petitioners, which was materialized in the compliance with the entirety of the agreement to the satisfaction of the interests of both parties.

3. Following the provisions of Article 49 of the Convention and Article 40(5) of the Commission’s Rules of Procedure, the IACHR adopts this report, which includes a brief description of the facts and the friendly settlement achieved. Having examined the agreement’s conformity with the principles of the American Convention, the Commission decides to notify the parties, make this report public, and include it in its Annual Report to the General Assembly of the Organization of American States.

**II. PROCESSING BEFORE THE COMMISSION**

4. The State presented observations on November 4, 1998 and March 4, 1999; and provided additional information on June 1, 2, and 22, 1999, which was forwarded to the petitioners for their observations.

5. On December 18, 1998, the petitioners reported that CEJIL was being added as a co-petitioner. On January 29, March 4, and April 15, 1999, they submitted their observations and additional information, which were forwarded to the State.

6. On April 19, 1999, the IACHR made itself available to the parties to reach a friendly settlement agreement. The State presented a brief on May 18, 1999, expressing its interest in initiating a friendly settlement proceeding. The petitioners submitted a draft of a friendly settlement agreement on June

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<sup>1</sup> The petitioners requested the anonymity of the victim’s identity.

11, 1999. The State presented its observations on August 19, 1999, which were forwarded to the petitioners. On October 4, 1999, the first meeting of the parties took place.

7. A second meeting was held at the Commission's headquarters on March 6, 2000 at the request of the petitioners, during which a friendly settlement agreement was signed. The State presented reports on the status of its compliance with the commitments of the agreement on April 20, September 22, and November 30, 2000, and submitted additional information on November 16, 2000, all of which were forwarded to the petitioners. The petitioners submitted additional information on August 28 and November 13, 2000, and their observations on November 22, 2000, which were forwarded to the State.

8. Seven meetings took place at the request of the petitioners on the following dates: March 2 and November 14, 2001; March 7 and October 14, 2002; February 26, 2003; March 5 and October 26, 2004.

9. The State presented compliance reports on: May 25 and 30, 2001; September 12, 2002; November 19 and December 15, 2004. These reports were forwarded to the petitioners. The petitioners submitted observations regarding compliance on January 22, 2002, and additional information on March 7 and April 8, 2002, which were forwarded to the State. The petitioners submitted observations on January 14, 2008, which were forwarded to the State. A tenth meeting was held at the request of the petitioners on March 11, 2008.

10. The State presented information regarding compliance with the agreement on: May 12 and 29, and September 30, 2008; and March 6, 2009, with annexes to the latter being presented on March 13, 2009. All of the foregoing was sent to the petitioners. The petitioners presented observations on June 28, July 25, and December 19, 2008.

11. An eleventh meeting took place on March 21, 2009. The State sent additional information on March 21, 2009, which was forwarded to the petitioners. The petitioners submitted observations on August 28, 2009, and annexes thereto on September 2, 2009, all of which were forwarded to the State.

12. The petitioners submitted observations regarding compliance with the friendly settlement agreement on October 26, 2011, and annexes thereto on December 6, 2011, which were forwarded to the State. The State provided updated information on compliance on August 3, 2012. On November 3, 2012, a twelfth meeting was held.

13. The State provided information on compliance with the friendly settlement agreement on February 22, 2013, which was forwarded to the petitioners. The petitioners submitted observations on January 16, 2014. The IACHR held a thirteenth meeting on March 26, 2014 at the request of the petitioners. The parties signed a minute of commitments regarding point eight of the friendly settlement agreement during this meeting. On April 4, 2014, the State sent updated information regarding compliance with this minute of commitments, which was sent to the petitioners for their information on June 10, 2014.

### **III. THE FACTS ALLEGED**

14. As background information, the petitioners explained that at the time of the events M.M. was a young farmer woman, 22 years of age, and orphaned. She was the eldest daughter, the head of household, and was charged with raising her younger siblings, who she supported with an informal business as a street vendor selling socks. On January 25, 1996, M.M. went to the Public Hospital Carlos Monge Medrano de Juliaca (hereinafter, "the hospital" or "hospital facility") because she felt intense pain all over her body and especially in her head, as the result of a traffic accident that she had been involved in some months before.

15. The petitioners recounted that once at the hospital, Gerardo Salmón Horna, general practitioner at the hospital, ordered a cranial X-ray, and when M.M. went to pick up the X-rays at the radiology department, this doctor suggested they leave the hospital so he could treat her at his private office. M.M. told the doctor that she did not have the financial wherewithal to pay for a private appointment, with which the doctor took her to the second floor of the hospital to a room with cots. According to M.M., the

doctor ordered her to take off her clothes, and when she resisted, he proceeded to strip her and touch her breasts, legs and vagina.

16. The petitioners indicated that Dr. Salmon Horna reiterated to M.M. that he had to treat her at his private office, stating that that was where he had the equipment needed to heal her and that he would not charge her additional fees. Given his insistence, M.M. agreed to go to Salmón Horna's private office so he could provide her with the results. However, once at the office, the doctor pushed her onto a cot and proceeded to drug her with a substance that, according to the victim, smelled like liquor. According to the petitioners, M.M. briefly lost consciousness and when she awoke she felt intense pain in her stomach and realized she was nude. When she awoke M.M. also noted that the doctor reacted with fear, and that he was nude, with his pants down, and his hands were completely bloodied.

17. In their petition to the IACHR the petitioner's recounted that M.M. had vaginal hemorrhaging for several days. Nevertheless, when she returned to the hospital the next day, they refused to treat her, and when she told the nurses what had happened they did not believe her and yelled at her. Finally, she was treated by a doctor who examined her and described on her chart that there had been old tears to her hymen and that the bleeding was really her menstruation, even though M.M. told him that she had already had her menstruation at the beginning of the month on January 5.

18. The petitioners recounted that the doctor prescribed medication for M.M., but she had no money and did not know where to get it either. For this reason, she had to walk in pain, hemorrhaging and crying to different pharmacies, until she found a pharmacy where they gave her the medication for free when they saw the state she was in. The next day, M.M. went to the hospital to find out the name of the doctor who had raped her.

19. On January 29, 1996, M.M. went to the forensic doctor, Wilver Eyzaguirre, official of the public ministry, who initially refused to provide her with a forensic gynecological exam to gather evidence of the sexual assault. This doctor did not want to believe her story about the events either and tried to convince her to withdraw her complaint, reiterating to her that she was only going to waste her time. Finally, after a great deal of insistence, the forensic doctor asked M.M. to buy latex gloves, but as she had no money he proceeded to examine her without gloves, even though she had vaginal bleeding.

20. The petitioners pointed out that the forensic doctor stated on the medical certificate that M.M. had a prior perforation of the hymen and that her last menstruation was on January 25, 1996, the same day that she stated that the rape had occurred, although she had indicated that her last menstruation had occurred before that date.

21. On January 30, 1996, M.M. filed a criminal complaint with the Provincial Prosecutor on Duty [*Fiscal Provincial de Turno*] against Dr. Gerardo Salmón. According to the documents provided by the petitioners, the complaint was formalized on February 7, 1996 and the order to open an investigation was issued on February 16. On March 15, Dr. Gerardo Salmón Horna's statement was taken.

22. Additionally, evidence in the case included complaints filed by another patient who allegedly had been a victim of an attempted sexual assault by the same doctor, as well as statements by her family members. On April 15, 1996, a visual inspection of the place where the facts allegedly occurred was conducted, the record of which is in the case file. Furthermore, the evidence included the doctor's criminal record, the forensic doctor's statement, and approval of the forensic medical report of M.M.'s two vaginal examinations that took place after the events, the record of the face-to-face meeting confronting the plaintiff and the accused, and the evidence requests of both parties.

23. On July 10, 1996, order No. 120/96 was issued, by means of which the Provincial Prosecutor requested the proceedings be shelved as the Prosecutor considered that, *inter alia*, no signs of rape had been

found and “the aggrieved party [had] not sufficiently proved that she [had] irreproachable conduct.”<sup>2</sup> This opinion was presented for consultation to the Specialized Criminal Judge at the request of the plaintiff, to which the accused submitted a motion for nullity on August 12, 1996. Subsequently, the Specialized Criminal Judge handed down decision No. 56-96, invalidating the Provincial Prosecutor’s opinion, and on October 21, 1996, the Provincial Prosecutor issued an indictment charging sexual assault and requesting four years of imprisonment and civil reparations consisting of the doctor’s disqualification.

24. On July 10, 1997, the Second Specialized Criminal Court issued a judgment acquitting Gerardo Salmón Horna. Thereafter, on September 15, 1997, the Senior Prosecutor of Puno appealed the judgment requesting the entire proceedings be overturned for procedural irregularities. This appeal was denied in a judgment dated October 29, 1997, which upheld the accused’s acquittal.

#### **IV. FRIENDLY SETTLEMENT**

25. On March 6, 2000, in a meeting held at IACHR headquarters, the parties signed a friendly settlement agreement that is transcribed below. Included in the case file is the press release published by the Peruvian State on this same date regarding the agreement reached.<sup>3</sup> Given the nature of the case and the petitioner’s request to keep the victim’s identity secret, the IACHR has proceeded to transcribe the friendly settlement agreement signed by the parties, with M.M.’s name deleted.

#### **FRIENDLY SETTLEMENT AGREEMENT BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IACHR CASE 12.041 (M.M.)**

This document contains the FRIENDLY SETTLEMENT AGREEMENT OF IACHR CASE 12.041, entered into, on the one hand, by the Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM), duly represented by Ms. Gina Yáñez de la Borda, the Center for Justice and International Law (CEJIL), duly represented by Ms. María Claudia Pulido, and the Center for Reproductive Law and Policy (CRLP), duly represented by Ms. Luisa Cabal, in their capacity as representatives of the interests of M.M., as provided for in the power of attorney, hereinafter “THE PETITIONERS,” and on the other hand, the Government of the Republic of Peru, hereinafter, “THE STATE,” duly represented by Minister Antonio García, Interim Representative of Peru to the OAS, with the participation of the representatives of the Inter-American Commission on Human Rights, hereinafter the “THE IACHR”: Mr. Helio Bicudo, in his capacity as President of the IACHR, Ambassador Jorge E. Taiana, Executive Secretary of the IACHR, and Mr. Ignacio Álvarez, attorney for the Executive Secretariat, charged with Peruvian affairs for the purpose of resolving through conciliation case 12.041 being processed by the IACHR, in keeping with the provisions of Articles 48, 49, and 50 of the American Convention, under the following terms and conditions:

#### **I. BACKGROUND**

1. On April 23, 1998, THE PETITIONERS lodged a petition with the Inter-American Commission on Human Rights (IACHR) which sought to demonstrate violation of Articles 1(1), 5, 8(1), 11, and 25 on the American Convention on Human Rights, as well as Articles 3, 4, 7, 8 and 9 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women.

<sup>2</sup> Documents annexed to the initial petition, Annex 23, Prosecutorial Opinion No. 120-96 of July 10, 1996.

<sup>3</sup> Case 12.041 M.M. v. Peru, Folder 3/6, Peruvian State Signs Friendly Settlement Agreement Before the IACHR, (Press Release), Lima, March 6, 2000.

2. On April 19, 1999, the IACHR, in keeping with the provisions of Article 48(1)(f) of the American Convention, made itself available to the parties in order to reach a friendly settlement.

3. In response to the IACHR's proposal, on July 19, 1999, the IACHR informed THE STATE of a draft friendly settlement prepared by THE PETITIONERS.

4. THE PETITIONERS and THE STATE discussed a potential friendly settlement agreement in a hearing before the IACHR on October 4, 1999, as well as in subsequent meetings held in Lima.

## II. FRIENDLY SETTLEMENT PROCEEDINGS

In the framework of the friendly settlement proceedings between THE PETITIONERS and THE STATE, with the valuable involvement of the IACHR, the parties were successful in reaching an agreement that was satisfactory for both parties, based on the State's recognition of its responsibility for the acts that violated M.M.'s rights, which occurred as a result of the acts perpetrated by Dr. Gerardo Salmón Horna when he was working for the public health service.

THE STATE deploras what occurred and states its intention to contribute to a solution in this case, to prevent similar cases from occurring, and to not tolerate acts or threats of violence against women committed by its officials, employees or third parties, punishing them in keeping with the law. THE PETITIONERS recognize the willingness expressed by THE STATE to remedy the harm inflicted on M.M. and to take the necessary corrective measures so that similar events do not occur again in Peru.

## III. COMMITMENTS UNDERTAKEN BY THE PERUVIAN STATE

Pursuant to the agreement entered into by the parties, THE STATE, in order to remedy the moral and material harm caused to M.M., hereby commits to the following:

1. Notwithstanding other actions that may be appropriate under criminal law, the President of the Council of Ministers and the Minister for Women shall inform the Peruvian Medical Association of the acts carried out by Dr. Gerardo Salmón Horna, so that this Association, acting in keeping with its by-laws, approved under Supreme Decree N° 00101-69-SA, may proceed to apply the appropriate penalties.

It is hereby expressly noted that the Ministry of Health has already duly punished Dr. Gerardo Salmón Horna under administrative law.

2. The Ministry for the Promotion of Women and Human Development (hereinafter "PROMUDEH") shall be charged with M.M.'s new relocation to Arequipa and her initial lodging in optimal living conditions in a home provided by Arequipa Public Welfare Services [*Beneficencia Pública de Arequipa*] for this purpose.

3. The Commission for the Legalization of Informal Property [*Comisión de Formalización de la Propiedad Informal*] (hereinafter "COFOPRI") shall legalize, as soon as possible, the property registry of land occupied by M.M. in the city of Arequipa in the Pueblo Joven A.U.I.S. Juan XXIII. The Commission shall also guide and help her so that she may have access to the greatest possible benefits that she may reap from the exercise of her property rights over this land.

4. The Bank of Materials shall provide social assistance to M.M., providing her the materials and support required to build a home that shall have two rooms and a family

area made of quality construction materials and corrugated zinc whose referential cost is approximately S/. 6,000.00 (six thousand and 00/100 nuevos soles), at no cost to her.

5. The Ministry of Health shall provide M.M. with free outpatient medical care at the Honorio Delgado Hospital in the city of Arequipa for the health problems caused by the events that are the subject of the petition and have already been diagnosed by the aforementioned Ministry.

6. PROMUDEH shall convey M.M. ownership of a vendor's stand at the Market "Siglo XXI" if the city of Arequipa. The transfer of this stand's ownership shall be done as soon as possible in keeping with the legislation in this matter, taking into consideration the necessary legal mechanisms to complete this transfer of ownership. While the respective process is being carried out, PROMUDEH will grant her use of the property without payment of any consideration in exchange.

7. PROMUDEH will provide M.M. with merchandise worth S/. 1,000.00 (one thousand and 00/100 nuevos soles) consisting of socks and underwear so she may begin conducting her activity as a merchant in the aforementioned market.

8. THE STATE shall create a Monitoring Committee made up of representatives of THE STATE and the PETITIONERS for purposes of verifying compliance with the commitments that are the subject of this agreement. THE STATE also proposes to conduct follow up of the regulatory reforms provided for in the PETITIONERS' draft friendly settlement agreement and to implement specialized services to provide treatment nationally for victims of sexual violence.

In this regard, the petitioners propose that this Committee consider in its agenda implementing these services in the cities of Lima, Puno and Arequipa.

This Committee shall be created for six months, a period which may be renewed if necessary, and shall provide bimonthly reports to the IACHR for the matters under its purview.

9. At the request of M.M., THE STATE and THE PETITIONERS request that the IACHR not identify M.M. in the friendly settlement report on this case. The parties commit to keeping her identity secret in their dissemination of this agreement.

The costs associated with the commitments mentioned above will be defrayed solely by THE STATE. THE PETITIONERS commit to contributing to the implementation of these commitments by accompanying M.M. during her move and relocation to the city of Arequipa.

#### **IV. SATISFACTION OF THE PARTIES**

The parties express full agreement and satisfaction with the agreements that have been reached and are provided for in this document.

The Inter-American Commission expresses its gratitude to the Peruvian State and the petitioners for their willingness to resolve this case, and to the victim for accepting the terms of this agreement. The IACHR highlights the importance of the friendly settlement mechanism provided for in the American Convention for settling individual cases in a non-adversarial manner.

In accordance with this document and in keeping with the commitments undertaken by THE STATE and set forth in the third clause, the parties request that the IACHR, pursuant

to the provisions of Article 49 of the American Convention, close this case and issue the corresponding friendly settlement report, once THE STATE reports its compliance with the commitments undertaken in this agreement.

## V. SIGNATORIES

In witness whereof, the parties, as well as the representatives of the IACHR, affix their signatures; in three (03) copies, one for THE PETITIONERS, one for THE STATE, and one for the IACHR, done in the city of Washington, D.C., on this 6th day of March, 2000.

For the Petitioners: Gina Yáñez Borda, Maria Claudia Pulido, and Luisa Cabal

For the State of Peru: Minister Antonio García

For the Inter-American Commission on Human Rights: Helio Bicudo, Amb. Jorge Taiana, and Ignacio Álvarez

26. On March 26, 2014, the parties signed a memorandum of understanding on the points that had not yet been fulfilled by that date, and drew up the following letter of agreement:

150<sup>TH</sup> REGULAR SESSION  
Case 12.041 -M.M.  
Washington DC, March 26, 2014

Here present, the Commissioner Rapporteur for Peru, James Cavallaro, in representation of the IACHR, Catalina Ugalde and Catalina Martinez, in representation of the Friendly Settlement Group, Mr. Luis Huerta in representation of the Peruvian State, Gabriela Filoni of CLADEM, Gisela De León of CEJIL, and Maria Ysabel Cedano of DEMUS, in representation of the co-petitioners and the victim M.M., have reached the following agreements:

1. The Peruvian State has committed to formalizing Agreement 11/ 2014 adopted by the Board of Directors of the Academy of Judges [*Academia de la Magistratura—AMAG*] on March 14 of this year through a resolution modifying its regulations and including gender awareness training in the curriculum of the programs for basic and/or specialized training of judges and prosecutors.
2. Furthermore, the Peruvian State has committed to issuing this resolution by Thursday, April 3, 2014.
3. The co-petitioners have committed to terminating the Friendly Settlement Agreement of case 12.041, provided that the Peruvian State complies with [points] 1 and 2 of this instrument, by means of which the Peruvian State will have complied with the Memorandum of Understanding of November 3, 2012.
4. This instrument is signed as proof of the agreements undertaken by the parties

For the Petitioner: Gabriela Filoni of CLADEM, Gisela De León of CEJIL, and Maria Ysabel Cedano of DEMUS, in representation of the co-petitioners and the victim, M.M.

For the Peruvian State: Mr. Luis Huerta

For the Inter-American Commission on Human Rights: James Cavallaro, Commissioner Rapporteur of Peru; and Catalina Martinez and Catalina Ugalde, Attorneys for the Friendly Settlement Group.



## V. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

27. In keeping with Article 48(1)(f) of the Convention, the purpose of this procedure is to reach “a friendly settlement of the matter on the basis of respect for the human rights recognized in the Convention.” The State’s agreement to use this procedure is evidence of its good faith to comply with the purposes and objectives of the Convention in conformity with the principle of *pacta sunt servanda*, according to which States must fulfill obligations assumed under treaties in good faith. In this regard, the IACHR would like to reiterate that the friendly settlement procedure provided for in the Convention allows individual cases to be terminated in a non-adversarial manner and, in cases involving various countries, has proven to be an important settlement mechanism that can be used by both parties.

28. The Inter-American Commission has closely monitored the development of the friendly settlement achieved in this case and highly values the efforts that both parties have made to reach this settlement, which is compatible with the objective and purpose of the Convention.

29. The information provided by the parties shows that the State has fulfilled the following commitments that are set forth in the agreement of March 6, 2000:

### 1. Inform the Medical Association of Peru of the acts perpetrated by Dr. Gerardo Salmón Horna, so that this Association may proceed to apply the corresponding penalties.

The petitioners reported that on November 8, 2000, the XIV Puno Regional Council of the Medical Association of Peru had penalized Dr. Gerardo Salmón Horna with a private reprimand and that he continued working at the same public hospital. The State reported on September 13, 2002, that the doctor in question had been expelled from the Medical Association of Peru under a resolution of the Executive Committee in December 2001 for serious offenses committed and had therefore been banned from practicing medicine. The State reported in a meeting held on July 8, 2008, that the Ministry of Health had created a Special Investigative Committee under the Regional Government of Puno to evaluate his definitive expulsion from the profession.

The State subsequently reported that on July 17, 2008, a decision decreeing the doctor’s definitive disqualification from providing health services. However, the petitioners considered that the State should also penalize those officials who allowed this doctor to remain in his position for 10 years, which put many women at risk and, in particular, a 17-year old girl who was allegedly sexually assaulted by this same doctor on July 17, 2007, under similar circumstances to those described in the petition. The petitioners highlighted the importance of Dr. Gerardo Salmón being criminally prosecuted for these acts. The State reported that on March 13, 2009, German Salmón Horna had been sentenced for criminal offenses under a judgment dated July 1, 2008, to 3 years in prison and payment of civil damages to the girl for violation of sexual freedom under the offense “indecent acts.”

The petitioners observed on August 28, 2009 that the State should investigate the officials who obstructed the doctor’s prosecution for M.M.’s rape, as well as those that were involved in determining that charge for the girl’s rape was to be “indecent act” instead of “rape.” In a letter dated October 26, 2011, the petitioners observed that although Dr. Salmon had been definitively banned from the medical profession, the substantive reason for this was due to “inefficiency and ineptitude” for having been suspended on more than one occasion, which according to the petitioners could not be considered a punishment. In this regard, in the same letter, the petitioners deemed this point only to be partially fulfilled and mentioned that the State could remedy this by publishing an official statement on the web page of the Ministry of Health. The petitioners indicated they had provided a draft statement to the representative of the Ministry of Health in the framework of internal negotiations. The State reported that on August 3, 2012, the statement was published on the page of the Ministry of Health on October 2012 and its content had been previously approved by the petitioners.

**2. M.M.'s relocation to Arequipa and her initial lodging in optimal living conditions in a home provided by Arequipa Public Welfare Services.**

The petitioners reported on August 28, 2000 that M.M. had been relocated to Arequipa where she was provided an apartment in good condition. The petitioners indicated on November 18, 2000 that the commitment undertaken regarding this point had been fulfilled to their satisfaction and that of M.M.

**3. Legalize the property registry of the land occupied by M.M. in the city of Arequipa with access to the greatest possible benefits in the exercise of her property rights over this land.**

The petitioners reported on August 28, 2000 that property title and ownership of a parcel of land of 187.40 square meters were given to M.M., indicating that the parcel was located in the Department of Arequipa. The petitioners indicated on November 18, 2000 that the commitment undertaken regarding this point had been fulfilled to their satisfaction and that of M.M.

**4. Provide social assistance for M.M. , giving her the materials and support required to build a house consisting of two rooms and a family area out of quality construction materials and corrugated zinc at a referential cost of approximately S/. 6,000.00 (six thousand and 00/100 nuevos soles), free of any cost to her.**

The petitioners reported on August 28, 2000 that the house was under construction with materials and labor financed by the State. The State provided the building plans for M.M.'s house and reported on the status of the construction. The petitioners indicated on November 18, 2000 that the commitment undertaken regarding this point had been fulfilled to their satisfaction and that of M.M.

**5. Provide M.M. free outpatient medical care in the Honorio Delgado Hospital of the city of Arequipa for the health problems caused by the acts that are the subject of the petition and were already diagnosed by the aforementioned Ministry.**

The petitioners reported on August 28, 2000 that M.M. was receiving free mental health treatment at the Honorio Delgado Hospital in Arequipa. The petitioners indicated on November 18, 2000 that the commitment undertaken regarding this point had been fulfilled to their satisfaction and that of M.M.

**6. Convey to M.M. ownership of a vendor's stand at the Market "Siglo XXI" in the city of Arequipa.**

The petitioners reported on August 28, 2000 that M.M. had been conveyed ownership of a vendor's stand at the Teresita III shopping center in the city of Arequipa. The petitioners indicated on November 18, 2000 that the commitment undertaken regarding this point had been fulfilled to their satisfaction and that of M.M.

**7. Provide M.M., merchandise worth S/. 1.000.00 (one thousand and 00/100 nuevos soles) consisting of socks and underwear to begin conducting her activity as a merchant at the vendor's stand in the aforementioned market.**

The petitioners reported on August 28, 2000 that M.M. was provided merchandise for the agreed upon amount. The petitioners indicated on November 18, 2000 that the commitment undertaken regarding this point had been fulfilled to their satisfaction and that of M.M.

**8. Create a Monitoring Committee made up of representatives of THE STATE and THE PETITIONERS for purposes of verifying fulfillment of the commitments that are the subject of this agreement. THE STATE also proposed to follow up on the regulatory reforms provided for in the PETITIONERS' draft friendly settlement agreement and implement specialized services to provide treatment nationally for victims of sexual violence.**

The petitioners reported on November 18, 2000 that the Monitoring Committee had still not been created. However, the State subsequently reported that the Monitoring Committee had been created under Supreme Resolution 078-2001-JUS of February 24, 2001. The petitioners informed the IACHR on December 19, 2008 that after a meeting with the National Council on Human Rights, the State committed to preparing protocols for the treatment of victims of sexual violence and training and awareness modules for justice officials nationally. With regard to the foregoing, the State reported on March 13, 2009 that it had studied the proposal prepared CLADEM and DEMUS and had subsequently approved the Forensic Medical Guide for Comprehensive Evaluation of Alleged Victims of Crimes Against Sexual Freedom [*Guía Médico Legal para la Evaluación Integral de Presuntas Víctimas de Delitos Contra la Libertad Sexual*]; and that the Procedural Guide for the Single Interview of Children and Adolescents Victims of Sexual Abuse, Sexual Exploitation and Trafficking for Purposes of Sexual Exploitation [*Guía de Procedimiento para la Entrevista Única de Niños, Niñas y Adolescentes Víctimas de Abuso Sexual, Explotación Sexual y Trata con Fines de Explotación Sexual*] was in the final review stage. On August 28, 2009, the petitioners provided a table of the commitments undertaken by the State as regards training and measures to improve health services provision and indicated that the State had yet to fully comply with this point.

On November 3, 2012 the parties signed a memorandum of understanding, pursuant to which the State committed to including courses, seminars and workshops on gender and justice in the basic and specialized training programs for judges and prosecutors.

During the meeting held on March 26, 2014, the parties signed a minute of commitments in which the State committed to adopting a resolution prior to April 3, 2014, through the Board of Directors of the Academy of Judges (AMAG), which would modify its regulations and include gender awareness training in the curriculum of basic and specialized training programs for judges and prosecutors. The petitioners committed to finalizing the friendly settlement agreement once the State complied with this point.

On April 4, 2014 the State reported that the Board of Directors of the Academy of Judges had issued Administrative Resolution No. 03-201-AMAG-CD of March 31, 2014, approving the new regulations on the regime of studies of the Academy of Judges, which included in its training courses, workshops, and seminars on gender and justice. The Commission verified that the regulations effectively included the aforementioned provision and was available on line when this report was prepared.<sup>4</sup> As a result of the foregoing, it is deemed that this point has been complied with.

## VI. CONCLUSIONS

30. On the basis of the foregoing considerations, and pursuant to the procedure established in Articles 48(1)(f) and 49 of the American Convention, the Commission would like once again to express its deep appreciation for the efforts of both parties, as well as its satisfaction with the achievement of a friendly settlement in this case, based on respect for human rights and in keeping with the objective and purpose of the American Convention.

31. By virtue of the considerations and conclusions set forth in this report,

### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

#### DECIDES:

1. To approve the terms of the agreement signed by the parties on March 6, 2000.
2. Declare the friendly settlement agreement of March 6, 2000, to have been fulfilled in its entirety.

<sup>4</sup> See Article 10(I)(1)(5) of the Regulations regarding the Regime of Studies of the Academy of Judges. Available at: [http://sistemas.amag.edu.pe/transparencianueva/2014/Res\\_Adm03-2014-AMAG-CD\\_Mod\\_Reg\\_Est2014.pdf](http://sistemas.amag.edu.pe/transparencianueva/2014/Res_Adm03-2014-AMAG-CD_Mod_Reg_Est2014.pdf)

3. Make this report public and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 25 day of the month of July, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; Rosa María Ortiz, Paulo Vannuchi, and James L. Cavallaro, Commissioners.

The undersigned, Emilio Álvarez-Icaza, Executive Secretary of the Inter-American Commission on Human Rights, in keeping with Article 49 of the Commission's Rules of Procedure, certifies that this is an accurate copy of the original deposited in the archives of the IACHR Secretariat.

Emilio Álvarez-Icaza  
Executive Secretary