



## **Committee of Experts expresses its concern over the case of Arlette Contreras in Peru**

The Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) expresses its concern about the case of Arlette Contreras, who claims to be a victim of irregularities in the judicial proceedings against her ex-partner for the crimes of femicide and sexual violence in tentative degree. Arlette was attacked by Adriano Pozo on July 12, 2015 at Las Terrazas Hotel, in the city of Huamanga, Ayacucho, Peru.

The concern of this Committee is sharpened by knowing the sequence of events after the attack. In July 2016, the aggressor was sentenced to one year in prison suspended for the crime of minor injuries and payment of civil damages. In November of the same year, the sentence was annulled and it was determined that the case should start from the beginning. In February 2018, the aggressor was acquitted for the crimes of rape and femicide. Consecutively, the public prosecutor requested a year and a half in prison against Arlette for the crime of generic forgery in tentative degree, although in July was acquitted. Recently, on December 13, 2018, the First Criminal Chamber of Appeals of the Superior Court of Justice of North Lima declared null the sentence that acquitted the aggressor, exposing the victim to a third and new trial.

These facts reveal not only the clear limitations of the State in terms of guaranteeing access to justice for women victims of violence and survivors, but also impunity and double victimization. In particular, in addition to having been the victim of violence by her aggressor, Arlette has been a victim of institutional violence by the State, exposing her to different judicial processes and to more than 100 hearings, in some of which the aggressor was also present.

The Committee reiterates that Article 7 of the Belém do Pará Convention establishes that States Parties must apply due diligence to prevent, investigate and impose penalties for violence against women; take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women; and establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures.

In this regard, the Committee recalls that the judgment of the Inter-American Court of Human Rights in the Caso Penal Miguel Castro Castro vs Perú, (in Spanish only) states that "the internal procedures opened in this case have not constituted effective remedies to guarantee true access to

justice on the part of the victims, within a reasonable period of time, covering the clarification of the facts, the investigation and, where appropriate, the punishment of those responsible and the reparation of the violations of life and integrity. Therefore, the State is responsible for the violation of Articles 8.1 and 25 of the American Convention, in relation to the obligation contained in Article 1.1 thereof, in connection with Articles 7.b of the Belém do Pará Convention" (self-translation).

For all the above, the Committee urges the State of Peru to take all necessary measures to guarantee access to justice for Arlette and for all women and girls in similar situations. Likewise, the State is urged to protect the victim and promote the gender perspective in the judicial system and in all associated plans and programs, as well as guarantee the right of Arlette and all women to live free of violence, as established in the Belém do Pará Convention, an international instrument signed and ratified by Peru.

*The Committee of Experts is the technical body of the MESECVI responsible for the analysis and evaluation of the implementation process of the Belém do Pará Convention. It is composed of independent experts, appointed by each of the States Party from among its nationals, who exercise their functions in a personal capacity.*