



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Fourth and fifth periodic reports of States parties due  
in 2012

**Peru\***

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\*\* The annexes can be consulted in the files of the Secretariat.

## Introduction

1. The Convention on the Rights of the Child (hereinafter “the Convention”), which was ratified by Peru pursuant to Legislative Decision No. 25278 of 1990, is the international instrument most relevant to children and adolescents, and national legislation is aligned with it. This international treaty provides the foundation for national public policies relating to children and adolescents.

2. In accordance with article 44 of the Convention, Peru has undertaken to submit periodic reports on the measures it has adopted to give effect to the commitments it has entered into pursuant to the Convention. The information set out in the present report corresponds principally to the period 2006–2012.

3. The process of preparation of the present report was participatory and well planned. The Ministry for Women and Vulnerable Groups was the entity responsible for coordinating its preparation. To that end, it held consultations with a number of State entities involved in this area, with the aim of discussing the major achievements and challenges relating to the rights of children and adolescents, particularly in the light of the recommendations made to Peru by the Committee on the Rights of the Child in 2006 in its previous concluding observations (CRC/C/PER/CO/3). An initial version of the report was presented to the National Human Rights Council,<sup>1</sup> which is made up of State institutions<sup>2</sup> and representatives of civil society.<sup>3</sup> Finally, the report was approved by the Office of the Deputy Minister for Human Rights and Access to Justice of the Ministry of Justice and Human Rights.

### I. General measures of implementation (arts. 4, 42 and 44 of the Convention)

4. Protection of the individual and respect for his or her dignity are the supreme goal of society and the State under article 1 of the Constitution. This premise is key to the design of all public policies in the country. The Constitution also establishes, in article 4, that the community and the State shall provide special protection for children and adolescents.<sup>4</sup>

<sup>1</sup> Pursuant to article 1 of Supreme Decree No. 012-86-JUS, dated 6 September 1986, as amended by Supreme Decree No. 011-2012-JUS, dated 20 April 2012, the National Human Rights Council was set up under the Ministry of Justice and Human Rights. The Council is a multisectoral body with a mandate to issue opinions and advise the Executive on the development of policies, programmes, projects and plans in the field of human rights, relating in particular to the National Human Rights Plan, and has a technical secretariat that provides it with technical and administrative support. The Council is chaired by the Deputy Minister for Human Rights and Access to Justice of the Ministry of Justice and Human Rights.

<sup>2</sup> Office of the President of the Council of Ministers, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Defence, Ministry of the Interior, Ministry of Education, Ministry of Health, Ministry of Labour and Job Creation, Ministry for Women and Vulnerable Groups, Ministry of the Environment, Ministry of Energy and Mining, Ministry of Culture, Ministry of Development and Social Inclusion, Judiciary, Attorney-General’s Office and Ombudsman’s Office.

<sup>3</sup> National Human Rights Coordinating Coalition, Evangelical Council of Peru, Peruvian Episcopal Association, National Confederation of Private Business Institutions and Peruvian Press Council.

<sup>4</sup> The Constitution uses the expression “children and adolescents” in an inclusive sense to refer to girls, boys and adolescents.

5. Combined with the constitutional framework, the Convention and its two Optional Protocols<sup>5</sup> provide tools for regulating and promoting the development of national public policies relating to children and adolescents.

### **A. Implementation of national strategies and measures for children and adolescents**

6. Using the Constitution and the Convention on the Rights of the Child, together with its two Optional Protocols, as reference points, and with a view to bringing domestic legislation into line with the requirements of international human rights instruments, Peru promulgated the Code on Children and Adolescents (Act No. 27337) and drew up four national plans of action for children and adolescents for the periods 1992–1995, 1996–2000, 2002–2010 and 2012–2021. These are guiding instruments for policy on children and adolescents that have helped to bring about a number of significant changes.

7. The National Plan of Action for Children and Adolescents 2012–2021<sup>6</sup> is a framework instrument for the Government's public policies relating to children and adolescents that sets out an agenda for the current decade for the consistent, continuous and effective protection and defence of the rights of children and adolescents, particularly with regard to health, education and quality of life within their families and communities. The focus is on ensuring comprehensive development of their capacities and access to sufficient high-quality services, without which these rights cannot be guaranteed. The Ministry for Women and Vulnerable Groups, as the lead agency in the system of comprehensive protection of children and adolescents, was responsible for the design and validation of the National Plan. Sectors and institutions of the State, civil society and organized groups of children and adolescents were involved in the process. Furthermore, the basic document was validated in 16 regions of the country in 2010 and 2011.

8. The purpose of the multisectoral standing commission responsible for the implementation of the National Plan of Action for Children and Adolescents 2012–2021,<sup>7</sup> established pursuant to Supreme Decree No. 001-2012-MIMP of 14 April 2012, is to monitor and contribute to the effective fulfilment of the key goals, objectives, expected

<sup>5</sup> Under article 55 of the Constitution, treaties that have been ratified by Peru and are in force form part of national law.

<sup>6</sup> Supreme Decree No. 01-2012-MIMP of 12 April 2012.

<sup>7</sup> The commission is chaired by the Office of the Deputy Minister for Vulnerable Groups and the technical secretariat is provided by the Directorate-General for Children and Adolescents of the Ministry for Women and Vulnerable Groups. The other members of the commission are the Deputy Minister for Education Management from the Ministry of Education, the Deputy Minister for Health from the Ministry of Health, the Deputy Minister for Internal Order from the Ministry of the Interior, the Deputy Minister for Labour from the Ministry of Labour and Job Creation, the Deputy Minister for Human Rights and Access to Justice from the Ministry of Justice and Human Rights, the Deputy Minister for Tourism from the Ministry of Foreign Trade and Tourism, the Deputy Minister for Interculturalism from the Ministry of Culture, the Deputy Minister for Policy and Social Evaluation from the Ministry of Development and Social Inclusion, the Deputy Minister for Environmental Management from the Ministry of the Environment, the Deputy Minister for Communications from the Ministry of Transport and Communications, the Secretary-General of the Office of the President of the Council of Ministers, the Head of the National Institute for Statistics and Information Technology, the Executive President of the National Commission for Development and Life without Drugs, the Head of the National Institute for Civil Defence, the Head of the National Registry Office, the President of the Supreme Court of Justice of the Republic and the Attorney-General; the National Forum against Poverty, the United Nations Children's Fund (UNICEF) and a representative of the Advisory Council of Children and Adolescents participate as guests.

outcomes, aims and implementation strategies of the Plan.<sup>8</sup> The commission is required under Act No. 27666 to submit an annual progress report to the Congress of the Republic.<sup>9</sup>

9. In early 2013, the multisectoral commission responsible for implementing the National Plan of Action for Children and Adolescents 2012–2021 prepared the annual report for 2012 on progress in the fulfilment of the Plan's goals. The report provides information on the main achievements, difficulties, measures taken and recommendations relating to the fulfilment of the six key goals and four strategic objectives of the Plan: strategic objective 1: ensure the growth and comprehensive development of children aged 0 to 5; strategic objective 2: ensure the continued growth and comprehensive development of children aged 6 to 11; strategic objective 3: consolidate the growth and comprehensive development of adolescents aged 12 to 17; and strategic objective 4: ensure the protection of children and adolescents aged 0 to 17.

10. In general, although progress has been made with regard to ensuring the exercise of the rights of children and adolescents, obstacles have also emerged. These must be overcome in order to achieve the objectives, outcomes and goals set out in the National Plan 2012–2021, which represents an unfinished agenda aimed at reducing the disparities that still exist, mainly in the Amazon and rural areas of the country. The aforementioned progress and challenges will be addressed throughout the present report.

11. With regard to the involvement of civil society in the multisectoral commission responsible for implementing measures under the National Plan of Action for Children and Adolescents 2002–2010, since 2006 the National Action Group for the Rights of the Child (a coalition of 35 civil society institutions working for children and adolescents), the National Forum against Poverty and the United Nations Children's Fund (UNICEF) have been participating in the commission's work. Representatives of other civil society institutions and public institutions that are not commission members are also invited to participate, depending on the topics to be discussed at a given meeting.

12. With regard to the decentralization of policies on children and adolescents, as at 2012 there were 22 regional plans of action for children and adolescents (Amazonas, Ancash, Apurímac, Arequipa, Ayacucho, Cajamarca, Callao, Cusco, Huancavelica, Huánuco, Ica, Junín, Lambayeque, Madre de Dios, Moquegua, Pasco, Piura, Puno, San Martín, Tacna, Tumbes and Ucayali) and two local plans of action for children and adolescents (Villa El Salvador and Villa María del Triunfo). The process of formulating regional plans of action for children and adolescents in the four remaining regions is ongoing (CRC/C/PER/CO/3, para. 14).

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<sup>8</sup> During the months of May to December 2012, eight working meetings were held (five regular meetings and three special meetings), at which the following actions, among others, were taken: a multisectoral working group on the media was set up, consisting of 18 media personnel from the public entities that make up the multisectoral commission and with the objective of implementing the communication strategy set out in the National Plan of Action for Children and Adolescents 2021; a multisectoral working group on the system for monitoring and evaluation of the 2021 Plan was established; a workshop on inter-institutional coordination was held with the aim of sharing experience of cooperation between civil and military forces in State interventions for the development of areas that are in a situation of emergency or social risk; and a proposed law was drafted with a view to converting Supreme Decree No. 001-2012-MIMP adopting the National Plan of Action for Children and Adolescents 2012–2021 into an Act.

<sup>9</sup> Act No. 27666 of 25 March 2007.

## **B. Bodies responsible for coordinating the implementation of the Convention**

13. Article 27 of the Code on Children and Adolescents establishes that the Ministry for Women and Vulnerable Groups serves as the lead agency with regard to children and adolescents. The Directorate-General for Children and Adolescents within the Ministry is the technical line agency responsible for coordinating the system of comprehensive protection of children and adolescents. Within the Ministry's new structure, the former Directorate for Children and Adolescents is recognized, following various initiatives, as a Directorate-General, so that it can continue with the intersectoral coordination necessary for the implementation of the National Plan of Action for Children and Adolescents 2012–2021 (CRC/C/PER/CO/3, para. 14).

14. The ombudsman's offices for children and adolescents provide a service at the local level aimed at promoting and protecting the rights of children and adolescents. By December 2012, there were 2,250 such offices around the country, 189 of which were municipal ombudsman's offices for children and adolescents at the provincial level. The number of offices has increased from the 1,257 referred to in the third periodic report of Peru.

15. Furthermore, legislation was adopted in December 2011 defining the powers of the Ministry of Justice<sup>10</sup> as the main authority in the area of human rights, and amending its title to the Ministry of Justice and Human Rights. The Office of the Deputy Minister for Human Rights and Access to Justice was also established.

16. As part of the defence of children's and adolescents' rights, a unit for children and adolescents was set up within the Ombudsman's Office in September 2006;<sup>11</sup> its functions include promoting the rights of children and adolescents from different perspectives, contributing to research and documentation of complaints of violations of the human rights of children and adolescents, and carrying out studies and research and preparing reports on their situation with regard to human rights (CRC/C/PER/CO/3, para. 18).

## **C. Resources for children and adolescents**

17. The resources allocated to the exercise of the rights of children and adolescents have increased in recent years. In an effort to combat poverty, with a focus on improved quality in public spending, a new form of management of the budget system — results-based budgeting — has been implemented. Results-based budgeting is a public management strategy that links the allocation of resources to measurable outputs and results for the benefit of the public and which requires specification of the results to be achieved, a commitment to prioritize those results over other secondary objectives or internal procedures, the designation of responsible individuals, procedures for the generation of information on results, outputs and institutional management tools, and accountability.

18. Implementation of results-based budgeting began in 2008 and gave rise to a number of interventions known as strategic budget programmes. In 2008 there were five such programmes and in 2009 a further four were added. By 2012, there were 60 strategic budget programmes, 11 of which were concerned with fulfilling goals of the National Plan of Action for Children and Adolescents. There is also a functional programme classifier for

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<sup>10</sup> Congress of the Republic. Act No. 29809 on the organization and functions of the Ministry of Justice and Human Rights (*El Peruano*, 8 December 2011).

<sup>11</sup> Ombudsman Decision No. 0039-2006/DP (30 September 2006).



the monitoring of sectoral spending on children and adolescents at the national level<sup>12</sup> (CRC/C/PER/CO/3, para. 20).

19. Budget implementation in 2012 through results-based budget programmes was 82 per cent of the programmed total.

20. Act No. 29626, the Public Sector Budget Act for Fiscal Year 2011, advocates, as part of results-based budget management, the design of strategic programmes for addressing problems linked primarily to climate change, disability, university education, drug use and supply, the social rehabilitation of prisoners, adolescent pregnancy, the reduction of corruption, prevention, and social rehabilitation of young people.

21. The sixty-seventh provision of Act No. 29626 provides that national government bodies and regional and local governments should give priority to achieving the following results: (a) a reduction in chronic child malnutrition; (b) a reduction in maternal and neonatal mortality; (c) an improvement in levels of reading comprehension and mathematics; (d) increased availability of identity documents; (e) a reduction in waiting times for access to social service centres (health and education) and markets; (f) an increase in access to safe drinking water and sewage disposal services in rural areas; (g) an increase in the coverage and use of telephone and Internet services in rural areas; and (h) an increase in operational power coverage in rural homes. The Act also provides that, in order to achieve these results, budgetary resources should be focused on financing interventions and outcomes under the strategic budget programmes, in the following order of priority: 1. the Combined Food Programme; 2. maternal and neonatal health; 3. learning outcomes of pupils at the end of the third cycle; 4. availability of identity documents; 5. access to basic social services and market opportunities; 6. access to safe drinking water and sewage disposal services for the rural population; 7. access to energy in rural localities; 8. access to essential public telecommunications services for the rural population.

22. Pursuant to Act No. 29812, the Public Sector Budget Act for Fiscal Year 2012 was adopted and, pursuant to Act No. 29951, the corresponding Budget Act for 2013, which provides for greater social investment to accompany the country's solid economic growth, was adopted.

23. With regard to resources for the implementation of the National Plan of Action for Children and Adolescents (CRC/C/PER/CO/3, para. 12), article 3 of Act No. 28487 provides that the national budget should include, under each heading, an activity numerator within the functional programme classifier relating to the National Plan of Action for Children and Adolescents 2002–2010, so that it is known how much each institution is investing in children and adolescents. To that end, each year public institutions report on their functional programme classifier up to the level set as a goal. This information makes clear the increase in the budget allocated to the implementation of the Plan in recent years.

24. The 2010 annual report on the goals of the National Plan of Action for Children and Adolescents 2002–2010 indicates that budget implementation in 2010 in respect of children and adolescents reached 11,088 million nuevos soles, which includes national government investment, the Glass of Milk programme and investment from 25 regional governments.

<sup>12</sup> Classification: (001) Combined Food Programme; (002) maternal and neonatal health; (043) learning outcomes of students in the second cycle of regular basic education; (044) learning outcomes of students in regular basic primary education; (045) learning outcomes of students in regular basic secondary education; (049) National Direct Assistance Programme for the Very Poor; (051) prevention and treatment of drug use; (063) physical and sports activities of the Peruvian population; (067) speed in family court cases; (079) availability of identity documents; (080) prevention of domestic violence.

This represents an increase of 72.4 per cent compared with the budget implementation figure for 2006. A breakdown of these figures shows that expenditure by national government sectors was 15.4 per cent higher in 2010 than in 2006, while regional government expenditure increased by 45.8 per cent during the same period. Budget implementation in 2010 under the 2002–2010 Plan as a proportion of the total budget increased from 13.4 per cent in 2006 to 15.8 per cent in 2010. Likewise, the proportion of total social expenditure spent on measures under the Plan increased from 26.1 per cent in 2006 to 31.6 per cent in 2010.

25. According to information processed by the Ministry of Economic Affairs and Finance — based on information reported by sectors and regional governments, including the Glass of Milk programme — State investment in measures for children and adolescents during 2011 reached 11,444.8 million nuevos soles.

26. The budget allocation for health has doubled, particularly with regard to monitoring of growth and development, which contributes to early detection of cases of malnutrition.

#### **D. Dissemination of the Convention and training activities**

27. One of the priorities of the Directorate-General for Children and Adolescents within the Ministry for Women and Vulnerable Groups is the dissemination of the Convention. The Convention on the Rights of the Child is therefore one of the topics covered in the basic training offered to advocates from the municipal ombudsman's offices for children and adolescents; four teaching hours are spent on it. It is also one of the main topics addressed during the information events organized by the Directorate for Local Systems and Ombudsman's Offices. To support these measures, printed copies of the Convention are distributed and an electronic version has been published on the Ministry's website and is available to users (CRC/C/PER/CO/3, para. 24).

28. In the national curriculum for regular basic education implemented by the Ministry of Education, the themes of education on and for human rights; education for coexistence, peace and citizenship; and education for gender equity are regarded as cross-cutting themes and are incorporated into the different areas of the curriculum: self-image, communication and relationship with the natural and social environment (preschool education); personal and social issues (primary education); and civic and citizenship education and the individual, the family and human relationships (secondary education). There is also continuous interaction with the family and the community. National guidelines have therefore been established for the development of educational activities involving the family and the community. In addition, there is ongoing action to raise awareness of the principles and rights set out in the Convention among families in rural areas through the educational radio programme La Escuela del Aire ("On-air School") and meetings with leaders of Andean and Amazonian communities (CRC/C/PER/CO/3, para. 24).

29. The Judiciary, through its representatives designated for the implementation of the National Plan of Action for Children and Adolescents in each judicial district, periodically gives talks to raise awareness of the rights of the child recognized in the Convention. Since 2004, the Attorney-General's Office has been organizing national public outreach events to raise awareness of, *inter alia*, the principles and rights set out in the Convention (CRC/C/PER/CO/3, para. 24).

30. The Ministry of the Interior, through the Peruvian National Police — specifically its Family and Citizen Participation divisions — organizes activities on an ongoing basis to raise awareness of the rights of children and adolescents. In addition, an intrasectoral commission for internal monitoring of the National Plan of Action for Children and Adolescents was established in 2009 and conducted workshops with education institutions

run by the police. One of the key topics was the dissemination of the Convention, and material on the topic was published (CRC/C/PER/CO/3, para. 24).

31. The Directorate-General for Children and Adolescents within the Ministry for Women and Vulnerable Groups has developed a programme of ongoing training for staff of the ombudsman's offices for children and adolescents around the country, and in particular for the municipal ombudsman's offices. The programme offered consists of a basic course for ombudsman's offices (40 teaching hours), a special course on prevention of abuse and assistance to victims for the ombudsman's offices for children and adolescents (24 teaching hours) and a special course on extrajudicial conciliation in family cases for the ombudsman's offices for children and adolescents (65 teaching hours). As part of this framework, 19 training events at the different levels mentioned were held in 2007, attended by 556 advocates, and in 2012 there were 14 events attended by 463 participants (CRC/C/PER/CO/3, para. 16).

Table 1

**Basic and specialized courses for staff of the ombudsman's offices for children and adolescents 2007–2011**

	2007	2008	2009	2010	2011	2012*
Events held	19	22	17	19	15	14
Attendance	556	685	601	514	518	463

*Source:* Ministry for Women and Vulnerable Groups – Directorate for Local Systems and Ombudsman's Offices.

\* Up to 14 December.

32. Events have also been held for the purpose of exchanging experience, among which the National Congress of Ombudsman's Offices for Children and Adolescents is of particular importance; it takes place in November every year, attended by 350 advocates on average from all over the country and also professionals from regional governments and local education management units. During the period 2006–2012, seven of these Congresses were held (CRC/C/PER/CO/3, para. 16).

33. Under Act No. 27972, the Organic Act on Municipalities, the municipal ombudsman's offices for children and adolescents depend financially on resources assigned by the municipalities. The Ministry for Women and Vulnerable Groups promotes support both from private enterprise and from international assistance for the operation of these offices, which defend the rights of children and adolescents (CRC/C/PER/CO/3, para. 16).

34. All State sectors that have functions connected with children and adolescents carry out training activities for their staff in order to improve their approach to child and adolescent rights. In some cases, this training is integrated into sectoral training curricula; in others, refresher training and specialized training are provided.

35. The Ministry for Women and Vulnerable Groups has a training programme for staff of municipal ombudsman's offices for children and adolescents. Other information, exchange and training events on these issues are held for staff from other sectors, since it is understood that action to promote, protect and monitor the rights of children and adolescents needs to be comprehensive and is the responsibility of a range of public and private bodies in Peru.

36. The Ministry of Education carries out ongoing training activities for primary and secondary school teachers and for teachers providing alternative basic education. Since 2006, this sector has been promoting the campaign known as "I'm entitled to proper

treatment” (Ministerial Decision No. 0105-2006-ED of 3 March 2006) among the regional education directorates, local education management units and education institutions throughout the country, with the aim of raising awareness of and promoting the rights of children and adolescents; preventing physical, psychological and sexual abuse and discrimination of any kind; and promoting coexistence and school discipline. The “Taking care of my body” campaign is also being implemented with a view to preventing, within the education community, physical, psychological and sexual abuse and discrimination of any kind against basic education students (Deputy Ministerial Decision No. 033-2006-ED, published on 23 October 2006). Training activities are provided for teachers with a view to implementing these campaigns (CRC/C/PER/CO/3, para. 25).

37. The Ministry of Health has provided training for all staff of primary health-care facilities under the Integrated Management of Childhood Illness strategy with a rights-based approach. There are guidelines for comprehensive health care for the child and adolescent stages of life. These guidelines are reviewed as part of training activities for health personnel responsible for providing such care (CRC/C/PER/CO/3, para. 25).

38. The Ministry of Justice and Human Rights provides periodic training courses for justice officials on topics relating to the family, women, and children and adolescents. Training has been provided to family conciliators, lawyers and advocates on matters relating to trafficking in persons, with updates on the implementation of the laws in force with regard to these groups and the problems affecting them. The Ministry of the Interior has a manual on applied rights for the police, which identifies children and adolescents as a vulnerable group. As part of the training and practice of the Peruvian National Police, protection for children and adolescents, along with a different approach to dealing with them, has been institutionalized (CRC/C/PER/CO/3, para. 25).

39. The Family Division of the Seventh Territorial Police Directorate in Lima has carried out 103 training courses, workshops and seminars for 7,815 staff from among the officers, non-commissioned officers and experts of the Peruvian National Police, 2,979 of whom were women and 4,836 were men. These training activities focus on the topics of dissemination of the Convention on the Rights of the Child; ways of dealing with cases of domestic and sexual violence; gender and equal opportunities; trafficking in persons; sexual abuse; femicide; and local networks and network-based intervention strategies. Under Directorate Decision No. 1724-2006-DGPNP of 17 August 2006, the Family Division promulgated the Manual of Police Procedures in Family Intervention for cases of domestic violence, which has been published and distributed among the staff of the National Police (CRC/C/PER/CO/3, para. 25).

40. The School of the Attorney-General’s Office also provides training activities for judges and administrative staff on subjects such as adolescents in conflict with the criminal law: legislation and issues, and has organized a conference on the Convention on the Rights of the Child, an international seminar on trafficking in persons, a course on forensic interview techniques with child and adolescent victims of sexual violence, and a workshop on the use of the guide on single interviews with child and adolescent victims of sexual abuse, sexual exploitation and trafficking for the purpose of sexual exploitation (CRC/C/PER/CO/3, para. 25).

41. Likewise, the Executive Council of the Judiciary, as the Judiciary’s highest authority, pursuant to an internal decision of 3 March 2009 with reference to Official Communication No. 133-2008-PNAIA, approved the provision of training for judges in criminal courts, combined courts and family courts and for judicial and administrative assistants, and the inclusion of officials of other judicial institutions in events relating to the rights of children and adolescents organized in every judicial district. The decision was disseminated nationally for implementation. In that regard, the Training Unit of the General Office of the Judiciary organized 15 workshops between 2009 and 2012 on the subject of

children and adolescents, providing training for 571 judges and 200 judicial officials<sup>13</sup> (CRC/C/PER/CO/3, para. 25).

## **E. Information on children and adolescents**

42. Population data and information concerning the general circumstances in which children and adolescents live and develop are reported nationally by the National Institute for Statistics and Information Technology, with data from national censuses and surveys conducted by the Institute. The areas covered by the surveys are: education, household living conditions, the environment, human development, gender, employment and income, millennium goal indicators, health, chronic malnutrition, housing and poverty.

43. Research is conducted on these subjects at the national level and the specific indicators that are reported provide statistics on, *inter alia*, the number of children and adolescents living in Peru, the birth rate, infant mortality, chronic malnutrition, school enrolment and attendance, children and adolescents who work, households with access to safe drinking water and sanitation, and children who have episodes of acute respiratory infections and acute diarrhoeal diseases. In addition, data is collected from sectoral administrative records on sensitive issues relating to children and adolescents, such as those who are in a position of vulnerability, those living in shelters, etc.

44. The education sector compiles education quality statistics for regular basic education (preschool, primary and secondary levels), alternative basic education and special basic education, with indicators relating to, *inter alia*, learning outcomes, net coverage, access by age, access of persons with special needs, the adequacy of education provision in rural areas, academic backwardness and school drop-out rates, and infrastructure (CRC/C/PER/CO/3, para. 22).

45. The country also has a National Register of Persons with Disabilities, which is the database of the National Council for the Integration of Persons with Disabilities within the Ministry for Women and Vulnerable Groups and which contains up-to-date information on persons with disabilities, including children and adolescents (CRC/C/PER/CO/3, para. 22).

46. Wawanet, the information system of the Cuna Más programme, is a software program for recording and evaluating the results of work with children under the national Cuna Más programme of the Ministry of Development and Social Inclusion. The system is able to capture individualized information on the expected achievements and development of each child covered by the programme around the country. Information is also collected about each child's family, social, regional and financial environment (CRC/C/PER/CO/3, para. 22).

47. In general terms, there are various systems for the collection of data on the implementation of existing legislation on the rights of children and adolescents, which are being enhanced through, for example, the inclusion of more specific indicators relating in particular to children and adolescents from indigenous communities or those groups in a position of particular vulnerability, as highlighted by the Committee in 2006 (CRC/C/PER/CO/3, para. 22).

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<sup>13</sup> Judiciary. Official Communication No. 127-2013-DDHH-PJ, dated 30 May 2013.

## **F. Systems providing up-to-date and timely information on the situation of children and adolescents at the national, regional and local levels**

48. The Peruvian Government has developed the following systems of information on children and adolescents, considered to be reliable and timely:

49. The system for monitoring and evaluation of the National Plan of Action for Children and Adolescents 2002–2010: the database system (DevInfo version 6.0) has been in use since 2006 and there is currently up-to-date information available at the multisectoral level for the years 2006 to 2010 under the National Plan of Action 2002–2010.

50. The registration and statistical system for the crime of trafficking in persons and related crimes under the Ministry of the Interior, the purpose of which is to provide a register of cases of trafficking in persons, contains data on complaints, police procedures, places, events, individuals' identities (age, sex) and criminalization of trafficking in persons, in accordance with Act No. 28950, the Act on Trafficking in Persons and Smuggling of Migrants.

51. The Ministry of Education has a monitoring system known as education quality statistics for regular basic education (preschool, primary and secondary levels), alternative basic education and special basic education, with indicators relating to, *inter alia*, learning outcomes, net coverage, access by age, access of persons with special needs, the adequacy of education provision in rural areas, academic backwardness and school drop-out rates, and infrastructure. In 2010 the statistical application EBEDAT was designed and developed as part of the Educational and Social Inclusion Development Programme (Metropolitan Lima and Lima province, Ica, La Libertad, Piura and Cajamarca), funded by the Spanish Agency for International Development Cooperation (AECID) with a view to promoting the collection of statistical data on the subject of disability.

52. The system of information on and support for education management will allow education institutions to create a database of historical records of students that can be used to generate enrolment lists, standardized student records, student lists, identification using national identity documents, evaluation records and certificates, and other documents necessary for the management of the education institution. This will facilitate the conduct of impact studies.

53. The national reporting system on domestic and sexual violence under the National Programme to Combat Domestic and Sexual Violence includes a system of current statistics on these types of violence generated by a set of processes covering all its services to produce statistical data based on administrative records. Since its establishment in April 2001, the National Programme has advocated the creation of reporting systems in order to create a clearer picture of the problem of violence, since information on the subject was previously limited. Means of adapting to various adverse circumstances, such as the provision of services in remote areas with limited access to information technology, have been subject to ongoing validation.

## **II. Definition of the child (art. 1 of the Convention)**

54. Article I in the Preliminary Title of the Code on Children and Adolescents has not changed since 2000: it states that a child means every human being from the time of

conception until the age of 12 and an adolescent means every person between 12 and 18 years of age.<sup>14</sup>

## A. National child and adolescent population

55. According to the National Institute for Statistics and Information Technology, the country's population in 2011 was approaching 30 million, 36 per cent of whom were children and adolescents aged 0 to 17 (10,550,968).

56. In addition, according to the eleventh population census and the sixth housing census, conducted in 2007, the estimated population aged under 18 was 10,012,730. Of that group, 5,091,007 were male and 4,921,723 female.

57. The percentage of the population under 18 has been falling over the past five decades. The decline in fertility caused the average annual population growth rate to fall from 2.8 per cent in the period 1961–1972 to 1.6 per cent in the period 1993–2007, according to the national censuses for those years.<sup>15</sup>

58. Progress in providing care and easier access to health care, immunizations, safe drinking water and basic sanitation services has led to improvements in the quality of life and survival rates. It has also led to greater access to family planning and an increase in the period of time between births. As the age structure of the country's population has changed, with an ever decreasing birth rate, the population pyramid is narrowing at its base and expanding at the top. It is thought that this process will continue in years to come, with profound consequences for a broad spectrum of social needs. The change in the age structure has tangible benefits in that it creates a window of opportunity owing to the fall in the dependency ratio, in other words, an increasingly favourable relationship between the number of persons of dependent age (children, adolescents and older persons) and the working-age population.

## B. Adolescent marriage

59. Under article 241, paragraph 1, of the Civil Code currently in force, adolescents may enter into marriage in exceptional cases, provided that the courts have valid grounds for granting dispensation of impediments and that the bride and bridegroom are at least 16 years old and have expressly stated their desire to marry.

60. Account must also be taken of Act No. 29274 amending article 46 of the Civil Code, which provides that persons over the age of 14 who have children acquire legal capacity. Children in this group therefore have capacity to recognize their offspring, to claim pregnancy and childbirth expenses, to apply for and take part in proceedings for custody and maintenance of their children, and to apply for and take part in proceedings concerning extramarital filiation of their children.

<sup>14</sup> Congress of the Republic. Act No. 27337. Code on Children and Adolescents. *El Peruano*, 7 August 2000. Article I in the Preliminary Title further states: "The State shall protect the unborn in respect of all eventualities from which he or she might gain. Where there is uncertainty as to a person's age, he or she shall be considered a child or adolescent until such time as evidence to the contrary is produced."

<sup>15</sup> National Institute for Statistics and Information Technology. Peru: Population growth and distribution, 2007. June 2008.

### III. General principles (arts. 2, 3, 6 and 12 of the Convention)

#### A. Non-discrimination

61. Article 2.2 of the Constitution of Peru, which sets out the fundamental rights of the individual, establishes the right to equality as follows:

Article 2. Every person shall have the right: [...] 2. To equality before the law. No one shall be discriminated against on the basis of origin, race, sex, language, religion, opinion, or their economic or any other status.<sup>16</sup>

62. The Constitutional Court, the supreme body for interpreting and reviewing the constitutionality of laws,<sup>17</sup> has stated that the equality enshrined in article 2.2 of the Constitution has the dual status of principle and fundamental right. As a principle, it constitutes a statement of objective material content which, as an ethical component of the foundations of the constitutional framework, serves as a general linking element and overarching principle of the legal system. As a fundamental right, it constitutes the recognition of an authentic subjective right, in other words, the individual's ownership of a constitutional value — equality — to which he or she is entitled.<sup>18</sup>

63. However, the fourth final and transitional provision of the Constitution stipulates that the rules relating to constitutional rights and freedoms shall be interpreted in accordance with the Universal Declaration of Human Rights and such international treaties and agreements as Peru has ratified in that respect. This interpretation is also echoed by the Code of Constitutional Procedure,<sup>19</sup> article V in the Preliminary Title of which states:

Article V: The content and scope of the constitutional rights protected by processes governed by the present Code shall be interpreted in accordance with the Universal Declaration of Human Rights, human rights treaties, and decisions adopted by international human rights tribunals constituted under treaties to which Peru is a party (emphasis added).

64. All domestic laws are subject to the principle of constitutionality, in other words, they may not infringe the Constitution. In the words of the Constitutional Court: "No legal provision can be detached from the supreme law, which prevails over, informs and underpins the validity of the entire legal system."<sup>20</sup>

65. Lastly, the Criminal Code punishes the crime of discrimination,<sup>21</sup> stating expressly that where acts of discrimination are committed by public officials they incur a stiffer penalty.

<sup>16</sup> In addition, article 2, paragraph 19, on the fundamental rights of the individual guarantees the right to ethnic and cultural identity, through which the State acknowledges and protects the ethnic and cultural diversity of the nation.

<sup>17</sup> Congress of the Republic. Act No. 28301. Organic Act on the Constitutional Court. *El Peruano*, 23 July 2004, art. 1.

<sup>18</sup> Constitutional Court. Ruling of 13 February 2009 in case No. 00033-2007-PI/TC. Legal ground 57.

<sup>19</sup> Congress of the Republic. Code of Constitutional Procedure. Act No. 28237. *El Peruano*, 31 May 2004.

<sup>20</sup> Constitutional Court. Ruling of 16 April 2003 in case No. 2050-2002-AA/TC. Legal ground 4.

<sup>21</sup> Congress of the Republic. Act No. 28867 amending article 323 of the Criminal Code. *El Peruano*, 9 August 2006. "Art. 323: Any person who directly or indirectly discriminates against one or more individuals or groups of persons, or who publicly incites or promotes acts of discrimination by reason of race, religion, sex, genetic factors, parentage, age, disability, language, ethnic or cultural identity, clothing, political or other opinion, or economic status, for the purpose of nullifying or impairing the



66. The National Human Rights Plan 2006–2010<sup>22</sup> established as strategic area No. 4 the implementation of public policies to promote the rights of the most vulnerable sectors of the population on the basis of equal treatment and without discrimination, and also established “guaranteeing the rights of children and adolescents” as strategic objective 4.

67. With regard to existing legislation proscribing discrimination against children and adolescents, article 3 (d) of Act No. 28983, the Act on Equal Opportunities for Women and Men, provides for recognition and respect for children and adolescents affected by discrimination. In addition, article III, paragraph 7, of Act No. 29174, the General Act on Residential Care Centres for Children and Adolescents, provides for respect for the principle of equality and non-discrimination with regard to children and adolescents; and Act No. 29600, which encourages the continuation of schooling during pregnancy, under its article 2 prohibits education institutions from expelling pregnant pupils or mothers or limiting in any way their access to school and also establishes the obligation to generate indicators of their progress in the prevention and elimination of all forms of discrimination on the basis of pregnancy or motherhood. Likewise, Act No. 29635, the Religious Freedom Act, is aimed at preventing acts or omissions that discriminate against individuals (including children and adolescents) on the basis of their religious beliefs. In addition, the Ministry of Education issued Directorate Decision No. 0086-2008-ED adopting Directive No. 041-2008-ME-VMGP/DITOE, the regulations for tutoring and educational guidance in regional education directorates, local education management units and education institutions, which promote non-discrimination by the education community against pregnant students in education institutions.

68. In 2007 the Ministry of Justice established the National Programme of Legal Education for Social Inclusion.<sup>23</sup> The Programme was established pursuant to Ministerial Decision No. 292-2007-JUS and amended pursuant to Ministerial Decision No. 0056-2012-JUS. The Directorate-General for Human Rights within the Ministry of Justice and Human Rights is responsible for leading and implementing legal training activities under the Programme. The Programme is aimed at promoting social inclusion by providing the most vulnerable people with training and information about their rights so that they have access to justice: one of the training activities under the Programme focuses precisely on the right to equality and non-discrimination. Between 2007 and 2009, 30,839 people, from social leaders to secondary-school students, received training under the Programme in all regions of the country.

## **B. Application of the death penalty to children and adolescents and the right to life**

69. Neonatal, infant and child mortality rates fell at similar rates between 1999 and 2011, according to data from the Population and Family Health Survey 2012. In the annual report “Outcome indicators for strategic programmes 2012”, the National Institute for Statistics and Information Technology states that, in the decade up to 2012 (the 10 years

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recognition, enjoyment or exercise of their rights shall be sentenced to imprisonment for a term of no less than two and no more than three years or to the performance of community service for 60 to 120 days. / If the agent is a civil or public servant, the sentence shall be no less than two and no more than four years, in addition to disqualification as provided for under article 36, paragraph 2 (...).”

<sup>22</sup> Ministry of Justice and Human Rights. Supreme Decree No. 017-2005-JUS of 10 December 2005. The National Human Rights Plan was extended to 31 December 2011 pursuant to Supreme Decree No. 021-2010-JUS of 20 December 2010.

<sup>23</sup> Ministry of Justice. Ministerial Decision No. 292-2007-JUS establishing the National Programme of Legal Education for Social Inclusion, dated 14 August 2007.

prior to the survey), the neonatal mortality rate was 13 per 1,000 live births, although the rate in 2011 was lower. In addition, according to epidemiological bulletin No. 52, 7,024 foetal and neonatal deaths were reported during 2012. As at September 2012 the neonatal mortality rate was approximately 9.97 per 1,000 live births.

70. The Constitution of Peru is an important source of law that guarantees the right to survival of children and adolescents: article 2, paragraph 1, guarantees the right to life of all individuals and article 4 provides for constitutional protection of the rights of children and adolescents by society and the State.

71. With regard to the application of the death penalty, the Constitution of Peru, promulgated in 1993,<sup>24</sup> provides for the death penalty only for exceptional crimes (terrorism and treason in time of war). However, the last time a death sentence was pronounced and carried out was in 1979.<sup>25</sup> No such sentences have been imposed or carried out since then. Peru has thus maintained its policy of a de facto moratorium on the imposition of the death penalty. Moreover, the application of the death penalty to children and adolescents is inadmissible under the human rights treaties to which Peru is a party.

72. The Peruvian Government has taken steps to prevent suicide among children and adolescents. For example, the Ministry of Health, pursuant to Ministerial Decision No. 771-2004/MINSA, established the National Strategy for Mental Health and a Culture of Peace, which is based on the Guidelines for Action on Mental Health and is aimed at providing guidance for the planning of action on mental health in Peru. According to the Ministry of Health, 56 per cent of deaths of pregnant adolescents from indirect causes in 2012 were reported as suicides. Although the total number of suicides has fallen in the past three years, the rate among children and adolescents rose from 10 per cent of all suicides in 2009 to 12 per cent in 2010.

### C. Best interests of the child

73. Various laws expressly recognize the best interests of the child, including Act No. 29174, the General Act on Residential Care Centres for Children and Adolescents; Act No. 28683 providing for preferential treatment for pregnant women, children and older persons in public health-care centres; and Act No. 28950, the Act on Trafficking in Persons and Smuggling of Migrants.

74. The Peruvian Constitutional Court has stated that the principle of the best interests of the child is implicitly recognized in article 4 of the Constitution and, on that basis, the actions of the State, society, the community and the family with regard to the protection of children and the promotion, preservation, exercise and enjoyment of their rights must be focused on attaining their full physical, mental, moral, intellectual, spiritual and social well-being. Thus, according to the Court — the supreme interpreter of the Constitution — the development, interpretation and application of laws relating to children, and also public

<sup>24</sup> Constitution of Peru. “Article 140. The death penalty may be applied only for the crime of treason in time of war and for the crime of terrorism, in accordance with the laws and the treaties to which Peru is a party.” The Peruvian Criminal Code does not provide for the death penalty as a criminal sanction in any of its articles. Legislative Decree No. 1094, the Military and Police Criminal Code (*El Peruano*, 1 September 2010), in article 58 in the section “Crimes against national defence”, states that “in the event of a foreign war, the death penalty may be imposed, in accordance with our legislation”.

<sup>25</sup> The last death sentence pronounced in Peru, which was also the last one carried out, was imposed in 1979 on Julio Vargas Garayar, a non-commissioned officer of the Peruvian Air Force, for the crime of treason. The sentence was pronounced by the military court and carried out on 20 January 1979.

policies and social programmes, must be aimed at achieving the full, harmonious and comprehensive development of the child's personality in conditions of freedom, well-being and dignity.<sup>26</sup>

#### D. Respect for the views of the child and the adolescent

75. The Advisory Council of Children and Adolescents was established pursuant to Ministerial Decision No. 355-2009-MIMDES<sup>27</sup> as an advisory body of the then Directorate for Children and Adolescents (now the Directorate-General for Children and Adolescents) within the Ministry for Women and Vulnerable Groups. Its main functions are to provide advice to the Directorate-General, to participate in the development, design and implementation of public policies relating to children and adolescents, and to make proposals for and support the monitoring of the protection and promotion of the rights of children and adolescents.<sup>28</sup> As at December 2012, there were 44 advisory councils of children and adolescents around the country (see annex I).

76. Schools have school education councils,<sup>29</sup> which serve as forums for participation, coordination and community oversight. Around 24,998 students currently participate in school education councils around the country.

77. In 2011, six advisory councils of children and adolescents were established: two in Lima (representing Metropolitan Lima and the Miraflores district) and two outside the capital (in the Santiago district of Cusco and the Amazonas region).<sup>30</sup> In 2012 there were 29 advisory councils of children and adolescents around the country (one regional council, five provincial councils and eight district councils).

78. Pursuant to Deputy Ministerial Decision No. 0019-2007-ED,<sup>31</sup> the Ministry of Education adopted the regulations and guidelines for the organization and implementation

<sup>26</sup> Constitutional Court. Ruling of 7 October 2009 in case No. 1817-2009-PHC/TC. Legal grounds 8–13.

<sup>27</sup> Ministry of Women and Social Development. Ministerial Decision No. 355-2009-MIMDES. *El Peruano*, 10 September 2009.

<sup>28</sup> Similarly, the Transitional Advisory Council of Children and Adolescents was established pursuant to Ministerial Decision No. 366-2009-MIMDES (13 September 2009) with the aim of establishing the foundations and criteria for the operation of the Advisory Council of Children and Adolescents, with the participation of children and adolescents themselves. This forum for participation is made up of 12 national delegates (Piura, Lambayeque (2), La Libertad (2), Ucayali, Junín, Pasco, Puno and Lima (3)) democratically elected at the thirteenth National Meeting of Children and Adolescents. One of the main tasks of the Transitional Council was to draft the rules of procedure of the Advisory Council, which set forth, *inter alia*, the procedures for electing its members and the duration of its term of office.

<sup>29</sup> Established pursuant to Act No. 28044, the General Education Act. *El Peruano*, 29 July 2003.

<sup>30</sup> Pursuant to the following municipal ordinances: Ordinance No. 346-MM of 31 March 2011 approving the establishment of the Advisory Council of Children and Adolescents of the Miraflores district; Ordinance No. 1499-MML of 10 February 2011 approving the Advisory Council of Children and Adolescents of Metropolitan Lima; Regional Ordinance No. 289 of the regional government of Amazonas approving the establishment of the Regional Council of Children and Adolescents of Amazonas, dated 3 June 2011; and Municipal Ordinance No. 05-2011-MDS establishing the Advisory Council of Children and Adolescents of the Santiago district of Cusco, dated 23 May 2011. In addition, with the participation of the Transitional Advisory Council of Children and Adolescents, the guidelines for the election of advisory councils, in which the 26 regions of the country will participate, were drafted. The document has been validated by 12 organizations of children and adolescents and 15 public and private institutions involved in this area.

<sup>31</sup> Ministry of Education. Deputy Ministerial Decision No. 0019-2007-ED adopting the regulations and guidelines for the organization and implementation of student councils, dated 24 May 2007.

of student councils, the purpose of which is to establish forums in education institutions for promoting practices of democratic organization and participation that introduce children and adolescents to the exercise of their civic rights and duties; to establish an organizational model for democratic participation in schools that promotes students' involvement as an educational experience; and to involve the education community, made up of head teachers, teachers, administrative staff, parents and pupils in general, in activities focused on the well-being of students, their active participation, the promotion and defence of their rights, and also the assumption and fulfilment of their responsibilities.

79. In this context, educational activities have been carried out with the aim of encouraging students to take part in and express their opinions on the subjects of personal and social education in the primary curriculum, and the individual, the family and human relationships in the secondary curriculum in the regular basic education system. In 2008, 9,481 student councils were set up in regular basic education institutions, with their respective student participation councils. In addition, the Teaching Methods for Preschool Education (2008) provide guidelines for community education facilitators and teachers under the "principle of autonomy", which encourages children to participate on their own initiative, in accordance with their capabilities, their level of maturity and their own interests.

80. Furthermore, article 53 of Act No. 28044, the General Education Act,<sup>32</sup> provides that students have the right to express their opinions and to organize themselves to take part in school and community matters through the student council or other forms of student organization, such as mechanisms that foster the exercise of their rights and citizenship. In that context, the regulations and guidelines for the organization, implementation and operation of student councils were adopted pursuant to Deputy Ministerial Decision No. 0067-2011-ED.<sup>33</sup>

81. There are other forums promoted by the public administration for the effective participation of children and adolescents in matters concerning their comprehensive development, their environment and public policies. For example, the Ministry for Women and Vulnerable Groups, with representatives of the Advisory Council of Children and Adolescents, developed expected outcome No. 18, "Children and adults participate in the public policy cycle for policies involving or affecting them", under the National Plan of Action for Children and Adolescents 2012–2021. The Ministry of the Interior, through the Peruvian National Police, has since 2006 been implementing programmes such as the "Friends of the Police" club, "Youth Patrols", the "Colibrí" programme and the "School Self-Protection" programme in education institutions, and has been carrying out activities to encourage children and adolescents to make good use of their free time in places such as Lima, Tumbes, Piura, Chiclayo, Tarapoto, Pucallpa, Trujillo, Arequipa, Ica, Pasco and Huancavelica. The dissemination and implementation of these programmes continued in 2007 with broader national coverage and with the support of the Peruvian Sports Institute.

82. The Ministry of Health has also been encouraging adolescents to take part in decision-making with regard to their comprehensive development by holding youth meetings in the various regions of the country.

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<sup>32</sup> Congress of the Republic. Act No. 28044, General Education Act. *El Peruano*, 29 July 2003.

<sup>33</sup> Ministry of Education. Deputy Ministerial Decision No. 067-2011-ED, regulations and guidelines for the organization, implementation and operation of student councils, dated 26 September 2011.

## IV. Civil rights and freedoms (arts. 7, 8, 13–17 and 37 (a) of the Convention)

### A. Right to identity

83. Under the National Plan of Action for Children and Adolescents 2002–2010, strategic objective 1 was to ensure a healthy life for children aged 0 to 5, and outcome No. 2 was to secure for all children the universal right to a name and an identity. This is why the National Registry Office, using the National Plan of Action 2002–2010 as one of its reference points, developed the National Plan for the Restitution of Identity (Documenting the undocumented), which was implemented during the period 2005–2009.

84. The purpose of the Plan was to address the problem of undocumented persons by formulating, implementing, monitoring and evaluating steps to document such persons and also to propose structural, regulatory, technological and other changes that would prevent the number of undocumented persons from increasing.

85. Satisfactory results have been achieved with regard to access to the right to identity. By June 2012, 91.6 per cent of minors aged 0–17 had a national identity document,<sup>34</sup> a higher proportion than in 2008, when barely 27.5 per cent of minors had such a document.

86. The aim of the budget programme on access to identity run by the National Registry Office is to extend the national coverage of the identification and vital statistics services through the issuance of national identity documents and birth certificates to all adults and children. In 2009 the programme was allocated a budget of 28,000,000 nuevos soles (approximately 10,700,000 dollars), which increased significantly in 2012, to 229,800,000 nuevos soles (approximately 88 million dollars).

87. In March 2012, the Ministry of Health, in coordination with the National Registry Office, began the national implementation of the information system for online registration of certificates of live birth,<sup>35</sup> through which health professionals are trained to certify the details of the mother and the newborn online immediately at the health-care facility so that a certificate of live birth can be issued.<sup>36</sup>

88. In percentage terms, the largest proportion of undocumented persons is located in forested rural areas. In order to deal with this problem, a number of innovations have been introduced, such as free registration formalities, the provision of river transport and the coverage of indigenous settlers by the civil registry and identification services. Since June 2011, as part of a strategic alliance between UNICEF and the National Registry Office, visits have been made to 69 indigenous Amazonian communities in the Loreto region.<sup>37</sup>

<sup>34</sup> Daily statistical report of the National Registry Office for 16 May 2012.

<sup>35</sup> System established under the administrative directive establishing procedures for the registration of certificates of live birth at all health-care facilities, approved pursuant to Ministerial Decision No. 148-2012/MINSA of 5 March 2012.

<sup>36</sup> Under article 25 of the regulations on registration at the National Registry Office, in order to register a birth at a civil registry office, the father and the mother, registering their newborn child individually or jointly, must have a birth certificate issued by a physician, obstetrician or nurse with a State-recognized title, or proof that a person authorized by the Ministry of Health attended or verified the birth.

<sup>37</sup> National Registry Office. Official Communication No. 0001048-2012/SGEN/RENIEC, dated 25 June 2012, pp. 2-6.

89. Likewise, through its civil registry offices, the National Registry Office registers births that occur in rural areas.<sup>38</sup> By 2012, there were 2,576 civil registry offices located in municipalities, indigenous communities and other population centres. From 2005 to 2012, these offices registered a total of 153,266 births in rural areas.

## **B. Right to freedom of expression**

90. Article 2, paragraph 4, of the Constitution provides that everyone has the right to “freedom of information, opinion, expression and dissemination of ideas orally, in written form or through images, in any of the media, without prior authorization, censorship or impediment of any kind, violations being punishable by law”. Similarly, article 10 of the Code on Children and Adolescents enshrines the right to freedom of expression in its different manifestations, as a vehicle for the proper exercise and enjoyment of the rights of children and adolescents.

91. The Peruvian Government has established a number of forums for promoting freedom of expression for children and adolescents. For example, the Advisory Council of Children and Adolescents has been established as an advisory body of the Directorate-General for Children and Adolescents within the Ministry for Women and Vulnerable Groups and provides an appropriate organized forum for the exercise of freedom of expression and the related rights to seek, receive and disseminate information.

92. Lastly, the Government is also promoting other forums that provide an opportunity for the exercise and promotion of the right to freedom of expression of children and adolescents, such as school education councils under the General Education Act and student councils.

## **C. Right to freedom of religion**

93. The Constitution of Peru and the Code on Children and Adolescents state that religious education shall be delivered with respect for freedom of thought and conscience and for the right of parents or those responsible for the child to guide the child in the exercise of that right.

94. In recognition of the fundamental right to freedom of religion, Act No. 29635 was published in 2010.<sup>39</sup> It governs freedom of religion, providing, *inter alia*, that education institutions of all kinds and at all levels must respect the right of pupils to exempt themselves from religious instruction for reasons of conscience or because of their religious beliefs, without this affecting their academic average.

## **D. Use of technology in education**

95. In 2007, Act No. 29109 was adopted, authorizing additional credit of up to 22,560,000 nuevos soles (approximately 8,057,142 dollars) in the public sector budget for that year for the purchase of laptops for pupils in State primary schools throughout the country. The funds approved were intended for the purchase of computers for the “One Laptop per Child” programme implemented by the Ministry of Education and were

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<sup>38</sup> These offices operate in municipalities, indigenous communities and civil registry branch offices in population centres. Organic Act on Municipalities, Act No. 27972, art. 129.

<sup>39</sup> Ministry of Justice. Supreme Decree No. 010-2011-JUS adopting the Regulations of Act No. 29635, the Religious Freedom Act. *El Peruano*, 27 July 2011.

distributed primarily to single-teacher and multigrade schools in accordance with the human development index in the district; regional governments signed up to the programme under agreements entered into with the Ministry of Education. Between 2006 and 2010, 10,505 education institutions (13 preschools, 10,324 primary schools and 168 secondary schools) received equipment.

96. In 2011 there was a significant increase in the budget for the “One Laptop per Child” programme at the primary level and in the amount of equipment provided: a total of 290,278 XO laptops, 53,830 solar panels and 40,583 robotics kits were distributed, benefiting a total of 2,113,897 primary school pupils and 20,048 State primary schools around the country. In addition, 94,522 teachers nationwide were provided with training or teaching support using XO laptops. With regard to the establishment of technology resource centres at the secondary level — the third phase of “One Laptop per Child” — the first 136,107 XO laptops and 274 solar panels were distributed, benefiting 1,115,607 pupils in 3,717 schools around the country.

97. In 2009, the Ministry of Education distributed 5,087 children’s library modules for children aged 3 to 5 to schools and non-school initial education programmes in four priority regions: Ayacucho, Apurímac, Huánuco and Huancavelica. During 2010, 9,886 classroom library modules for children aged 3 to 5 were distributed to schools and non-school initial education programmes in five priority regions: Lima province, Metropolitan Lima, Junín, Callao and Cusco-Valle de los ríos Apurímac y Ene (VRAE).

98. In 2011, the following were distributed: 25,865 indigenous story modules in Quechua Chanka and Quechua (children’s literature for 18 regions); 30,618 classroom library modules and preschool information texts; 11,343 modules containing only information texts; 24,412 teaching material modules (16 regions); 1,119 teaching material modules for expansion of coverage (15 regions); and 14,771 manipulative material modules (nine regions) for the areas of communication and mathematics.<sup>40</sup>

## **E. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

99. With regard to awareness-raising campaigns and measures adopted against corporal punishment, in accordance with the recommendation in paragraph 43 of the Committee’s concluding observations on the third periodic report of Peru (CRC/PER/CO/3), a consortium of NGOs known as “Pact for Proper Treatment” was formed in 2002 with the support and advice of Save the Children. The consortium implemented the “Vaccination for Proper Treatment” campaign. Save the Children is part of the “End Physical and Humiliating Punishment” collective, which seeks to exert social and political pressure to eliminate the problem. In 2009, the unit for children and adolescents in the Ombudsman’s Office also produced Ombudsman Document No. 4, “End punishment! Against physical and humiliating punishment of children and adolescents”, which recommends the explicit prohibition of all physical and humiliating punishment.

100. In addition, the report on Bill No. 661/2011-CR prohibiting corporal punishment and humiliating treatment of children and adolescents was adopted by the Justice and Human Rights Committee of the Congress of the Republic on 28 December 2011 and the Women and the Family Committee of Congress on 30 March 2012, pending adoption and promulgation by Congress in plenary. In addition, new versions of articles 4, 16, 45 and 74 (d) of the Code on Children and Adolescents have been adopted and article 423 of the Civil

<sup>40</sup> *Source:* Ministry of Education, evaluation of the institutional operating plan 2011.

Code has been amended, while a reference to therapeutic treatment has been added to article 128 of the Criminal Code. The main objective of the bill is to declare the prohibition on corporal punishment and humiliating treatment of children and adolescents.

101. It has also been proposed that article 74 of the Code on Children and Adolescents, which refers to the rights and duties of parents who exercise parental authority (art. 96 of the preliminary draft: “Parental responsibility”), should state that it is the duty and right of parents to “use methods of child-rearing and discipline that do not violate their rights or involve practices of physical or humiliating punishment”.

102. Directorate Decision No. 086-2008-ED, adopting Directive No. 041-2008-ME-VMGP/DITOE, the regulations for tutoring and educational guidance in regional education directorates, local education management units and education institutions, prohibits punishments that involve any kind of abuse and disciplinary measures that constitute physical or psychological punishment of students in public and private education institutions.

103. Under Act No. 27942, Supreme Decree No. 010-2003-MIMDES and the guidelines for dealing with cases of physical and/or psychological abuse, sexual harassment and violation of the sexual freedom of students in education institutions, adopted pursuant to Ministerial Decision No. 0405-ED (12 September 2007), action will be taken for the purpose of prevention and in order to identify staff who commit these offences, who will be reported in accordance with the law.

104. As part of their awareness-raising activities, the Ministry for Women and Vulnerable Groups and the education and health sectors circulate proposed ways of avoiding any kind of physical or humiliating punishment as a method of child-rearing and promote means of resolving conflict in which rights are respected.

## **V. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 19–21, 25, 27, para. 4, and 39 of the Convention)**

### **A. Family environment and parental guidance consistent with the evolving capacities of the child**

105. Article 418 of the Civil Code, Legislative Decree No. 295, which recognizes that, by virtue of parental authority, parents have the duty and the right to take care of the person and property of their minor children, has not been changed. Similarly, the provisions of article 74 of the Code on Children and Adolescents establishing the duties and rights of parents by virtue of parental authority continue to apply.

### **B. Parents’ common responsibilities, assistance to parents and provision of childcare services**

#### **1. Common responsibilities**

106. In this area, the legal system establishes that the duties and rights of parents in respect of their children are as follows:

- (a) To ensure their comprehensive development;
- (b) To provide for their maintenance and education;



- (c) To supervise their education and training for work suited to their vocation and skills;
- (d) To set them a good example of how to live and to discipline them in a moderate fashion. When their actions are not sufficient, they may refer to the competent authorities;
- (e) To keep them in their company and refer to the authorities if necessary in order to recover them;
- (f) To represent them in civil matters until they acquire capacity to act and civil liability;
- (g) To receive assistance from them in keeping with their age and status and without prejudice to their education;
- (h) To administer any property owned by their children and have the usufruct thereof.

107. In addition, Act No. 29409 of 19 September 2009 grants public and private sector workers the right to paternity leave, so that fathers can play a proper role in the development of their children.

## 2. Assistance to families

108. On 7 April 2005, pursuant to Supreme Decree 032-2005-PCM, the Peruvian Government established the National Direct Assistance Programme for the Very Poor (Juntos (“Together”) programme), a conditional money-transfer programme. This strategy for poverty reduction serves as a means of support for vulnerable families. Under the programme, a cash incentive of 200 nuevos soles (approximately 74 dollars) is paid twice a month to the most needy families in the country, to be used as they see fit, to encourage them to fulfil commitments they have entered into with regard to nutrition, health, education and identity, with a view to restoring basic rights. The programme also covers families with expectant mothers and children up to the age of 14 in order to combat chronic child malnutrition and extreme poverty, prioritizing rural areas.

109. The Juntos programme has reported that, between 2005 and 2011, the total national poverty figure fell by 27.8 percentage points, from 55.6 per cent in 2005 to 27.8 per cent in 2011 (in rural areas the reduction was 26.4 percentage points, from 82.5 per cent in 2005 to 56.1 per cent in 2011). In addition, the national level of chronic child malnutrition fell by 8.5 percentage points, from 28 per cent in 2005 to 19.5 per cent in 2011 (in the areas covered by the programme, the reduction was 12.2 per cent). Monitoring of the growth and development of children under 36 months increased by 22.3 percentage points nationally, from 25 per cent in 2005 to 47.3 per cent in 2011 (in the areas covered by the programme, the increase was 38.5 per cent).

110. The Juntos programme covers 14 regions, 138 provinces, 1,011 districts, 34,304 population centres, 3,692 health-care facilities and 27,751 education institutions. By the last two months of 2012, the programme area covered a total of 649,553 households and the number of households registered for the programme was 619,723. The programme area also covered a total of 1,584,970 children, adolescents and young people, 1,489,734 of whom were registered. In addition, the number of children, adolescents and young people registered for comprehensive health insurance was 1,270,764 (81.7 per cent).

111. The number of children, adolescents and young people covered by the Juntos programme who have a national identity document is 1,407,673, representing 96.5 per cent of that population group. The proportion has increased gradually over the years: in 2005,

the number was 0 per cent; in 2006, 2.4 per cent; in 2007, 2.8 per cent; in 2008, 33.5 per cent; in 2009, 35 per cent; in 2010, 72 per cent; and in 2011, 96.3 per cent.

112. Under the Juntos programme, 94.1 per cent of households (487,524) have fulfilled their joint responsibilities in health, nutrition and education, as required under the programme. Furthermore, between September 2005 and December 2012, the cumulative total of monetary incentives transferred was 3,138,626,315.20 nuevos soles.

113. In addition, pursuant to Emergency Decree No. 001-2013, special measures have been introduced to support vulnerable groups and to ensure that children aged 15 to 19 are enrolled in school. In that connection, through the Juntos programme, the Government will make an incentive payment of 300 nuevos soles (approximately 111.11 dollars) for every secondary-school pupil in that age range in the Huallaga area who has regularly attended classes, since that area is considered by the National Commission for Development and Life without Drugs to be in a critical situation owing to the immediate economic and social impact of measures taken to eradicate illicit coca crops.

### 3. Provision of childcare services

114. With regard to support from education services, the Ministry of Education reported that, in 2009, 934 psychomotor therapy modules were distributed to nurseries and early education classes in 15 regions of the country. In addition, 55 mobile toy library modules (Juntos programme, Ministry of Education subsystem) were distributed to the Apurímac, Ayacucho, Huánuco and Huancavelica regions; and 1,453 integrated communications, mathematical logic and children's library modules were provided for children aged 3 to 5 in schools and non-school initial education programmes in 77 districts prioritized under the Juntos programme in the Cajamarca region. A total of 5,087 integrated communications, mathematical logic and children's library modules for children aged 3 to 5 were also distributed to schools and non-school initial education programmes in Ayacucho, Apurímac, Huánuco and Huancavelica. During 2010, 9,886 communications, mathematics and classroom library modules for children aged 3 to 5 were distributed to schools and non-school initial education programmes in Lima province, Metropolitan Lima, Junín, Callao and Cusco-Valle de los ríos Apurímac, Ene y Mantaro (VRAEM).

115. The Peruvian Government designed the national Wawa Wasi (day-care centres) programme in 1993 (Ministerial Decision NC 0158/-93-ED), which was subsequently transferred, under Act No. 29247, to the then Ministry for Women and Social Development, now the Ministry for Women and Vulnerable Groups; it delivered day-care services for children that provided a favourable environment for their comprehensive development. The programme was aimed mainly at providing those in situations of risk or living in poverty or extreme poverty with a service that would ensure their future development. The Wawa Wasi programme provided support to children aged between 3 months and 3 years, and from 2006 to 2011 it operated 36,686 centres and provided support to 287,541 children (see annex II).

116. In October 2011, the national Wawa Wasi programme was discontinued after being incorporated into the Cuna Más programme in accordance with the third final supplementary provision of Act No. 29792 on the establishment, organization and functions of the Ministry of Development and Social Inclusion. This new, specifically targeted social programme under the Ministry of Development and Social Inclusion is aimed at providing comprehensive support to children under the age of 36 months in areas of poverty or extreme poverty.

117. Pursuant to Supreme Decree No. 008-2012-MIDIS of 30 May 2012, the Qali Warma National School Food Programme was established as a social programme of the Ministry of Development and Social Inclusion with a view to providing a quality food service

appropriate to local eating habits that is jointly managed with the community and is sustainable and healthy, for children in preschool education from 3 years of age and in basic primary education in public education institutions.

118. The Comprehensive Nutrition Programme<sup>41</sup> is a comprehensive and multisectoral national programme whose activities are coordinated with the Ministry for Women and Vulnerable Groups, the Ministry of Health, the Ministry of Development and Social Inclusion and the Ministry of Education, and also with local and regional governments, international cooperation and civil society. Its purpose is to prevent malnutrition in children up to 12 years of age and expectant and breastfeeding mothers, prioritizing those aged under 3 from families living in poverty or extreme poverty or in a situation of nutritional vulnerability, with a view to improving their quality of life. It is therefore a preventive and awareness-raising programme focusing on fundamental rights at different stages of life, in the context of policies for poverty reduction, land development and food security.

119. Given the importance of food and nutrition at particular stages of human development, the Comprehensive Nutrition Programme takes a life-cycle approach and therefore has two subprogrammes: the infant subprogramme and the preschool and school subprogramme. Both subprogrammes have three components: food, education, and monitoring and evaluation.

120. Thus, in 2007, assistance was provided to 553,897 children aged under 3, and 89 per cent of the total number who received assistance were from districts in the first and second poverty quintiles, which are given priority under the subprogrammes. In 2008 the number of beneficiaries increased by 6 per cent compared with 2007: 588,772 children under 3 received assistance, 86 per cent of whom were from districts in the first and second poverty quintiles. In 2007, the school subprogramme focused on 10 departments with more than 100,000 beneficiaries, 14 per cent of whom were from the Lima department, 8 per cent from Cajamarca and 7 per cent from Cusco. In 2008, Lima continued to be the department with the greatest number of beneficiaries — 14 per cent of the national total, or 372,498 children receiving assistance — while 14 departments had more than 100,000 beneficiaries and the remainder more than 120,000. The situation has been improving, as demonstrated by the fact that, in 2011, the number of children in Lima receiving assistance was 340,577.<sup>42</sup>

121. The budget implemented under the National Food Aid Programme increased between 2006 and 2010. For 2011, the amount of social investment fell to 564,116,864.30 nuevos soles (approximately 208,932,171.96 dollars) from 582,608,482.81 nuevos soles (approximately 215,780,919.56 dollars) in 2010. From January 2012 to 20 December 2012, 593,377,633 nuevos soles (approximately 219,769,493.70 dollars) was allocated from the budget of the Ministry of Development and Social Inclusion for the implementation of the programme.

122. The national Wawa Wasi programme was one of the activities that contributed the most to reducing chronic malnutrition: 100 per cent of the children involved received safe and nutritious food aid daily, with a total of 12,961,266 food rations being provided to 54,876 children during the 251 aid days in 2010. During 2011, the national Wawa Wasi programme (now the Cuna Más programme) contributed to food security for 56,000 children on average, by providing 13,751,046 safe and nutritious food rations. Food aid, as

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<sup>41</sup> The Comprehensive Nutrition Programme was established on 22 December 2006 pursuant to Directorate Decision No. 395-2006-MIMDES-PRONAA/DE. It was set up as part of the National Food Aid Programme and in October 2011 it was transferred to the Ministry of Development and Social Inclusion, together with other social programmes.

<sup>42</sup> SISCO system-Ministry for Women and Vulnerable Groups.

part of the comprehensive support offered in Wawa Wasi (day-care centres), helped reduce chronic malnutrition among users of the service from 18.6 per cent in 2010 to 16.7 per cent in 2011. The reduction in the prevalence of chronic malnutrition among children in Wawa Wasi in those years was most pronounced in rural areas, where it fell from 29.9 per cent to 25.2 per cent.<sup>43</sup>

123. In 2012, 13.5 per cent of children under 5 were suffering from chronic malnutrition; in other words, they had delayed growth and height for their age. Over the course of 21 years of analysis, the proportion of minors without sufficient food fell by 23.0 percentage points, according to the Population and Family Health Surveys<sup>44</sup> of 1991–92 and 2012, as a result of interventions by different sectors and levels of government and the implementation of the Combined Food Programme. This result also surpassed the goal of 18.3 per cent for 2015.

### **C. Separation of a child from his or her parents**

124. The legal provisions relating to the validity of parental authority, in accordance with which children shall not be separated from their parents save for exceptional reasons, remain in force. The Code on Children and Adolescents retains the provision on suspension of parental authority in cases such as the following: (a) where the father or mother cannot exercise parental authority because of his or her involvement in a civil law case; (b) where the father or mother has been declared missing by the courts; (c) where the parent has given the child orders, advice or examples that have a corrupting influence; (d) where the parent allows the child to become a vagrant or uses the child for begging; (e) where the parent subjects the child to physical or psychological abuse; (f) where the parent fails to provide the child with food; (g) in the event of the parents' separation or divorce or invalidity of their marriage. In the latter case, articles 81 to 87 of the Code on Children and Adolescents regarding custody apply. Likewise, parental authority may be terminated only: (a) on the death of the parents or the child; (b) when an adolescent reaches the age of majority; (c) where there is a sworn declaration of abandonment; (d) where the parent has been convicted of a wilful wrong that harms or injures the children; (e) in repeated instances of the grounds mentioned above relating to the corruption of the minor, vagrancy, begging, physical or psychological abuse or the failure to provide food. Lastly, parental authority may also be terminated when the child acquires legal capacity, in accordance with article 46 of the Civil Code.

125. In addition, Act No. 29194 of 31 October 2008 specifies in what circumstances parental authority is lost; pursuant to Supreme Decree No. 014-2008-JUS of 30 August 2008, the Regulations of the Conciliation Act, as amended by Legislative Decree No. 1070 with regard to family cases, were adopted; and Act No. 29269 of 4 October 2008 amends articles 81 and 84 of the Code on Children and Adolescents to incorporate shared custody.

### **D. Family reunification**

126. Article 78 of the Code on Children and Adolescents provides for the possibility of restoring parental authority when the grounds for suspension cease to exist.

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<sup>43</sup> Annual progress report for 2011 on the implementation of policies relating to children and adolescents.

<sup>44</sup> National Institute for Statistics and Information Technology. Population and Family Health Survey 2012. April 2013. [www.inei.gob.pe/biblioineipub/bancopub/Est/Lib1075/index.html](http://www.inei.gob.pe/biblioineipub/bancopub/Est/Lib1075/index.html).

## E. Recovery of maintenance

127. Article 235 of the Civil Code states that “parents shall be obliged to provide for the maintenance, protection, education and upbringing of their children in accordance with their situation and capacities”. In this connection, the Child Maintenance Arrears Register was established pursuant to Act No. 28970 of 27 January 2007 and, in accordance with the procedure set out in the Act, is to list those who owe three successive maintenance payments, as established by accepted or executory judgements or by settlements that have the status of *res judicata*. It is to list also those who fail to pay maintenance owed during judicial proceedings for maintenance if they do not settle the payments within three months of their becoming payable.

128. Pursuant to Supreme Decree No. 002-2007-JUS, the regulations on the Child Maintenance Arrears Register and the allocation of specific competences to public law institutions involved in the process were adopted, while pursuant to Directive No. 004-2007-CE-PJ, the Executive Council of the Judiciary established rules and procedures for the implementation of Act No. 28970.

129. The number of ombudsman’s offices for children and adolescents nationwide has increased. Currently, 51 per cent of districts in the country have at least one office, and at the provincial level the proportion increases to 97 per cent. In 2003, 1,405 offices were registered around the country and, in 2012, 2,250 were registered (see annex III). A sample of 273 ombudsman’s offices for children and adolescents dealt with 31,317 conciliation proceedings in 2009, in which the most common problem to be resolved was maintenance (54 per cent), followed by visiting arrangements (27 per cent) and, lastly, custody (17 per cent). In addition, as a result of conciliation proceedings, maintenance payments of 8,667,984 nuevos soles were made.

130. In 2011, a sample of 181 ombudsman’s offices reported that they had dealt with 81,023 cases, most frequently relating to matters for conciliation (maintenance, custody and visiting arrangements), name and identity, voluntary acknowledgement of filiation, violence against children and adolescents, and domestic violence. They also reported that they had dealt with 91,615 cases in which they had provided guidance on legal, psychological and other issues. The majority of interventions related to problems affecting children under the age of 6 (36 per cent), followed by those aged between 6 and 11 (29 per cent), those aged 12 to 17 (20 per cent) and those over 18 (15 per cent).

131. In addition, a total of 7,251,757 nuevos soles was paid in maintenance, a significant sum that highlights the need for ombudsman’s offices to be provided with the infrastructure and staff needed to deal with these matters.

## F. Children deprived of a family environment

132. Act No. 29174 governs the operation of residential care centres under the National Integrated Family Welfare Programme. These centres are units that provide specialized comprehensive support for a transitional period to children and adolescents who have been physically, morally or materially abandoned. The ultimate objective is appropriate and sustained reintegration into the family and society and strengthening of the family unit as the fundamental nucleus through measures to promote social and emotional development by encouraging communication and positive interaction among family members. By July 2012, there were 9,176 children and adolescents in public and private residential care centres around the country.

133. The services provided nationally by residential care centres may be delivered by public or private institutions. Public residential care centres are administered by the

Ministry for Women and Vulnerable Groups through the Comprehensive Protection Management Unit (now the Child and Adolescent Protection Services Unit of the National Integrated Family Welfare Programme), which in each of its residential care centres provides food, clothing, housing, education and health-care services, and also ensures the comprehensive development (vocational technical training, social and psychological support) of children and adolescents aged from 0 to 17 years 11 months.

134. In 2012, 9,176 children and adolescents were registered with residential care centres, of whom 4,371 were male and 4,805 female. As at December 2012, 28 residential care centres administered by the National Integrated Family Welfare Programme were registered, 13 of which were located in Lima and 15 in other cities around the country. With regard to the residential care centres administered by private institutions, the Ministry for Women and Vulnerable Groups reports that, in 2010, there were 59 accredited centres; in 2011, 134 were accredited; and, in 2012 up to December, 68 were accredited.

### **G. Reintegration of children and adolescents**

135. With regard to children and adolescents reintegrated into their families, the National Integrated Family Welfare Programme reports that, between 2006 and 2011, 6,088 cases of family reintegration were recorded, 1,889 of which took place in Lima and 4,199 in other regions of the country.

136. Another important function of the National Integrated Family Welfare Programme with regard to family matters is “family placement”, which is a protection measure through which the child or adolescent is hosted by a person, family or institution, who or which becomes responsible for him or her temporarily. Such a measure may be ordered by an administrative or judicial authority and may be paid or unpaid. During the period 2006–2011, 1,261 family placements were registered.

### **H. Domestic and intercountry adoption**

137. Article 115 of the Code on Children and Adolescents remains in force; it states that adoption is a protection measure through which, under the supervision of the State, a parent-child relationship is irrevocably established between persons who are not naturally related. Article 116 covers the possibility of intercountry adoption, which is subsidiary to domestic adoption.

138. The administrative process of adoption in Peru is carried out by the current Directorate-General for Adoption in the Ministry for Women and Vulnerable Groups, whose main task is to integrate children and adolescents who have been declared abandoned into adoptive families that have been duly assessed and that can ensure their emotional and social development in the manner necessary for them to exercise and enjoy their human rights. Between 2006 and 2012, there were 1,638 recorded adoptions of children and adolescents.

### **I. Illicit transfer and non-return of children**

139. Pursuant to Supreme Decree No. 023-2000-RE, Peru confirmed its accession to the Convention on the Civil Aspects of International Child Abduction and designated the Ministry for Women and Vulnerable Groups as the Central Authority for the purposes of national and international coordination; this work is carried out by the Directorate-General for Children and Adolescents. As the Central Authority for these matters, the Ministry receives requests as a requested State and also acts as a requesting State with regard to

cases of international abduction of children and adolescents, the number of which has been increasing each year. Between 2008 and 2012, Peru received 259 requests as requested State and itself requested 158 abduction reports as requesting State.

140. With regard to migration control, since June 2010, notaries' offices have changed the format of notarial permits, adding new security elements in order to combat the illegal transit of children and adolescents. In addition, in 2009, the Ministry of the Interior and the Association of Notaries of Lima signed an inter-institutional cooperation agreement with a view to providing the Directorate-General for Migration and Naturalization with information on foreign travel authorizations for minors issued by notaries in Lima, together with the relevant signatures and security stamps in real time, thereby avoiding the proliferation of forged identity documents, passports, aliens' identity cards, travel authorizations for minors and other such documents at migration control points around the country. Notaries also use the database of passports and aliens' identity cards issued by the Directorate-General for Migration and Naturalization in order to combat identity theft, continuing with the measures proposed by the Association of Notaries of Lima to prevent document forgery.

## **J. Abuse and neglect, including physical and psychological recovery and social reintegration**

141. The units for maltreated children provide care for children and adolescents who are victims of abuse, using the following approaches: comprehensive care (both for the victim and for his or her family); multidisciplinary care (mental and social health support); teamwork (to coordinate victim protection measures and also the evaluation and adjustment of intervention strategies); coaching and training (information sessions for health-care staff and for the teams in the units for maltreated children); intervention by level of complexity (care systems have been defined in accordance with the complexity of health-care facilities); and an intervention network (where the units for maltreated children become part of a network of complementary and intersectoral services). Pursuant to Ministerial Decision No. 472-2011/MINSA of 14 June 2011, the Health Directive that governs the operation of the units for maltreated children was adopted. During 2012, 8,000 children and adolescents in Peru who had suffered psychological abuse and another 4,000 victims of physical abuse received care from this service. There are 42 units in 16 health directorates and regional directorates; 14 are in Lima and 28 in other regions around the country.

142. The Ombudsman's Office for Children and Adolescents is a public administrative service, free of charge, that focuses on children and adolescents and whose objectives, as part of its operations, are to promote and protect the rights that the law accords to children and adolescents. The ombudsman's offices for children and adolescents are under the leadership of the Ministry for Women and Vulnerable Groups, which, through the Directorate-General for Children and Adolescents, provides technical assistance and is responsible for supervising the offices. The coverage of this decentralized service has been increasing steadily since it was set up: in 2003, there were 1,405 ombudsman's offices for children and adolescents around the country, while in 2010 there were 2,121 in 185 provinces and 958 districts. In 2011, 2,184 offices were registered nationwide, in 189 provinces and 983 districts. By December 2012, there were 2,250 offices nationwide; therefore, in 189 provinces and 1,023 districts there is at least one ombudsman's office for children and adolescents of some kind, which means that they form the country's largest network focusing on children and adolescents.

143. Lastly, the women's emergency centres, which are under the responsibility of the Ministry for Women and Vulnerable Groups, are one of the services reporting cases of maltreatment and sexual abuse of children under 18 on an ongoing basis. In 2005, there

were 42 women's emergency centres; in 2011, the number had increased to 148. By 30 November 2012, a further 22 centres had been set up, making a total of 170 nationwide. These services, which initially focused on support for women, have been emerging as support services for children and adolescents who are suffering domestic or sexual violence, so that at least a quarter of those receiving support are now aged under 18.

144. During the period July 2006 to December 2011, a total of 219,413 cases of domestic and sexual violence were dealt with through 2,818,744 specialized interventions by psychological, legal and social services to assist victims, including children and adolescents; an investment of 99,049,067 nuevos soles (about 37.1 million dollars) was made and funding is gradually being increased. It is estimated that all the women's emergency centres around the country deal with an average of 156 cases a day of domestic or sexual violence.<sup>45</sup>

145. In addition, between July 2006 and December 2011, a total of 78,240 events to promote the prevention of violence were held around the country for the general public, and on average 770,226 persons were made aware of the problem each year.<sup>46</sup> Lastly, "Línea 100", the national telephone helpline that provides advice free of charge to children and adolescents on violence and other matters and is run by the National Programme to Combat Domestic and Sexual Violence, handled 86,305 telephone enquiries from July 2006 to December 2011.

146. Children and adolescents, as special subjects of rights protected by article 4 of the Constitution (1993) and recognized as subjects of rights under the Code on Children and Adolescents (art. II in the Preliminary Title), should enjoy special protection provided by the State and society. In that connection, the National Programme to Combat Domestic and Sexual Violence of the Ministry for Women and Vulnerable Groups, through its women's emergency centres, periodically reports statistics on the cases of domestic and sexual violence against children and adolescents that it has dealt with. Between 2006 and 2012, 29,436 cases of maltreatment of children and adolescents were recorded, along with 23,093 cases of child and adolescent sexual abuse.

## **VI. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26 and 27, paras. 1–3, of the Convention)**

### **A. Children with disabilities**

147. One of the most significant legal measures to benefit persons with disabilities in general was the establishment of the standing multisectoral commission responsible for monitoring and proposing measures to implement the Convention on the Rights of Persons with Disabilities.<sup>47</sup> In that context, Act No. 29973, the new General Act on Persons with Disabilities, was adopted. It harmonizes existing legislation with the human rights treaties

<sup>45</sup> Ministry for Women and Vulnerable Groups. Bulletin of the Ministry for Women and Social Development. July 2006-December 2011, p. 8. Accessed 16 July 2012. Available at [www.mimp.gob.pe/files/DIRECCIONES/DGPDS/boletines/nacional.pdf](http://www.mimp.gob.pe/files/DIRECCIONES/DGPDS/boletines/nacional.pdf).

<sup>46</sup> *Ibid.*

<sup>47</sup> Office of the President of the Council of Ministers. Supreme Decree No. 080-2008-PCM (*El Peruano*, 4 December 2008).



ratified by Peru<sup>48</sup> and promotes the development of persons with disabilities and their full and effective integration in political, economic, social, cultural and technological life.

148. In this vein, specific provisions have been added regarding the right to health, so as to ensure that the State guarantees access to comprehensive, high-quality health-care services, implemented using infrastructure, equipment and trained staff, including rehabilitation, early intervention services for children with disabilities or those at risk of becoming disabled and measures to prevent new problems in children with disabilities. In addition, with regard to the right to education, the aim is to ensure that persons with disabilities receive an accessible and high-quality education, with an inclusive approach that fulfils their needs and potential.<sup>49</sup> The Act also contains specific provisions on services, accessibility, the responsibilities of institutions, offences, penalties, etc.

149. Mention should also be made of the laws on the provision of services to persons with disabilities on air and land transport and at air and land transport terminals;<sup>50</sup> Internet access for persons with disabilities;<sup>51</sup> official recognition of Peruvian sign language;<sup>52</sup> recognition of deafblindness as a single disability;<sup>53</sup> special measures in cases of disappearance of children, adolescents and persons with disabilities;<sup>54</sup> and regulations for opening, organizing and running special basic education resource centres.<sup>55</sup> In addition, the period 2007 to 2016 was declared the Decade of Persons with Disabilities,<sup>56</sup> and the Equal Opportunities Plan for Persons with Disabilities 2009–2018,<sup>57</sup> prepared through a participatory process,<sup>58</sup> was adopted.

<sup>48</sup> Congress of the Republic. Act No. 29973. General Act on Persons with Disabilities. “Art. 3. Rights of persons with disabilities. 3.1 Persons with disabilities shall have the same rights as the rest of the population, without prejudice to specific measures established under national and international norms for the achievement of de facto equality. The State shall guarantee a favourable, accessible and equitable environment for the full enjoyment of these rights without discrimination (...)”

<sup>49</sup> The Act amends various articles of national law so as to guarantee the right to education of persons with disabilities (General Education Act and Universities Act), the right to health (General Health Act), the right of access to information (Act on the promotion of Internet access for persons with disabilities and the adaptation of public Internet booths, and the Radio and Television Act), etc.

<sup>50</sup> Congress of the Republic. Act No. 28735 governing the provision of services to persons with disabilities, pregnant women and older persons at airports and airfields and land, rail, sea and river terminals, and on public transport (*El Peruano*, 18 May 2006).

<sup>51</sup> Ministry for Women and Vulnerable Groups. Supreme Decree No. 13-2009-MIMDES (*El Peruano*, 11 December 2009). Pursuant to this Decree, the Regulations of Act No. 28530, the Act on the promotion of Internet access for persons with disabilities and the adaptation of public Internet booths of May 2005, were adopted.

<sup>52</sup> Congress of the Republic. Act No. 29535, Act on the official recognition of Peruvian sign language (*El Peruano*, 21 May 2010).

<sup>53</sup> Congress of the Republic. Act No. 29524 recognizing deafblindness as a single disability and establishing provisions on services for deafblind persons (*El Peruano*, 2 May 2010).

<sup>54</sup> Congress of the Republic. Act No. 29685 establishing special measures in cases of disappearance of children, adolescents, older persons and persons with mental, physical or sensory disabilities (*El Peruano*, 14 May 2011).

<sup>55</sup> Ministry of Education. Directorate Decision No. 0650-2008-ED, dated 10 November 2008.

<sup>56</sup> Ministry for Women and Vulnerable Groups. Supreme Decree No. 015-2006-MIMDES (*El Peruano*, 13 December 2006).

<sup>57</sup> Ministry for Women and Vulnerable Groups. Supreme Decree No. 007-2008-MIMDES (*El Peruano*, 23 December 2008).

<sup>58</sup> Ministry for Women and Vulnerable Groups. Supreme Decree No. 007-2008-MIMDES (*El Peruano*, 23 December 2008). Pursuant to article 3 of this Decree, the multisectoral standing commission responsible for monitoring and follow-up of the Equal Opportunities Plan for Persons with Disabilities 2009–2018 was established. The commission is made up of: one representative of the

150. As part of the results-based budget programme, the National Council for the Integration of Persons with Disabilities, in cooperation with the Ministry of Economic Affairs and Finance, has drawn up a strategy for the integration of persons with disabilities, implementation of which has been under way since 2013. The strategy includes five budgetary programmes, which will be implemented with the participation of the education, health, labour, housing and regional government sectors.

151. In July 2013, there was a public presentation of the results of the first special national survey on disability, which entailed expenditure of 8 million nuevos soles (approximately 3 million dollars). According to the survey, there are 1,575,402 persons with some kind of disability in Peru, or 5.2 per cent of the total population. Of this total, 754,671 are men and 820,731 are women. With regard to age group, 794,294 are 65 or over (50.4 per cent), 651,312 are aged 15 to 64 — in other words, they belong to the working-age population (41.4 per cent) — and 129,796 are under 15 (8.2 per cent).

152. With regard to measures to ensure inclusive education for children and adolescents, by 2011 461 special basic education centres had opened, 98.70 per cent in urban areas and the remaining 1.30 per cent in rural areas. In 2011, 18,240 students were registered, 3,650 fewer than in 2009.

153. Educational inclusion is a government priority and is therefore approached as a cross-cutting theme in the enhancement of the skills, knowledge, attitudes and values of teachers. To that effect, a guide on educational inclusion at the preschool level has been published.

154. In addition, five new special educational needs resource centres have been opened, and computing and audiovisual equipment has been purchased, which will provide support for teaching and non-teaching professionals who promote educational inclusion and who are involved in activities under the pilot plan for the inclusion of pupils with disabilities.

155. The National Equal Opportunities Plan for Persons with Disabilities 2009–2018 was adopted pursuant to Supreme Decree No. 007-2008-MIMDES (23 December 2008). On 31 July 2009, Act No. 29392 establishing offences and penalties for failure to comply with Act No. 27050 and its Regulations was adopted. The Plan, together with the municipal offices for support to persons with disabilities established with technical assistance from the National Council for the Integration of Persons with Disabilities, promotes the protection of the rights of all persons with disabilities, including children and adolescents. Lastly, in 2010 the National Council for the Integration of Persons with Disabilities considered the implementation of a monitoring and evaluation system incorporating more detailed indicators so as to better reflect the measures taken according to age group among the population groups concerned (CRC/C/PER/CO/3, para. 45 (a)).

156. The National Register of Persons with Disabilities is the database of the National Council for the Integration of Persons with Disabilities (Ministry for Women and Vulnerable Groups) and a national physical archive containing a record of national and

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Office of the Deputy Minister for Women within the Ministry for Women and Social Development, who chairs the commission; one representative of the National Council for the Integration of Persons with Disabilities, who is in charge of the commission's technical secretariat; one representative of the Ministry of Labour and Job Creation; one representative of the Ministry of Education; one representative of the Ministry of Foreign Affairs; one representative of the Ministry of Housing, Construction and Sanitation; one representative of the Ministry of Transport and Communications; and one representative of the Ministry of Economic Affairs and Finance. For the development of the Plan, workshops were held so as to gather information about the needs of civil society in Cuzco, Pasco, Arequipa, Piura, Iquitos, La Libertad and Lima. In total, 2,300 persons around the country were consulted.

international natural and legal persons. Its purposes are to register and accredit persons with disabilities; to contribute to public and private, national and international, institutions for persons with disabilities; and to compile, process, organize and keep up to date information relating to persons with disabilities and other persons and institutions at the national level (CRC/C/PER/CO/3, para. 45 (a)).

157. The Support and Advisory Service for Students with Special Educational Needs has also been established and a pilot plan for the progressive integration of children with disabilities has been developed and implemented with a view to integrating them into regular basic schools, technical/vocational schools and alternative basic schools and providing them with support. The plan has been producing good results, and the number of children and adolescents with such needs integrated into regular education institutions has increased by 62.8 per cent: from 6,504 in 2006 to 10,591 in 2009. As part of the plan, social awareness campaigns are being carried out so as to improve the general public's understanding of the issue and to encourage public acceptance of integration programmes (CRC/C/PER/CO/3, para. 45 (b)).

158. The Directorate-General for Special Basic Education within the Ministry of Education, under Act No. 28044, the General Education Act, and Supreme Decree No. 002-2005-ED, the Regulations on Special Basic Education, has issued supplementary regulations with a view to regulating and guaranteeing high-quality and equitable education services for students with disabilities in special basic education centres and programmes and in inclusive regular basic education, alternative basic education and technical/vocational education institutions (CRC/C/PER/CO/3, para. 45 (b)).

159. Ministerial Decision No. 069-2008-ED adopting Directive No. 01-2008-VMGP-DIGEBE on regulations for the enrolment of students with special educational needs establishes an obligation to enrol students with disabilities, without restrictions of any kind, at all levels of the education system and at every type of education institution. In addition, pursuant to Directorate Decision No. 650-2008-ED adopting supplementary regulations for opening, organizing and running special basic education resource centres, students with mild or moderate intellectual impairments or sensory (audiovisual) or physical impairments are being integrated with their age group in the education system (CRC/C/PER/CO/3, para. 45 (b)).

160. The figures for pupils with disabilities enrolled in regular basic education are as follows: 2,868 in preschool education, 9,025 in primary education and 1,216 in secondary education. There are 22,930 pupils enrolled in special basic education centres and 3,082 in early intervention programmes. In recent years there has been a 93.5 per cent increase in the number of children and adolescents with special educational needs attending school at various levels and in various programmes: from 14,144 in 2006 to 27,372 in 2009. Teacher training has also increased: 1,628 teachers received training in 2006, compared with 2,005 in 2009, which represents an increase of 23.15 per cent (CRC/C/PER/CO/3, para. 45 (b)).

161. The education sector has issued specific decisions such as Directorate Decision No. 354-2006-ED adopting Directive No. 076-2006-VMGP-DINEBE, which sets out supplementary regulations for the conversion of special education centres into special basic education centres, which are professional and material resource centres providing the institutional base for the Support and Advisory Service for Students with Special Educational Needs, aimed at teachers involved at different levels and in different ways in the process of integrating students with disabilities; and Directorate Decision No. 373-2006-ED adopting Directive No. 081-2006-VMGP-DINEBE. In addition, Supreme Decree No. 07-2007-ED established the National Lifelong Training and Skills Programme for measures to improve in-service training for teachers in public education institutions around the country (CRC/C/PER/CO/3, para. 45 (c)).

162. Some 27 per cent of children in residential care centres under the National Integrated Family Welfare Programme have some kind of physical, psychiatric or neurological disability. Their care requires not only more material resources but also staff specializing in care for persons with disabilities. A residential care centre has therefore been built for children with neurological problems, with capacity to house 114 children and adolescents, taking into account the preference for integrating them fully without neglecting the specialized attention that they need and ensuring that they have appropriate equipment and that the operational and care staff are trained to provide them with quality care (CRC/C/PER/CO/3, para. 45 (c)).

163. The Ministry of Health has drafted and adopted technical health regulations for evaluation of the growth and development of children under 5. The procedure will guarantee early detection and appropriate care and referral of children at risk or with psychomotor development disorders, which will help to facilitate diagnosis and treatment of the major preventable disabilities. Clinical practice guides for the early detection and treatment of flat foot, dorsal kyphosis and scoliosis in children have also been drafted and adopted (CRC/C/PER/CO/3, para. 45 (c)).

164. Deputy Ministerial Decision No. 025-2008-ED adopting Directive No. 069-ME-VMGP-DIGEBE, which establishes regulations for planning, organizing, implementing, monitoring and evaluating activities under the National Campaign to Promote and Raise Awareness of Inclusive Education, guides the action taken by specialist teams in special basic education centres and programmes to plan and develop practices that promote the full acceptance of disability and the involvement of society in supporting the exercise of the rights of persons with disabilities (CRC/C/PER/CO/3, para. 45 (d)).

## **B. Health and health care**

165. The Peruvian Government, through the comprehensive health insurance scheme, funds the benefits provided through the network of health-care facilities of the Ministry of Health to the poor or to an expressly defined population group. By December 2012, 1,389,267 persons aged 0 to 4, 1,481,374 aged 5 to 9 and 2,540,332 aged 10 to 19 had been registered as insured.<sup>59</sup> Membership was increasing in 2012. Of particular note are the increase in the number of insured children aged 5 to 9 in 2012 compared with the number insured in 2007 (1,359,819) and the increase in the number of insured persons aged 10 to 19 compared with 2007 (2,094,375).<sup>60</sup>

166. Registration problems resulting from lack of documentation are being resolved through the establishment of auxiliary registry offices in strategic areas and through awareness-raising campaigns. The registration process includes the possibility of temporary registration (temporary membership) for newborns. This type of registration is valid for 180 days, until the child's documentation is in order and he or she can access comprehensive health insurance permanently.

167. Between 2006 and 2008, there was an increase of 15.3 per cent in the number of children aged 0 to 4 receiving care under the comprehensive health insurance scheme, 24.8 per cent for children aged 5 to 9, and 38.2 per cent for adolescents aged 10 to 19. A total of

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<sup>59</sup> Anyone who has a membership contract valid as at 31 December 2012 is regarded as insured. For the semi-subsidary and semi-contributory component, payments made up to 10 January 2013 are taken into account.

<sup>60</sup> Ministry of Health. Official Communication No. 131-2013-SIS/GA-AF/RCS of 30 May 2013, pp. 1 and 2.

67.6 per cent of those insured come from those districts considered to have the highest levels of poverty (CRC/C/PER/CO/3, para. 47 (c)).

168. The Framework Act on Universal Health Insurance, promulgated pursuant to Act No. 29344 of 9 April 2009, determines the regulatory framework for universal health insurance, with a view to guaranteeing every person's full and progressive enjoyment of the right to social security relating to health. An essential universal insurance plan has been introduced and will gradually be expanded. In addition, insurance coverage and funding of benefits under the comprehensive health insurance scheme have increased, comprehensive health insurance users enjoy greater empowerment and rights, and targeting mechanisms have improved (CRC/C/PER/CO/3, para. 47 (c)).

169. The initial phase of the plan covers 140 insurable conditions, which represent 65 per cent of the disease burden usually dealt with by the health system. These conditions are being incorporated gradually, and implementation will initially cover 34 of them, mainly obstetric, gynaecological and paediatric conditions. Three regions were earmarked for the initial phase — Apurímac, Ayacucho and Huancavelica — and the plan has now been implemented nationwide (CRC/C/PER/CO/3, para. 47 (c)).

170. An increase in the comprehensive health insurance budget to 570 million nuevos soles was planned for 2011 — an increase of 20 per cent compared with the budget for 2010 — with a view to enabling a further 380,000 people to join the scheme. According to the comprehensive health insurance statistical bulletin, there were 1,377,175 members around the country as at 18 January 2013 (CRC/C/PER/CO/3, para. 47 (c)).

171. The Ministry of Health has a budget programme for the improvement of maternal and neonatal health, which aims to reduce rates of maternal and infant morbidity and mortality in Peru.<sup>61</sup> The budget allocated to the programme rose from 340,200,000 nuevos soles (approximately 130 million dollars) in 2008 to 1,596,500,000 nuevos soles (approximately 614 million dollars) in 2012.

172. Neonatal, infant and child mortality have fallen at similar rates.<sup>62</sup>

173. In 2012 the neonatal mortality rate<sup>63</sup> fell to 13 per 1,000 live births,<sup>64</sup> with an estimated average of 11 per 1,000 in urban areas and 15 in rural areas. However, this figure was higher than in 2011, when the rate was 10 per 1,000 live births. At the same time, there are persistent disparities depending on the geographical area (urban/rural), which means that there is a need for a more targeted approach by the Ministry of Health, a review of strategies and the implementation of corrective measures.

174. The infant mortality rate<sup>65</sup> fell from 18 per 1,000 live births in 2007 to 17 per 1,000 in 2010 and 2012.<sup>66</sup> The risk of infant mortality differs depending on the mother's level of

<sup>61</sup> The target population for the programme is expectant mothers and newborns. The programme consists of a number of coordinated interventions by the Ministry of Health, the comprehensive health insurance scheme and regional and local governments. The main interventions are measures to prevent the death of newborns and of mothers during childbirth. To that end, one of the principal goals is to ensure that a number of births are dealt with by specialists and that they take place in health centres. The programme also funds antenatal check-ups, food for expectant mothers and newborns, sexual and reproductive health advisory services and access to family planning methods.

<sup>62</sup> Ministry of Health. Management report 2012.

<sup>63</sup> Probability of dying before reaching the age of 1 month.

<sup>64</sup> National Institute for Statistics and Information Technology. Outcome indicators for strategic programmes 2000–2012, January 2013, p. 63.

<sup>65</sup> Probability of dying before reaching the age of 1 year.

education: the children of mothers with no education are more likely to die before reaching the age of 1 year.<sup>67</sup>

175. There has been a significant drop in the rate of child mortality,<sup>68</sup> from 26 per 1,000 live births registered in 2009 to 21 in 2012. Thus, goal 25 under expected outcome No. 5 of the National Plan of Action for Children and Adolescents 2002–2010 was exceeded even before 2010.<sup>69</sup>

176. The infant mortality rate for boys (19 per 1,000 live births) was five points higher than the rate for girls (14 per 1,000). Similarly, the child mortality rate for boys was 24 per 1,000 live births, while the rate for girls was 18 per 1,000.<sup>70</sup>

177. The main interventions that have contributed to the fall in infant mortality are prioritization in the implementation of universal insurance; the adoption and implementation, as part of results-based budgeting, of the national maternal and neonatal health programme and the national Combined Food Programme; the timely and standardized treatment of infectious diseases prevalent in childhood; and high levels of immunization coverage.

178. Low birth weight — that is, a newborn weight of less than 2,500 grams — is a risk factor for the health and survival of a newborn. Of the children who were weighed at birth, 6.9 per cent weighed less than 2.5 kilograms. This proportion was slightly higher than the 6.4 per cent figure for 2009.<sup>71</sup> At the same time, the proportion of newborns not weighed is falling; it dropped from 7.3 per cent in 2009 to 4.4 per cent in 2012.

179. With regard to the proportion of live newborns with low birth weight, the baseline was 6.7 per cent with low birth weight in 2004–2006; the figure in 2010 was 7.2 per cent and, in 2011, 6.5 per cent.

180. In the first four months of 2010, eight minors — children and adolescents — had committed suicide in Peru. In 2009 the figure was 18 and, in 2008, 16. The overall number of suicides rose to 102 in 2010, according to the Ministry of Health.

181. With regard to access to safe drinking water and sanitation, 78.9 per cent of households nationwide drink water from the public network, either within or outside the home, including public drinking fountains or taps. The majority have a direct connection within the home (71.7 per cent). However, 20.3 per cent of households still use water from springs, rivers or irrigation channels to drink. A total of 88.5 per cent of households have sanitation facilities: 59.3 per cent have a lavatory connected to the public network, 28.9 per cent have a latrine, septic tank or cesspool, and 0.3 per cent use rivers, canals, etc. In urban areas, the proportion of households with sanitation facilities (94.9 per cent) was higher than in rural areas (74.8 per cent), and it is important to note that there has been a fall of 8.4 percentage points since 2009.<sup>72</sup> There has been an increase in the proportion of households with these facilities nationwide. For example, under the Water for All programme and other programmes, a total of 2,215 water and sanitation projects were implemented around the

<sup>66</sup> National Institute for Statistics and Information Technology. Outcome indicators for strategic programmes 2000–2012, January 2013, p. 65.

<sup>67</sup> *Ibid.*, p. 178.

<sup>68</sup> Probability of dying before reaching the age of 5 years.

<sup>69</sup> National Institute for Statistics and Information Technology. Population and Family Health Survey 2012, p. 30.

<sup>70</sup> *Ibid.*, p. 178.

<sup>71</sup> *Ibid.*, p. 217.

<sup>72</sup> National Institute for Statistics and Information Technology. Population and Family Health Survey 2012, pp. 41 and 42.

country between August 2006 and December 2010, benefiting around 6 million people, with approximate investment of 5,466 million nuevos soles (CRC/C/PER/CO/3, para. 51).

182. Currently, over 3.3 million people living in rural areas have no access to drinking water and 6.2 million have no adequate system for the disposal of human waste and sewage. The National Water and Rural Sanitation Programme seeks to remedy this situation by improving living conditions for the country's rural population and reducing the incidence of diarrhoeal diseases through the implementation of water and sanitation services and improvement of their quality, the adoption of better hygiene practices by the general public and the strengthening of the capacities of local councils and other organizations responsible for the administration, operation and maintenance of services, thereby reaching an adequate level of sustainability. The Programme has provided 522,100 people living in rural areas with access to water and sanitation services, which has improved their quality of life with the completion of 311 work projects (CRC/C/PER/CO/3, para. 51).

183. The National Water and Rural Sanitation Programme is active in localities in the Piura, Junín, Ayacucho, Lima, Arequipa, Huánuco, Pasco and Huancavelica regions. Between 2011 and 2013 the Programme will benefit more than 175,000 inhabitants of rural localities in Amazonas, Cajamarca, Cusco, Puno, Lima, Ica, San Martín, Ancash, Lambayeque and Apurímac (CRC/C/PER/CO/3, para. 51).

184. The National Water and Rural Sanitation Programme seeks to improve living conditions for the country's rural population through the implementation and improvement of drinking water and sanitation services as important means of resolving problems relating to human health, including the health of children and adolescents.

185. With regard to immunizations, in 2010 the proportion of children who had received basic vaccinations was 90 per cent for the BCG vaccine (against serious forms of tuberculosis) and 73.7 per cent for DPT3 (against diphtheria, pertussis and tetanus). By 2012, coverage was as follows: among newborns, 89.3 per cent had received the BCG<sup>73</sup> vaccine and 775.8% [*sic*] the HBV<sup>74</sup> vaccine; among children under 1 year old, 90.9 per cent had received the pentavalent vaccine,<sup>75</sup> 89.8 per cent the oral polio vaccine, 91.7 per cent the pneumococcal vaccine (second dose), 86.3 per cent the rotavirus vaccine and 50.3 per cent the influenza vaccine; and among children 1 year old, 89.7 per cent had received the MMR vaccine,<sup>76</sup> 84.8 per cent the pneumococcal vaccine (third dose), 55.4 per cent the yellow fever vaccine, 81.41 per cent<sup>77</sup> the first DPT<sup>78</sup> booster, 76.4 per cent the polio vaccine and 83.4 per cent the measles vaccine.

186. Peru has achieved universal vaccination against hepatitis B, Haemophilus influenzae, yellow fever and measles/mumps/rubella (MMR) in children aged 0 to 1. The national campaign to eliminate rubella and congenital rubella syndrome in the population aged 2 to 39 has been completed. Peru remains polio-free and the remaining immunizable diseases are under control; the strengthening of prevention measures and the promotion of good health are the current political priorities (CRC/C/PER/CO/3, para. 47 (d)).

<sup>73</sup> Vaccine against tuberculosis.

<sup>74</sup> Vaccine against hepatitis B.

<sup>75</sup> Vaccine that prevents diphtheria, pertussis, tetanus, hepatitis B and invasive infections caused by Haemophilus influenzae type b.

<sup>76</sup> Vaccine against measles, mumps and rubella.

<sup>77</sup> Ministry of Health. Management report 2012.

<sup>78</sup> Vaccine against diphtheria, pertussis and tetanus.

187. General immunization coverage figures are as follows: BCG, 94.8 per cent; DPT3, 81.4 per cent; polio, 84.9 per cent; and measles, 88.3 per cent. In rural areas coverage has increased under the National Immunization Strategy. The total proportion of children aged 18 to 29 months who were fully vaccinated<sup>79</sup> in 2011 was 71 per cent, 4.7 percentage points higher than the figure recorded in the Population and Family Health Survey 2000 (66.3 per cent). The proportion of children under 1 year old vaccinated against hepatitis B was 76.9 per cent in 2005 and by October 2006 had reached 95.36 per cent (CRC/C/PER/CO/3, para. 47 (d)).

188. Peru is one of the top 20 countries with regard to progress made in reducing maternal mortality. In 2011, 93 deaths were recorded for every 100,000 live births, which represents a fall of 49.7 per cent compared with the period 1994–2000 (185 deaths per year). One of the policies that has contributed to the reduction is the implementation of the strategic budget programme on maternal and neonatal health, the aim of which is to improve the health of mothers and newborns (CRC/C/PER/CO/3, para. 47 (b)). The deaths in question were concentrated in the Sierra Andina and Amazonía peruana.<sup>80</sup> Nonetheless, this problem remains one of the greatest challenges faced by the Peruvian Government. The National Strategic Plan for the Reduction of Maternal Mortality 2009–2015 is therefore being implemented through the provision of improved public access to family planning (guidance/advice on sexual and reproductive health and methods of contraception), refocused prenatal care and hospital births.

189. In this context, the perinatal mortality rate has fallen to 13 deaths per 1,000 pregnancies of seven or more months' duration. The rate in rural areas is 19 per 1,000, while in urban areas it is 10 deaths per 1,000 pregnancies yearly. These figures reflect the differences between areas that are more economically and socially developed and have better health conditions, which are generally located in urban areas, and those areas with high levels of poverty and extreme poverty and a high incidence of disease and death, which are located in the rural areas of the country.

190. The Population and Family Health Survey 2011 also indicated that the perinatal mortality rate was 14 deaths per 1,000 pregnancies of seven or more months' duration. This figure has fallen since 2000 (23 per 1,000). The rate in rural areas was 21 per 1,000, while in urban areas it was 11 deaths per 1,000 pregnancies yearly. In 2000, the rate in rural areas was 28 deaths per 1,000 pregnancies. These figures reflect the differences between areas that are more economically and socially developed and have better health conditions, which are generally located in urban areas, and those areas with high levels of poverty and extreme poverty and high incidence of disease and death, which are located in the rural areas of the country (CRC/C/PER/CO/3, para. 47 (b)).

191. In Peru, the infant mortality rate reveals that for every 1,000 children born in 2011, 16 died before reaching the age of 12 months, which represented a substantial improvement on the rate for 2000 (33 deaths per 1,000 children under 1 year old). However, the disparity between urban areas (11) and rural areas (26) persists. Significant progress has been made with regard to the child mortality rate, which fell from 47 deaths per 1,000 live births in 2000 to 21 deaths per 1,000 live births in 2011 (CRC/C/PER/CO/3, para. 47 (b)).

192. In 2006, 68 adolescent maternal deaths were recorded, and in 2008 the number increased to 77. The National Strategic Plan for the Reduction of Maternal and Perinatal Mortality 2009–2015 of the Ministry of Health contains data on recorded maternal deaths

<sup>79</sup> BCG, measles and three doses of DPT and polio.

<sup>80</sup> Ministry of Health. Management report 2011.



by age group, which indicate that adolescent maternal deaths represent 12–16 per cent of the total number of maternal deaths.

193. According to the Population and Family Health Survey 2009, 26.6 per cent of pregnant women had anaemia, while the 2010 Survey gave a figure of 32.6 per cent, which is a cause of concern as it represents an increase of six percentage points.

194. On average nationally, 73 per cent of pregnant women received their first early prenatal check-up in the first trimester of pregnancy, a proportion that represents a significant increase compared with the figure of 69.7 per cent for the period 2004–2006. On average nationally, 74.9 per cent of pregnant women received their first early prenatal check-up in the first trimester of pregnancy, a proportion that represents a significant increase compared with the figure of 71.3 per cent for 2007.<sup>81</sup>

195. A total of 98.4 per cent of pregnant women were given a prenatal check-up by health personnel, which represented an increase compared with the 94.5 per cent figure recorded in the Population and Family Health Survey 2009.<sup>82</sup> According to disaggregated data, the proportion of checks carried out by an obstetrician rose from 58.2 per cent to 60.3 per cent and the proportion carried out by a physician from 28.9 per cent to 31.4 per cent. In urban areas, prenatal care was provided by a qualified health-care provider in 98.9 per cent of cases and, in rural areas, in 90 per cent of cases.<sup>83</sup>

196. By 2012, only 1.6 per cent of pregnant women received no prenatal care, which represents significant progress in comparison with 2009, when 2.8 per cent received no care.

197. Most new mothers (71.5 per cent) received their first postnatal check-up within four hours of giving birth. Including the number that had their first check-up between four and 23 hours after giving birth, 91.8 per cent of new mothers had a postnatal check-up within two days of giving birth. The proportions differ by geographical area: the figure for rural areas is 66.5 per cent and for urban areas 74 per cent.<sup>84</sup>

198. The proportion of hospital births<sup>85</sup> increased from 76 per cent in 2007 to 85.90 per cent in 2012. The proportion in rural areas increased from 49.4 per cent in 2007 to 62.7 per cent in 2012, and in urban areas from 93.6 per cent in 2007 to 95.2 per cent in 2012.<sup>86</sup>

199. A total of 86.8 per cent of births in the five years leading up to the Population and Family Health Survey 2012 took place in a public or private health-care facility. This proportion represents an increase of 4.8 percentage points compared with 2009 (82 per cent). The proportion of home births fell from 16.7 per cent according to the Population and Family Health Survey 2009 to 12.5 per cent according to the 2012 Survey.<sup>87</sup> A total of 95.7 per cent of births in urban areas and 68.6 per cent in rural areas took place in a public or private health-care facility.<sup>88</sup>

200. Nationally, the proportion of children under the age of 6 months who are exclusively breastfed has remained at almost the same level since 2007 (68.7 per cent); in 2012 it

<sup>81</sup> National Institute for Statistics and Information Technology. Population and Family Health Survey 2011.

<sup>82</sup> National Institute for Statistics and Information Technology. Population and Family Health Survey 2012, p. 187.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*, p. 206.

<sup>85</sup> A hospital birth is one that takes place in a health-care facility and is supervised by health personnel.

<sup>86</sup> Ministry of Health. Management report 2012, p. 10.

<sup>87</sup> Population and Family Health Survey 2012, p. 197.

<sup>88</sup> *Ibid.*, p. 200.

was 67.6 per cent. In rural areas, the proportion of children under 6 months old who are exclusively breastfed is always higher than in urban areas. Nationally, the average duration of breastfeeding of children under 3 years of age was 20.1 months. In 2009, the figure was 20.8 months. The average duration of exclusive breastfeeding was 4.1 months. The duration was longer for boys (4.5 months) than for girls (3.7 months).<sup>89</sup>

201. With regard to material assistance and support programmes in nutrition, it should first be pointed out that chronic malnutrition in children under the age of 5 stood at 22.6 per cent in 2007 and fell by 7.4 percentage points to 15.2 per cent in 2011. Chronic malnutrition in rural areas fell from 40.2 per cent in 2000 to 29.9 per cent in 2011. The national rate of chronic malnutrition in 2007 was 28.5 per cent; it dropped to 19.5 per cent in 2011 and was higher in rural areas (37 per cent) than in urban areas (10.1 per cent). The rate of acute malnutrition (low weight for height) has remained similar to baseline levels (around 1 per cent) (CRC/C/PER/CO/3, para. 47 (a)).

202. In addition, the incidence of anaemia fell to 41.6 per cent by 2011. The disparity between urban and rural areas increased from 7.7 points in 2007 to 12.1 points in 2011.

203. The Peruvian Government, seeking to prevent the risk of nutritional deficiencies and reduce levels of malnutrition, adopted the national Crecer (“Growing”) strategy to combat chronic child malnutrition, particularly in children under 5 years old. The strategy was implemented in 880 rural districts and 21 departments by 2007, providing assistance to children under 5 and to expectant mothers in areas of extreme poverty.<sup>90</sup>

204. In addition, pursuant to Ministerial Decision No. 131-2012-MIDIS,<sup>91</sup> Directive No. 004-2012-MIDIS was adopted; it sets out guidelines for coordinated intersectoral and intergovernmental management aimed at reducing chronic child malnutrition in the context of policies for development and social inclusion and establishes priority geographical areas for coordinated action against chronic child malnutrition and effective interventions to reduce it.

205. The Ministry of Development and Social Inclusion has adopted a national strategy for development and social inclusion, “Inclusion for Growth”,<sup>92</sup> with a view to closing the gap between those groups in the process of development and integration and the rest of the population, emphasizing a life-cycle approach in the following areas: (a) child nutrition (0 to 3 years); (b) early-childhood development (0 to 5 years); (c) comprehensive development of children and adolescents (6 to 17 years); (d) economic inclusion (18 to 64 years); and (e) protection of older persons.

206. Action taken by the Government through food programmes has benefited a large proportion of the population under the age of 18. In 2011, 30.1 per cent of beneficiaries were from that age group.<sup>93</sup> For example, the national Wawa Wasi programme has helped to improve the diet of children under the age of 3 living in poverty or extreme poverty by providing three of the five meals that they should receive daily, thereby meeting 100 per cent of their protein needs, 70 per cent of their energy needs and 60 per cent of their other

<sup>89</sup> *Ibid.*, p. 249.

<sup>90</sup> National Institute for Statistics and Information Technology. Population and Family Health Survey 2007. Available at: <http://desa.inei.gob.pe/endes/endes2007/1.%20Introducci%C3%B3n/1.5%20Econom%C3%ADa%20y%20Poblaci%C3%B3n%20.html>. Last accessed 23 December 2012.

<sup>91</sup> Published on 25 July 2012.

<sup>92</sup> Supreme Decree No. 008-2013-MIDIS of 25 April 2013.

<sup>93</sup> National Institute for Statistics and Information Technology. Peru: demographic, social and economic indicators 2012, August 2012, p. 35.

micronutrient needs. In total, in 2010, 12,961,266 food rations were provided to 54,876 children.

207. According to the measurement standard used by the World Health Organization (WHO), the rate of chronic malnutrition in 2000 was 31 per cent and fell to 19.5 per cent in 2011, but there is still a significant disparity between rural areas (37 per cent) and urban areas (10.1 per cent) (CRC/C/PER/CO/3, para. 47 (a)).

208. The drop in the rate of chronic malnutrition has been achieved through coordinated work between the Juntos programme and the Crecer strategy, which brings together the health, education, housing and other sectors and is coordinated with the three levels of government. It has been strengthened through the allocation of resources under results-based budgeting (CRC/C/PER/CO/3, para. 47 (a)).

209. Significant advances have been made in the use of resources under the results-based approach: there have been increases in allocations for measures such as improving diet and nutrition for children both younger and older than 36 months, reducing the incidence of low birth weight and increasing the proportion of children who have the full set of vaccinations for their age group. In total, these allocations increased from 996,000,000 nuevos soles in 2008 to 1,641,000,000 nuevos soles in 2010 (CRC/C/PER/CO/3, para. 47 (a)).

210. From 2007, the National Food Aid Programme implemented assistance, support and food security measures as part of the national Comprehensive Nutrition Programme. Its general objective was “to help prevent malnutrition in children up to the age of 12, prioritizing those under 3 and expectant and breastfeeding mothers who are in a situation of nutritional vulnerability and improving their quality of life”. Universal support was provided for districts in the first and second quintiles, while targeted support was provided for the third, fourth and fifth quintiles, consisting of three components — education, food, and monitoring and evaluation — through two subprogrammes for different stages of life: (a) the infant subprogramme, under which food aid was provided to 567,920 children under 3 years old, 121,172 pregnant women and 80,681 breastfeeding mothers nationwide in 2009; and (b) the preschool and school subprogramme aimed at children aged 3 to 5 attending preschools and non-school initial education programmes and children aged 6 to 12 attending primary schools. During 2009, food aid was provided to 555,572 children aged 3 to 5 and 2,467,215 children aged 6 to 12 nationwide. Supreme Decree No. 007-2012-MIDIS provided for the National Food Aid Programme of the Ministry of Development and Social Inclusion to be discontinued from 31 December 2012, and Supreme Decree No. 008-2012-MIDIS of 31 May 2012 provided for the establishment of the Qali Warma National School Food Programme, a national social programme of the Ministry of Development and Social Inclusion that is aimed at providing a quality food service appropriate to local eating habits that is jointly managed with the community and is sustainable and healthy, for children in preschool education from 3 years of age and in basic primary education in public education institutions. Approximately 2.7 million children from more than 47,000 public education institutions nationwide use the service, and it is projected that by 2016 more than 3.8 million children in public preschools and primary schools around the country will be using it (CRC/C/PER/CO/3, para. 47 (a)).

211. The national Wawa Wasi programme of the Ministry for Women and Vulnerable Groups (formerly the Ministry for Women and Social Development) provided comprehensive support to 53,000 children, who benefited from the preparation and distribution of 157,584 daily rations, deworming campaigns, analysis of foodstuffs, and monitoring of consumption and growth. In 2006, 9,323 children in rural areas received

support, a figure which increased to 12,664 in 2007.<sup>94</sup> The “Healthy Families and Homes” programme in the health sector, which is implemented in the 34 regional health directorates and consists of measures relating to food, healthy nutrition, hygiene, the environment and sexual and reproductive health, benefits 116,501 families (CRC/C/PER/CO/3, para. 47 (a)).

212. In 2007, the proportion of children under the age of 6 months who were exclusively breastfed increased to 68.7 per cent. In addition, the incidence of anaemia in children aged 3 fell from 57.7 per cent in 2005 to 41.6 per cent in 2011. The incidence of anaemia in women aged 15 to 49 fell to 17.4 per cent in 2011 from 31.6 per cent in 2000. Nationally, the proportion of children under the age of 6 months being exclusively breastfed increased from 68.7 per cent in 2007 to 70.6 per cent in 2011. The proportion of children under the age of 6 months who are exclusively breastfed is always higher in rural areas than in urban areas (CRC/C/PER/CO/3, para. 47 (a)).

213. In January 2011, the regional presidents confirmed their commitment to maintaining government policies aimed at reducing chronic malnutrition, anaemia and maternal and neonatal mortality, so as to guarantee the exercise of the rights essential to the life and health of the most vulnerable groups in the country and the development of a comprehensive strategy to fight poverty and its many causes (CRC/C/PER/CO/3, para. 47 (a)).

214. The presidents of Apurímac, Ayacucho, Cajamarca, Huancavelica, Lambayeque, the Lima region, Madre de Dios, Pasco, Puno and Tumbes signed the document (CRC/C/PER/CO/3, para. 47 (a)).

215. In addition, according to the Population and Family Health Survey 2011, a national average of 74.9 per cent of pregnant women<sup>95</sup> received their first prenatal check-up in the first trimester of pregnancy, a proportion that represented a significant increase of 16.9 percentage points compared with the 58 per cent figure recorded for 2000. In rural areas, there was a 24.3 percentage point increase during the same period (CRC/C/PER/CO/3, para. 47 (b)).

### C. Children with HIV/AIDS, adolescent health

216. In 2009, the Ministry of Health registered a total of 65 cases of HIV in adolescents aged 12 to 17, which was the highest yearly figure to date; a total of 50 cases were registered in 2010 up to the month of September. The number of registered cases of adolescents aged 12 to 17 with AIDS was nine in 2000 and increased to 15 in 2004 and 2008, while in 2010 up to the month of September a total of eight adolescents were registered as infected with AIDS. The reduction in the number of AIDS cases is due to the availability of highly active antiretroviral therapy. In the case of both HIV and AIDS the majority of those infected are female.

217. In Peru, the virus is transmitted sexually in almost all cases (97 per cent), while mother-to-child transmission (perinatal or vertical) accounts for 2.1 per cent of cases. The multisectoral strategic plan 2007–2011 for the prevention and control of sexually transmitted infections and HIV/AIDS in Peru was adopted pursuant to Supreme Decree No. 005-2007/SA in 2007; the plan’s strategic objective 4 was to reduce vertical

<sup>94</sup> Pursuant to the third final supplementary provision of Act No. 29792, the Wawa Wasi programme was discontinued, and the first final provision of Supreme Decree No. 003-2012 establishing the national Cuna Más programme provided that the services under the Wawa Wasi programme would be incorporated into the national Cuna Más programme.

<sup>95</sup> During the five years leading up to the Survey.

transmission to less than 2 per cent by 2011. For the whole of 2010, it was reported that 2 per cent of cases of infection occurred by vertical transmission (CRC/C/PER/CO/3, para. 57 (a)).

218. The Ombudsman's Office issued Ombudsman Decision No. 035-2008-DP adopting ombudsman report No. 138, "The right to safe motherhood: national supervision of gynaecology and obstetrics services of the Ministry of Health" (2 December 2008), which describes the progress made and difficulties encountered in this regard. The main points relate to the need to specify in technical regulations that the informed consent of the pregnant woman is a prerequisite for carrying out medical procedures, unless there is a foreseeable risk of infection for the child in the womb. The report also highlights the need to ensure that counselling sessions are provided by health personnel before and after HIV/syphilis testing (CRC/C/PER/CO/3, para. 57 (a)).

219. The Ministry of Health reports a sustained increase in the number of persons living with HIV/AIDS who started highly active antiretroviral therapy between May 2004 and the end of 2009. There are 7,000 persons living with HIV/AIDS who require treatment, of whom approximately 6,298 (89.97 per cent) were already receiving the therapy by November 2006, with technical and financial support from the project for enhanced prevention and control of AIDS and tuberculosis in Peru, which is financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria (CRC/C/PER/CO/3, para. 57 (b)).

220. The State, through its social programmes delivered by the Ministry of Health, guarantees medical and psychological care for children and adolescents infected with or affected by HIV/AIDS; where a child's parents have died and the child is unprotected, medical, psychological and material support is provided under the National Integrated Family Welfare Programme through its residential care centres around the country, where children are also provided with education and the recreation necessary for proper development. This point is related to recommendation No. 38 (CRC/C/PER/CO/3, para. 57 (c)).

221. In 2007, 8 in 10 students (78 per cent) were aware of how HIV/AIDS is transmitted, and there were no significant disparities between men and women in this regard. There were disparities according to socioeconomic status: students who were not poor had more knowledge of the subject than those who were poor or extremely poor.

222. Among sexually active students, only one in three (33.7 per cent) "always" has safe sex; 37.1 per cent use protection only "sometimes" and 29.2 per cent never use it. Women are less likely to practise safe sex. Data disaggregated by socioeconomic status show that poor and extremely poor students tend to practise less safe sex than students who are not poor; thus the majority of students who are sexually active engage in high-risk sexual activity.

223. Of the 23,446 cases of AIDS and 36,138 cases of HIV reported up to September 2009 by the General Office of Epidemiology, it is estimated that 60 per cent of persons affected are young people and adolescents who acquired the infection between the ages of 14 and 29; for this reason, the Ministry of Education ensures that the aforementioned issues are addressed in secondary schools in classes on science, technology and the environment, and also provides handbooks for both students and teachers with a view to fostering an inclusive culture. Booklets on this subject and other materials aimed at prevention have also been produced (CRC/C/PER/CO/3, para. 57 (d)).

224. In 2007, meetings, workshops and training courses on priority issues were held; 5,965 education institutions around the country took part, benefiting a total of 962,400 primary and secondary school pupils and involving 32,668 teachers.

225. As part of campaigns to raise awareness of AIDS in the community, the Ministry of Education has produced the following: educational guidelines for the prevention of sexually transmitted infections, HIV and AIDS, distributed nationwide (63,500 copies); a handbook on training school facilitators to promote healthy lifestyles, with an emphasis on sexuality and prevention of sexually transmitted infections, HIV and AIDS, distributed to secondary-school students (27,000 copies); and pocket guides for adolescent school facilitators on issues relating to the prevention of sexually transmitted infections, HIV and AIDS (16,000 copies) (CRC/C/PER/CO/3, para. 57 (d)).

226. In the context of the Committee's general comment No. 4, with regard to the Peruvian Government's obligation to ensure a safe and supportive environment for adolescents in respect of their health and development, the Ministry of Education has produced national guidelines on comprehensive sexual education, which are being implemented in education institutions around the country. These institutions are also to be provided with materials for teachers and students on sexual education and prevention of sexually transmitted infections and HIV/AIDS, the proper treatment of children and the prevention of child sexual abuse. The technical documents produced include a guide for teachers on creating a safe and friendly environment for HIV-positive children in school, which is an educational package aimed at addressing the issue of non-discrimination against HIV-positive children in primary schools and was validated by 125 education institutions in Lima in 2005; and the book *Educación Sexual Integral en el Sistema Educativo* (Comprehensive Sexual Education in the Education System), produced in 2009, which is aimed at raising awareness of the guidelines on comprehensive sexual education and prevention of sexually transmitted infections, HIV and AIDS (CRC/C/PER/CO/3, para. 53).

227. With regard to the education process, the national curriculum for the secondary level of regular basic education has since 2006 included content relating to sexual and reproductive health and the prevention of early pregnancy in the subjects of science, technology and the environment; the individual, the family and human relationships; and physical education (CRC/C/PER/CO/3, para. 53).

228. With regard to the obligation to guarantee access for adolescents to information and specialist services to ensure their health and development, the preliminary draft submitted by the commission revising the Code on Children and Adolescents provides that adolescents over the age of 14 have the right to access information, guidance and services relating to sexual and reproductive health. These services are extended to girls and adolescent mothers under 14 so as to ensure their right to priority specialist health care. The preliminary draft also highlights the State's obligation to provide sexual and reproductive health-care services and programmes for all adolescents over the age of 14. These services and programmes must be free of charge, accessible and confidential; accordingly, there will be a regulatory mechanism to guide the correct interpretation of article 4 of the General Health Act (Act No. 26842), which constitutes a legislative barrier to access for adolescents to targeted services and information on sexual and reproductive health.

229. In addition, in 2010 the Justice Committee of the Congress of the Republic adopted a draft amendment to article 173 submitted by the Executive. The article criminalized sexual relations between adolescents, had a negative impact on maternal mortality and had led to an increase in the number of adolescent pregnancies. In January 2013, the Constitutional Court upheld a claim that the provision criminalizing consensual sexual relations in which at least one of the parties was over 14 and under 18 was unconstitutional. The claim, which was filed by 10,609 citizens, related to article 1 of Act No. 28704 amending article 173, paragraph 3, of the Criminal Code on the crime of rape of a minor aged between 14 and 18. The Constitutional Court stated that the ruling did not imply a right to release for those tried and convicted of sexual violence, assault or abuse against

minors aged between 14 and 18; nor did the declaration of unconstitutionality imply that such tried and convicted persons could not, where appropriate, be tried again for the crime of rape.

230. The Congress of the Republic was also urged, in accordance with its competence, to legislate in order to ensure that sufficiently severe penalties were systematically imposed in all those cases in which the fundamental rights of minors were compromised, bearing in mind the State's obligation to protect the best interests of the child and the adolescent. The Court explained that it was clear that all those aged over 18 were entitled to sexual freedom as part of their right to the free development of their personality. However, in accordance with certain regulatory and factual elements of the Peruvian legal system, minors aged between 14 and 18 might also enjoy that right (CRC/C/PER/CO/3, para. 53).

231. According to the progress report on the National Plan of Action for Children and Adolescents 2002–2010, under the topic of reproductive health, targeted services have been introduced for adolescents, with an emphasis on sexual and reproductive health (310 exclusive doctors' practices); 1,614 health-care facilities provide services for adolescents with separate opening hours, and there are three specialist targeted services. In addition, extramural targeted services are provided at 149 education institutions; 161 targeted services are provided through the programme of comprehensive care for scattered population groups; and there are also 42 youth development centres (CRC/C/PER/CO/3, para. 53).

232. In 2005, total expenditure on efforts to combat HIV/AIDS was 91.7 million nuevos soles, with the category of care and treatment accounting for the largest proportion. With regard to sources of funding, external assistance accounts for approximately 40 per cent yearly, with the greatest emphasis on treatment, but does not exceed the expenditure by the social security sector. In 2006, expenditure rose to 110.5 million nuevos soles; there was an increase in every category, and that of care and treatment retained the highest share. In 2007, the amount spent on combating AIDS was 107.7 million nuevos soles. In 2008, the amount spent on prevention increased by 60 per cent, while the amount spent on care and treatment fell. This could be explained by the fall in the price of antiretroviral drugs, since the number of persons on highly active antiretroviral therapy has not dropped; on the contrary, it is increasing. A comparison of the three years referred to shows that expenditure was constant, since the level was maintained throughout the period, with a notable increase of 20.5 per cent from 2005 to 2006 (CRC/C/PER/CO/3, para. (e) [*sic*]).

233. Likewise, there has been a growing effort to ensure that health personnel and teachers are trained in the promotion of healthy lifestyles and the prevention of sexually transmitted infections/HIV and AIDS (CRC/C/PER/CO/3, para. 57 (e)).

234. The Ministry of Education implemented the project for enhanced prevention and control of AIDS and tuberculosis in Peru (second round) in health-care facilities and education institutions under the auspices of the National Multisectoral Health Committee and the regional multisectoral health committees. These awareness-raising campaigns reached 1,337 teachers, 41,004 students, 335 school facilitators, 172 health-care professionals, 449 parents, 200 education institutions and seven trained regional teams (CRC/C/PER/CO/3, para. 57 (e)).

235. The Joint United Nations Programme on HIV/AIDS (UNAIDS) has been supporting the country in the implementation of the multisectoral strategic plan 2007–2011 for the prevention and control of sexually transmitted infections and HIV/AIDS in Peru, in the formulation of decentralized regional operational plans and in the multisectoral coordination of the three HIV projects financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria, under the direction of the Ministry of Health, through the country coordination mechanism known as the National Multisectoral Health Committee.

The technical assistance provided is aimed at helping the country to gauge its needs more accurately with a view to achieving universal access to HIV-related prevention, treatment, care and support for all Peruvians (CRC/C/PER/CO/3, para. 57 (f)).

236. The Ministry of Health adopted the multisectoral strategic plan 2007–2011 for the prevention and control of sexually transmitted infections and HIV/AIDS in Peru, which includes the following objectives: strategic objective 3 – promote the prevention of sexually transmitted infections/HIV, sexual education, and healthy lifestyles and sexual behaviour in adolescents and young people; strategic objective 4 – reduce vertical transmission to less than 2 per cent by 2011; strategic objective 6 – increase to 90 per cent the proportion of persons living with HIV/AIDS (adults and children) who have access to comprehensive and high-quality care (CRC/C/PER/CO/3, para. 57 (f)).

#### **D. Reduction of the use of legal drugs**

237. One in two school pupils (51.2 per cent) has tried a legal drug, either alcohol or tobacco, once in his or her life. When surveyed, a total of 36.7 per cent had done so within the past year and 19.6 per cent within the past 30 days. Twenty-four of every 100 students (one in four) who had never tried alcohol one year before the survey consumed it for the first time during the year leading up to the survey. The incidence of tobacco consumption was lower: 17 in 100 students who had never smoked one year before the survey started smoking cigarettes within the 12 months leading up to the survey. The average age for the first use of legal drugs is about 12.8 years for alcohol and 13.1 years for cigarettes. Alcohol continues to be the legal substance most commonly used by school pupils.

238. With a view to reducing the harmful consumption of alcohol among the at-risk population and harm caused by abuse of or dependency on other drugs, the Ministry of Health is implementing a rapid addiction response plan, with a 100 per cent increase in the number of health directorates and regional health directorates with comprehensive addiction support modules and response teams (CRC/C/PER/CO/3, para. 55).

239. With regard to prevention, the Ministry of Education has issued the following legal instruments: Deputy Ministerial Decision No. 004-2007-ED governing the “Healthy students free of drugs” campaign, an ongoing national awareness-raising campaign to promote a life without drugs through measures to prevent the use of legal and illegal drugs and other addictions and to promote healthy lifestyles; and Directorate Decision No. 086-2008-ED adopting Directive No. 041-2008-ME-VMGP/DITOE, the regulations for tutoring and educational guidance in regional education directorates, local education management units and education institutions, which set out recommendations for dealing with unforeseen situations involving drug use in education institutions (CRC/C/PER/CO/3, para. 55).

240. The Ministry of Education has also implemented the following: an educational plan for prevention, early detection and timely referral in cases of drug use in education institutions in 19 regions of the country where drug use is most prevalent, involving education staff, students and parents; the rapid response plan, which consists of measures to strengthen prevention, early detection and timely referral of students who are at risk or have experimented with drugs, in education institutions located in the regions of the country where drug use is most prevalent, particularly Metropolitan Lima and Callao, under the auspices of the National Commission for Development and Life without Drugs; and an early intervention project for the prevention of drug use, with an emphasis on designer drugs, the objective of which is to validate an early intervention experiment through a target group or a group of students vulnerable to drug use in four secondary schools in Lima and Callao (CRC/C/PER/CO/3, para. 55).



241. According to the National Commission for Development and Life without Drugs, the existing data on the use of marijuana, inhalants, cocaine, ecstasy, cocaine paste and hallucinogens among school pupils suggests that the situation has not improved greatly, despite the significant measures taken.

242. The illegal drug most commonly used by primary-school pupils is marijuana — the proportion using it increased from 1.6 per cent in 2002 to 1.9 per cent in 2007 — followed by inhalants, where the proportion increased from 1.1 per cent to 1.8 per cent over the same time period. Cocaine use increased by a smaller amount and use of cocaine paste did not change over the period analysed (2002–2007). The third national study on prevention and drug use among students 2009, presented by the National Commission for Development and Life without Drugs in 2011, shows that, in 2009, legal drugs were used by 42.1 per cent of children and adolescents (alcohol 37 per cent, tobacco 28.5 per cent), and illegal drugs by 7.9 per cent (marijuana 3.9 per cent, inhalants 3.7 per cent).

243. According to data collected in 2007 on the lifetime incidence of illegal drug use among school pupils, 7 per cent had used some of these drugs (marijuana, cocaine paste, cocaine, inhalants, ecstasy, hallucinogens or others) once in their life, 3.9 per cent had used them during the past year and 1.6 per cent during the past month. Marijuana was the illegal substance most commonly used in the past year and the past month, followed by inhalants, cocaine and cocaine paste.

244. Marijuana is the most commonly used illegal drug, with a rate of 1.3 for every 100 students who had never smoked the substance one year before being surveyed, followed by inhalants, cocaine, cocaine paste and ecstasy, which has a similar rate of use to marijuana.

245. The average age at which illegal drugs are first used varies between 12.6 and 13.8 years. The average age at which ecstasy is first used is lower than that for marijuana, cocaine paste and cocaine, which is a clear indication of its growing popularity.

## **E. Health and trade agreements**

246. The international trade agreements signed by Peru seek to achieve a balance between commercial interests and the rights of the individual enshrined in binding agreements such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. In this connection, access to medicines — chiefly essential ones — is enshrined in the Constitution, the National Accord, the Health Policy Guidelines 2002–2012, the Road Map 2004–2006 and the General Health Act (CRC/C/PER/CO/3, para. 49).

247. Ninety-eight per cent of all medicines marketed in Peru are generic; in other words, they are products for which the patent has expired and which can therefore be marketed freely. These products have not increased in price as a result of trade agreements precisely because their period of patent protection has already expired (CRC/C/PER/CO/3, para. 49).

## **F. Environmental health**

248. With regard to ensuring the right to health of children in areas where mining or industrial projects are being carried out, the Ministry of Energy and Mining is responsible for environmental impact studies and operating licences for mining. The Ministry's function is to promote mining activity, ensuring that it is carried out responsibly; all holders of mining concessions are therefore required to submit an environmental impact study before beginning operations (CRC/C/PER/CO/3, para. 51).

249. In 2008, pursuant to Legislative Decree No. 1013 of 14 May 2008, the Ministry of the Environment was established as the lead agency for national environmental affairs, with responsibility for coordination at the local, regional and national government levels. Pursuant to Ministerial Decision No. 121-2009-MINAM, the plan for environmental quality standards and maximum permissible limits for fiscal year 2009 was adopted. Pursuant to Ministerial Decision No. 225-2012-MINAM of 28 August 2012, the plan for environmental quality standards and maximum permissible limits for the period 2012–2013 was adopted (CRC/C/PER/CO/3, para. 51).

## G. Standard of living

250. With regard to the Committee's recommendation in document CRC/C/PER/CO/3, paragraph 59, poverty fell by 17.4 per cent between 2005 and 2010 and by 23.5 per cent between 2001 and 2010, from 54.8 per cent in 2001 to 31.3 per cent in 2010. In other words, the number of people whose expenditure was lower than the cost of the basic basket of goods, made up of food items and non-food items, has fallen over the past decade from 57 in 100 to 31 in 100. The most up-to-date figures show that poverty fell by 14.6 per cent between 2007 and 2011, from 42.4 per cent in 2007 to 27.8 per cent in 2011.<sup>96</sup>

251. Some of the mechanisms that have been launched to reduce poverty and improve the standard of living of children and adolescents are as follows: Supreme Decree No. 080-2007-PCM adopting the operational plan for the national Crecer strategy;<sup>97</sup> Legislative Decree No. 1086 adopting the Act on the promotion of competitiveness, formalization and development of micro and small enterprises and access to decent work; the Equality Fund, which was established pursuant to Emergency Decree No. 022-2006 and the regulations for which were adopted pursuant to Supreme Decree No. 042-2007-PCM, with a view to providing full or partial funding for programmes, projects and activities aimed at social development and the reduction of extreme poverty in rural areas;<sup>98</sup> and the programme of support for rural and productive partnerships in the Sierra of Peru, the objective of which is to improve the resources and financial situation of rural families in selected areas of the Apurímac, Ayacucho, Huancavelica, Junín, Huánuco and Pasco regions.

252. In addition, the legislation currently in force on the subject is noteworthy: Act No. 29291, the Act on financial balance in the public sector budget for fiscal year 2009; Act No. 29467, the Act on financial balance in the public sector budget for fiscal year 2010;<sup>99</sup> Act No. 29628, the Act on financial balance in the public sector budget for fiscal year 2011;<sup>100</sup> and Legislative Decree No. 996<sup>101</sup> adopting the regime applicable to the use of resources from the promotion of private investment in the implementation of social programmes.

253. The National Forum against Poverty, as a forum for the coordination of measures between the Government and civil society aimed at tackling poverty effectively in every

<sup>96</sup> National Institute for Statistics and Information Technology: Technical report on poverty trends 2007–2011, p. 28.

<sup>97</sup> Operational plan for the national Crecer strategy, dated 8 September 2007.

<sup>98</sup> Its resources come from the savings generated by the application of Emergency Decrees Nos. 019-2006 and 020-2006 and supplementary fiscal austerity regulations, with a view to launching activities and programmes to reduce extreme poverty.

<sup>99</sup> Act No. 29467, dated 8 December 2009.

<sup>100</sup> Act No. 29628, dated 8 December 2010.

<sup>101</sup> Legislative Decree No. 996, dated 13 March 2008.

region, department, province and district of Peru, promoted childcare as a central priority of social policy, particularly during 2008.

254. During 2008, the implementation of strategic budget programmes with a results-based management approach made it possible for five of these programmes to include 12 priority measures under the poverty reduction programme. These measures were grouped under the following strategic budget programmes: maternal and neonatal health; the Combined Food Programme; availability of identity documents; learning outcomes of pupils at the end of the third cycle of regular basic education; and access to basic social services and market opportunities.

255. As part of its poverty reduction policy, the Government has been implementing a series of measures aimed at providing poor and extremely poor areas (mostly in rural areas) with resources for allowing them to access basic infrastructure (water, light, drainage). For example, during 2009, the Ministry of Economic Affairs and Finance issued the following legislation: Emergency Decree No. 060-2009 authorizing regional and local governments until 31 December 2010 (extended to 31 December 2011 pursuant to Act No. 29626) to use up to 50 per cent of their resources from the tax, surtax and mining royalties referred to in Act No. 28258 collected since the entry into force of the Act exclusively for the maintenance of regional and local infrastructure, prioritizing basic infrastructure; Emergency Decree No. 069-2009 authorizing regional and local governments to use also the resources referred to in article 1, paragraphs 1.1 and 1.4, of Emergency Decree No. 060-2009 to improve housing for households living in extreme poverty, with the provision of certified upgraded stoves, safe water and sewage disposal; and Emergency Decree No. 079-2009 of 2 April 2009 providing that regional and local governments in whose districts natural oil resources are extracted shall earmark 5 per cent (10 per cent in the case of regional governments under Emergency Decree No. 026-2010) of the funds allocated to them from the oil tax and surtax to the implementation of public investment and social spending projects by implementation units in communities located in the relevant extraction areas. These resources are intended mainly for basic education, health, electricity, water and sanitation infrastructure; the equipping, maintenance, repair and renovation of health and education centres; and support for pregnant and breastfeeding mothers and children under 6 from the health and education systems, among other things. Lastly, Emergency Decree No. 085-2009 of 2 September 2009 set out extraordinary and emergency measures to ensure that regional and local governments earmarked resources, during fiscal years 2009 and 2010, to fund the implementation of public investment and infrastructure maintenance projects by implementation units, as part of measures taken under the economic stimulus plan to reduce the impact of external shocks on Peru. The areas covered included sanitation, safe drinking water, mini-dams, small irrigation systems, the repair or opening of dirt roads, bridges, retaining walls, electricity, education and health, provided that the amount did not exceed 100 taxation units for each project or maintenance measure.

256. In addition, with the general aim of reducing disparities in the allocation of resources, in 2008 a process was launched to identify the most basic economic unit that could receive tax revenue. In the education sector, this entailed the allocation of resources on an individual basis to more than 42,000 education facilities.

## VII. Education, leisure and cultural activities (arts. 28, 29, 30 and 31 of the Convention)

### A. Access to preschool education

257. In 2009, preschool education coverage stood at 3.2 per cent of children aged 0 to 2; there was no disparity between boys and girls in that age group, although there was still a disparity between urban and rural areas (4.2 per cent compared with 1.1 per cent). In 2011, coverage stood at 4.6 per cent, and the disparity between urban and rural areas persisted (6 per cent compared with 1.8 per cent).

258. Coverage in the 3-to-5 age group was 66.3 per cent, made up of both public and private sector provision. A total of 33.7 per cent of Peruvian children in this age group remain outside the education system. The net rate of enrolment of 3-to-5-year-olds in preschool education increased by 11 per cent between 2006 and 2011, meaning that coverage reached 72.6 per cent in 2011.<sup>102</sup>

259. There is a disparity between urban and rural areas; however, in both cases, access to preschool education for children aged 3 to 5 is increasing. In urban areas, access rose from 69.4 per cent in 2006 to 74 per cent in 2010, while in rural areas it increased from 47 per cent in 2006 to 61 per cent in 2010.<sup>103</sup>

260. With regard to education provision, the Ministry of Education states that, in 2010, 82,229 children aged between 0 and 2 attended 1,245 school-based services and 5,474 non-school-based services. In 2005, total coverage was 4 per cent and, in 2009, 4.2 per cent. In 2010, 1,310,185 children aged 3 to 5 attended 21,378 school-based services (kindergartens and nurseries) and 13,457 non-school initial education programmes. In 2005, the net coverage among children aged 3 to 5 was 57.5 per cent and, in 2009, 66.3 per cent. Since 2008, systematic measures have been taken to increase coverage in the second cycle of preschool education; coverage increased to 24,220 children between 2009 and 2010.

261. In 2009, 5,087 children's library modules for children aged 3 to 5 were distributed to schools and non-school initial education programmes in four priority regions: Ayacucho, Apurímac, Huánuco and Huancavelica. During 2010, 9,886 classroom library modules for children aged 3 to 5 were distributed to schools and non-school initial education programmes in five priority regions: Lima province, Metropolitan Lima, Junín, Callao and Cusco-VRAE.

### B. Access to primary education

262. The national enrolment rate for children aged between 6 and 11 in 2011 (94 per cent) represented a significant advance on the average rate recorded for 2002 (93.3 per cent); education coverage for the 6-to-11 age group is quite high, having increased to 98.1 per cent in 2011. The gender gap at the national level has been closed: the figure for girls is 98.2 per cent and, for boys, 98.1 per cent.<sup>104</sup>

263. Since 2007, the Ministry of Education has been conducting student assessments at the end of each year, consisting of standardized tests for students in the second grade of

<sup>102</sup> Source: Ministry of Education – education statistics unit.

<sup>103</sup> Outcome of the National Plan of Action for Children and Adolescents 2002–2010.

<sup>104</sup> National Institute for Statistics and Information Technology – National Household Survey 2006–2011. Prepared by the Ministry of Education – education statistics unit.

primary school to measure how much they have learned in mathematics and reading comprehension. The Ministry of Education produces individual reports with each student's results and the results of each class, school, province and region. In 2011, the following results were obtained: in reading comprehension there was an increase from 15.9 per cent in 2007 to 29.8 per cent in 2010, and in mathematics the percentage increased from 7.2 per cent in 2007 to 13.2 per cent in 2011 (CRC/C/PER/CO/3, para. 61 (a)).

264. The establishment of the Learning Outcomes Strategic Programme was an important development in the context of the programming and formulation of the budget for 2008 under the results-based budgeting strategy of the Ministry of Education. The aim of the Programme is to ensure that students in the third cycle of regular basic education achieve the expected learning outcomes in integrated communications and mathematical logic. This is limited to the age group indicated for primary education (CRC/C/PER/CO/3, para. 61 (a)).

### C. Completion of primary education at the official age

265. Significant progress is being made with regard to the proportion of children aged 11 who complete primary education. In 2006, 57.5 per cent of children aged 11 completed primary school, a proportion that increased to 63.8 per cent in 2008. The proportion of children aged 12 to 14 who have completed primary education increased from 77.3 per cent in 2006 to 83.5 per cent in 2011.<sup>105</sup>

266. The regions with the lowest completion rates are Loreto (59.9 per cent) and Huánuco (60.8 per cent), which are lower than the national average, followed by the departments of Huancavelica (65.7 per cent), Ayacucho (66.7 per cent) and Amazonas (67.8 per cent).

267. As part of its efforts to improve the quality of teaching, the Ministry of Education has produced a handbook for the teaching of reading and writing in primary education, which provided the basis for a specialized model that is being used in the Ayacucho, Apurímac, Huánuco and Huancavelica regions; it has implemented a national campaign for reading comprehension, which is a strategy for the promotion and strengthening of reading comprehension abilities aimed at students from the sixth grade of primary school to the fourth year of secondary school and includes the provision of teaching material; and it has shared strategies with local education management units and regional education directorates for the implementation and diversification of the national curriculum (CRC/C/PER/CO/3, para. 61 (a)).

268. Figures also indicate an increase in the resources allocated to education; for example, in 2007, public expenditure per pupil in preschool education was 771 nuevos soles, whereas in 2005 it was 629 nuevos soles (CRC/C/PER/CO/3, para. 61 (a)).

269. In addition, the Ministry of Economic Affairs and Finance increased the budget for the implementation of the strategic programme on learning outcomes of pupils at the end of the third cycle of regular basic education, within the framework of results-based budgeting, from 928 million nuevos soles in 2009 to 1,093 million nuevos soles in 2010. The budget allocated to the education sector (including decentralized public bodies and the regional education directorates of regional governments) has also increased in recent years, from 9,859 million nuevos soles in 2006 to 14,132 million nuevos soles in 2010. The initial budget in 2011 for the Learning Outcomes Strategic Programme, consolidated at the national level — that is, taking into account heading 010 (the Ministry of Education,

<sup>105</sup> *Ibid.*

regional governments and the Juntos programme) — increased to a total of 2,001,501,812 nuevos soles, with a variation of -0.59 per cent in the fourth quarter and culminating in a modified institutional budget of 1,989,704,124 nuevos soles. In addition, the amount of resources disbursed rose to 1,926,983,958 nuevos soles in the fourth quarter, or 96 per cent of the modified institutional budget (CRC/C/PER/CO/3, para. 61 (a)).

#### **D. Access to primary education for girls in rural areas**

270. The average primary school attendance rate for girls in rural areas aged 6 to 11 was 93.2 per cent in 2011, which was higher than the figure of 90.7 per cent for 2006. The primary-school enrolment and retention rate for the 6-to-11 age group consistently exceeded 90 per cent between 2006 and 2011. Enrolment in primary education is over 90 per cent in all departments; the rate of primary-school completion among 11-year-olds in 2006 was 57.6 per cent for boys and 57.4 per cent for girls, rising to 63.5 per cent and 64.1 per cent respectively in 2008, an increase of almost 6 points for boys and 7 points for girls over the period in question.

271. The Ministry of Education is taking steps to improve school infrastructure, especially in poor marginal urban areas and poor rural areas around the country, supporting and promoting the continuation and completion of basic education by pupils in rural areas. To that end, rural centres for education in alternation with time spent at home have been piloted in some regions of the country, with a view to evaluating the relevance of a model that supports students situated in the most remote areas. This model promotes the social and economic development of the community through comprehensive education for children and the direct participation of families in the centres. Teaching advice has been promoted through macroregional workshops, where experts can deepen their teaching knowledge and in turn pass information on to teachers in their area so as to improve their performance (CRC/C/PER/CO/3, para. 61 (b)).

272. A variety of education resources and materials have been provided, such as guides, booklets and handbooks for reading, analysis and reflection on the teaching processes that take place in the classroom, so as to ensure that students are treated equitably and are encouraged to attain the standards required on completion of regular basic education. Texts are also provided to students with a view to helping improve the quality of learning. In addition, library modules, laboratories, manipulative materials such as models of the human torso, microscopes, etc. have been provided (CRC/C/PER/CO/3, para. 61 (b)).

273. The Directorate-General for Regular Basic Education is working on improving the quality of education through the provision of teaching material and technical advice for experts on the implementation of teaching support measures, the completion of the process of coordination and improvement of the national curriculum, and the provision of information to parents on what students should be learning at each level of education (preschool, primary and secondary), in any area of the country, with a view to ensuring quality and equity. These measures boost parents' confidence and help ensure that students remain in the system (CRC/C/PER/CO/3, para. 61 (b)).

274. The National Direct Assistance Programme for the Very Poor (the Juntos programme) has contributed to the integration of children into primary education through its policy of conditional money transfers, which promotes the joint responsibility of the family and the State in the exercise of their rights (CRC/C/PER/CO/3, para. 61 (b)).

275. The aforementioned programme indicates that 85 per cent of children aged 6 to 11 are enrolled in the appropriate grade; by December 2010 it had supported 476,789 children who were enrolled between the ages of 6 and 11; of these, only 27.61 per cent (131,645 children) were enrolled at the appropriate age (CRC/C/PER/CO/3, para. 61 (b)).

## E. Access to secondary education

276. The net secondary-school enrolment rate for 12-to-16-year-olds was 80 per cent in 2011, while in 2006 it was 74.2 per cent. The net secondary-school attendance rate for those aged 12 to 16 was 79.6 per cent in 2011, compared with 74.2 per cent in 2006.<sup>106</sup> The proportion of students completing the fifth year of secondary school at the correct age (16 years old) increased from 29.8 per cent in 2002 to 40.1 per cent in 2008, an increase of 10 percentage points (the proportion in urban areas increased from 40.2 per cent to 49 per cent and in rural areas from 12.3 per cent to 25.5 per cent).

## F. Efforts made with regard to access to all levels of education

277. Efforts have been made in Peru to expand preschool education coverage, which stood at 61.5 per cent in 2002 and increased to 77 per cent in 2010<sup>107</sup> (CRC/C/PER/CO/3, para. 61 (c)).

278. Coverage at the primary level of regular basic education is high: the net enrolment rate for children aged between 6 and 11 was 94 per cent in 2010, compared with a rate of 93.3 per cent in 2002<sup>108</sup> (CRC/C/PER/CO/3, para. 61 (c)).

279. The net primary-school attendance rate was 90 per cent in 2002 and increased to 93.3 per cent in 2010, while in rural areas it rose from 88.5 per cent in 2002 to 93.7 per cent in 2011;<sup>109</sup> this shows that there was no disparity between primary school attendance rates at the national, rural and urban levels in 2010 (CRC/C/PER/CO/3, para. 61 (c)).

280. The education of girls in rural areas is a key requirement in order to improve human development indicators for consistently poor groups, bearing in mind, *inter alia*, that in the medium term it will be mothers who will play an important role in childcare and the management of household finances, transmitting knowledge, values and child-rearing models to new generations. The primary school attendance rate among girls aged 6 to 11 in rural areas was 93.3 per cent in 2010 and 93.2 per cent in 2011, higher than the rate of 87.5 per cent in 2004<sup>110</sup> (CRC/C/PER/CO/3, para. 61 (c)).

281. Moreover, during 2010, 81.2 per cent of pupils completed their studies at this level, a figure 12.8 percentage points higher than the national average of 68.4 per cent in 2000 (CRC/C/PER/CO/3, para. 61 (c)).

282. Rates of secondary-school enrolment and attendance both increased significantly in the period 2002–2010. The net secondary-school attendance rate for 12-to-16-year-olds was 79.6 per cent in 2011, in other words 10 percentage points higher than in 2002, when the rate was 68.5 per cent<sup>111</sup> (CRC/C/PER/CO/3, para. 61 (c)).

<sup>106</sup> *Ibid.*

<sup>107</sup> National Institute for Statistics and Information Technology – National Household Survey 2001–2010. Prepared by the Ministry of Education – education statistics unit.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> *Source:* National Institute for Statistics and Information Technology – National Household Survey 2004–2011.

<sup>111</sup> *Source:* preliminary information. National Institute for Statistics and Information Technology – National Household Survey 2002–2010.

283. In addition, the net secondary-school enrolment rate for 12-to-16-year-olds was 79.2 per cent in 2010, whereas in 2002 it was 70.5 per cent<sup>112</sup> (CRC/C/PER/CO/3, para. 61 (c)).

284. The proportion of students who completed the fifth year of secondary education at the correct age (16 years old) increased significantly in the period 2002–2008, the average having risen from 29.8 per cent to 40.1 per cent. For those living in urban areas, the proportion increased from 40.2 per cent to 49 per cent and in rural areas from 12.3 per cent to 25.5 per cent over the same period (CRC/C/PER/CO/3, para. 61 (c)).

285. In 2003, the proportion of students who completed their secondary education at the age of 17 or 18 was 47.8 per cent; by 2011, that figure had risen to 63.1 per cent. There is a significant disparity between urban and rural areas: while 71.5 per cent of adolescents in urban areas complete their secondary education at the appropriate age, only 41.6 per cent do so in rural areas. The lowest completion rates are in the departments of Loreto (42 per cent), Huánuco (41.7 per cent) and Huancavelica (33.6 per cent)<sup>113</sup> (CRC/C/PER/CO/3, para. 61 (c)).

286. Moreover, 1,409 adolescents living in extreme poverty have benefited from educational support measures (Centres for the Comprehensive Development of the Family under what is now the Ministry for Women and Vulnerable Groups), and Legislative Decree No. 1066 of 28 June 2008 was issued, approving the awarding of grants to students of limited means (CRC/C/PER/CO/3, para. 61 (c)).

## G. School drop-out rates

287. With regard to adolescents who drop out of school because of pregnancy, the Ministry of Education issued Directorate Decision No. 0086-2008-ED adopting Directive No. 041-2008-ME-VMGP/DITOE, the regulations for tutoring and educational guidance in regional education directorates, local education management units and education institutions, which promote non-discrimination by the education community against pregnant students in education institutions. In addition, in its annual report for 2008, the Ministry of Education stated that 17.1 per cent of adolescents abandoned their studies on the grounds of pregnancy in 2007.

288. In the census of schools 1998–2008, the Ministry of Education reported that the number of students dropping out of secondary school, as a proportion of the total number of students enrolled for each year of study, remained stable: 7.5 per cent in 2006; 6.1 per cent in 2007; and 6.7 per cent in 2008.

## H. Decentralization of education

289. In the context of decentralization, the regional education directorates have their own regional education projects: in Cajamarca, Huánuco, San Martín, Junín, Piura and Tacna, diversified regional curricula have been developed; and the regions of Ayacucho, Cajamarca, Callao, Cusco, Huancavelica, Huánuco, Ica, Junín, La Libertad, Lambayeque, Lima province, Loreto, Madre de Dios, Moquegua, Piura, Puno, Amazonas, Ancash, Apurímac, Arequipa and the Pasco region have a regional education project. In 2008, the Ministry of Education adopted the national curriculum for regular basic education and, as

<sup>112</sup> National Institute for Statistics and Information Technology – National Household Survey 2001–2010. Prepared by the Ministry of Education – education statistics unit.

<sup>113</sup> National Institute for Statistics and Information Technology – National Household Survey 2003–2009. Prepared by the Ministry of Education – education statistics unit.



part of decentralization, the regional education directorates of Cajamarca, Huánuco, San Martín, Junín, Piura and Tacna have developed their respective diversified regional curricula.

290. The purpose of the Education for All National Plan 2005–2015 is to outline a model for the systematic monitoring of progress in the elimination of equity gaps and the improvement of educational quality, as part of the vision and mission of the Education for All National Forum.

291. The National Education Project 2021, adopted in January 2007, is aimed at ensuring children's optimum development through concerted intersectoral action by the Government in each region, meeting the basic needs of children aged 0 to 3, supporting families in healthy, stimulating and respectful child-rearing, promoting healthy, pleasant and stimulating communities for children, and promoting the optimum development of human potential through education from early childhood onwards.

## **I. Teacher training**

292. In 2007, a total of 40,471 teachers in 9,749 education institutions received training in regular basic education, bilingual intercultural education and special basic education. Macroregional training courses on the implementation of the Reading Plan 2007 were also held for teachers (CRC/C/PER/CO/3, para. 61 (d)).

293. The Ministry of Education is working on enhancing teacher training through regulations governing the establishment of higher education institutions and schools. In addition, specific requirements for teacher training have been laid down, ranging from an increase in the average pass mark to the minimum number of training hours and the major content of courses. Curricula for different levels of training and a training process run by prestigious universities for practising teachers have also been established. Furthermore, programmes to encourage continuous learning for teachers, such as "Twenty-first-century teacher", are being promoted (CRC/C/PER/CO/3, para. 61 (d)).

294. Salaries have progressively increased in recent years. The goal of the Ministry of Education for 2010 was to ensure that 20,000 specially appointed teachers with teaching qualifications were covered by the Public Sector Teaching Act, which grants salary increases of up to 197 per cent depending on the teacher's individual merits (CRC/C/PER/CO/3, para. 61 (d)).

## **J. Access to bilingual and intercultural education**

295. The number of indigenous pupils in rural bilingual primary schools fell in 2009 by 3.7 percentage points in comparison with 2007 (15.9 per cent). The Directorate-General for Bilingual Intercultural Education within the Ministry of Education stated that 54.37 per cent of primary-school children who speak languages indigenous to rural areas were covered by bilingual intercultural education programmes in 2008. The annual reports of the Directorate-General for Bilingual Intercultural and Rural Education state that 245,790 primary-school pupils were covered in 2007, 130,890 in 2008 and 51,420 in 2009. Bearing in mind this drop, the Directorate-General — according to its reports — proposed to increase the coverage of its bilingual programmes for primary-school children to more than 80 per cent by 2011 (CRC/C/PER/CO/3, para. 61 (e)).

296. In October 2011, consultations began on technical regulations setting out criteria and procedures for identifying, recognizing and registering education institutions that should be offering bilingual intercultural education services throughout the country. This became a

directive, which was adopted pursuant to Ministerial Decision No. 008-2012-ED establishing the National Register of Bilingual Intercultural Education Institutions of Peru. The regulations allow different regional education directorates and local education management units in all regions of the country to identify the education institutions under their authority that should offer bilingual intercultural education services.

297. As at October 2011, there were 14,200 education institutions on the Register that had to offer bilingual intercultural education services as they had students who were members of indigenous peoples; 10,800 of these had an indigenous language as their first language and 3,400 had an indigenous language as their second language.

298. According to statistics from the Ministry of Education, some indigenous children remain outside the education system: 74,573 children of preschool age, 18,011 of primary school age and 38,216 of secondary school age in 2006 (CRC/C/PER/CO/3, para. 61 (e)).

299. In 2008, there were 103 preschools and 1,058 primary schools in indigenous rural areas offering bilingual education (CRC/C/PER/CO/3, para. 61 (e)).

300. In the 2010 student assessments, pupils in the fourth grade of primary school whose mother tongue was an indigenous language and who were being taught in bilingual intercultural education institutions were assessed with a view to determining their progress in reading comprehension, both in their own indigenous language and in Spanish as their second language. Indigenous-language evaluations were carried out among the Aimara, Awajun, Quechua (in the Cusco Collao dialect branch) and Shipibo Conibo peoples (CRC/C/PER/CO/3, para. 61 (e)).

301. The results show that the vast majority of students have serious difficulties in reading texts written in their indigenous language. More than 50 per cent fail to reach level 1.<sup>114</sup> In the case of the Amazonian languages assessed, the proportion is as high as 80 per cent. Quechua-speaking students achieve the best results, with 6.9 per cent reaching the expected level in reading comprehension in their indigenous language, followed by Awajun students on 4.9 per cent, Shipibo Conibo students on 4.8 per cent and Aimara students on 1 per cent (CRC/C/PER/CO/3, para. 61 (e)).

302. In general, students perform better in reading comprehension tests with Spanish as their second language, especially in the case of schools with Quechua and Aimara pupils, where the proportions achieving the required standard were 13.4 per cent and 14.4 per cent respectively. Pupils from the Shipibo and Awajun peoples achieved averages of 2.1 per cent and 1.6 per cent respectively (CRC/C/PER/CO/3, para. 61 (e)).

303. The multigrade curriculum and the approach to languages and interculturalism make it possible to adapt the skills, knowledge and approaches proposed in the national curriculum to the cultural and linguistic characteristics and the needs of students in the various areas and departments of the country. In this regard, the curriculum is diversified by identifying and incorporating the priorities of the community, the requirements of families and the interests and needs of students into the classroom curriculum. This includes short- and medium-term curriculum planning processes; identification of linguistic scenarios through linguistic diagnostics for language teaching; and planning of the activities of the education community in order to develop interculturalism (CRC/C/PER/CO/3, para. 61 (e)).

304. A comprehensive systemic teaching method consisting of three components has been proposed for classroom implementation, to be adapted to each situation and sustained over time. Relevant changes to the primary education curriculum have also been drawn up

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<sup>114</sup> Refers to students who, at the end of the year, do not achieve the expected learning outcomes. These students find it difficult even to answer the simplest questions in the test.

in order to ensure that curricula adequately meet the cross-cutting criteria of interculturalism, bilingualism and the promotion of equal rights for girls and boys and that they are adapted to the proposed methods of diversification and work in multigrade classrooms. Materials have also been produced to strengthen learning processes on the basis of the new methods proposed (CRC/C/PER/CO/3, para. 61 (e)).

305. In addition, the national curriculum for alternative basic education, for students on the alternative basic education programme for children and adolescents aged 9 to 17 and the alternative basic education programme for young people and adults aged 18 and over, was adopted in 2009. Implementation of the national curriculum for alternative basic education began in the same year at the 812 public alternative basic education centres around the country (CRC/C/PER/CO/3, para. 61 (e)).

306. There are proposals for the diversification of the curriculum at the preschool, primary and higher levels in rural and urban areas and a proposed teaching method and approved materials for children aged 3 to 5 in bilingual rural environments in the Shawi, San Martín Quechua, Inkawasi-Kañaris Quechua, Pasco Quechua and Wanka Quechua languages (CRC/C/PER/CO/3, para. 61 (e)).

307. Approximately 2,400 teachers from 20 of the country's departments have been provided with training for the multigrade and bilingual education curricula (CRC/C/PER/CO/3, para. 61 (e)).

#### **K. Basic learning outcomes achieved by children**

308. In 2008, the Ministry of Education, regional governments and local governments, through a set of coordinated interventions overseen by the Ministry, implemented the strategic programme on learning outcomes of pupils at the end of the third cycle, which is a nationwide programme for the implementation of the policy of equity through the provision of a high-quality education service, especially in areas with lower levels of human development (covering about 10 per cent of the country's education institutions). It focuses on children in preschool education aged 3 to 5 (second cycle) and those in the first two grades of primary education (third cycle). The annual student assessments consist of standardized tests for students in the second grade of primary school to measure how much they have learned in mathematics and reading comprehension. Since 2007, the Ministry of Education has been carrying out these assessments at the end of each year and has been producing individual reports with each student's results and the results of each class, school, province and region.

309. In 2011, the following results were achieved: reading comprehension increased from 15.9 per cent in 2007 to 29.8 per cent in 2011, and in mathematics the percentage increased from 7.2 per cent in 2007 to 13.2 per cent in 2011.

310. Although the figures for 2011 represent an increase of 13.9 percentage points in reading comprehension and 6 percentage points in mathematics compared with 2007, efforts need to be more focused on improving results, with particular emphasis on forest areas.

#### **L. Resources allocated to State early education programmes in order to evaluate and promote optimum levels of child development in various areas of performance**

311. Annual assessment makes it possible to monitor and verify the progress achieved in child development, with a view to measuring the impact of the strategies and measures

adopted under the “early childhood learning” component and its close relationship with the other components of the programme. The “abbreviated test”, an assessment tool used by the Ministry of Health, takes place once a year and is aimed at assessing children’s level of motor, cognitive, communication and social development. In the fourth quarter of 2009, 44,963 children were assessed using the abbreviated test, while in 2010 45,715 children benefited from the national Wawa Wasi programme.

312. In 2010, 54,876 children were assessed nationwide. The results of the assessments are used in making various decisions, in areas such as curriculum planning; methodological resources and materials that can help children catch up in areas where they have fallen behind, as identified through assessments, are devised on the basis of activities planned within the coordination framework; training: the content of workshops and internships is prioritized, taking into account the results of assessments of children; the implementation of Wawa Wasi: management committees buy and/or develop educational materials each month aimed at helping children to catch up and to develop various skills; follow-up and monitoring: assessment makes it possible to identify those management committees and Wawa Wasi that deserve greater support because they serve a large population of low-achieving children in particular areas. In 2011, 27,428 children were assessed nationwide.

313. In order to assess child development in Wawa Wasi, the early childhood learning guidelines adopted pursuant to Directorate Decision No. 489-2009/MIMDES-PNWW were updated and validated; the Decision, *inter alia*, specifies the procedures and tools for assessment and automatization of the assessment tools in the Wawanet system. This facilitates the systematization of information.

314. The Ichispalla project: under an agreement concluded between the Ministry for Women and Social Development (now the Ministry for Women and Vulnerable Groups) and the Bernard van Leer Foundation, the Ichispalla project was implemented; it involved measures to build the capacities and improve the nutrition of children in 20 rural Andean communities in Ayacucho and Huancavelica. The project was implemented between June 2007 and October 2010 with the aim of enhancing the comprehensive development of children aged 0 to 6 by building their capacities within the family and society to enable them to move successfully through the different stages of life, and particularly into school. The project was implemented as part of the rights, interculturalism and gender approach, respecting diversity through knowledge of and respect for Andean culture and its world view. The outcomes of the project during its implementation were as follows:

- Improved health, nutrition and cognitive, psychomotor and social development of 758 children aged 0 to 6 from 20 rural communities in the Ayacucho and Huancavelica departments.
- 377 families and 64 education facilitators adopted child-rearing and education practices conducive to the comprehensive development of the child.
- The communities involved in the project organized themselves and institutions joined together in networks to promote, strengthen and monitor the comprehensive development and education of children aged 0 to 6.
- Chronic malnutrition among children aged 0 to 6 fell by 5.6 per cent, while psychomotor, coordination, social and language skills improved by 43 per cent among children aged 0 to 3 and 29 per cent among children aged 3 to 6. Within their immediate environment, 377 families were supported by focusing on childcare; their child-rearing practices were improved; and the theme of early childhood was incorporated into their local and community plans. Moreover, in learning spaces (preschool education centres and non-school initial education programmes), both

community education facilitators and teachers developed their capacities and skills in order to work with children using innovative teaching strategies.

- The project activities have changed attitudes and behaviour in the immediate environment, which has led to an improvement in the situation of children under 6.
- Under a municipal ordinance, the Ichispalla model has been introduced at the local level in Yauli (Huancavelica) and in Quinoa and Iguain (Ayacucho) for implementation in district communities.

#### **M. Participation by adolescents at education centres in educational activities based on a personal/social approach and the promotion of democratic values**

315. Pursuant to Ministerial Decision No. 292-2007-JUS, the National Programme of Legal Education for Social Inclusion was established with a view to raising public awareness of the constitutional rights to effective access to justice and of fundamental human rights. Since its establishment, training has been provided to 46,298 direct beneficiaries, including 16,547 social leaders and 29,751 students from education institutions around the country. Implementation of the Programme has been under way since October 2007, and initially discussion workshops were held in the central offices of Lima Huaura, Tumbes, Iquitos, Trujillo, Ayacucho and Arequipa. In the period August-December 2008, discussions were held in the central offices of Piura, Chiclayo, Pucallpa, Tarapoto, Pasco, Ica, Cusco, Puerto Maldonado, Moquegua and Tacna. In the third stage, between April and June 2009, training was provided to individuals from the Cajamarca, Ancash, Junín, Huánuco, Huancavelica, Puno, Abancay, Lima, Tumbes, Trujillo, Huaura, Ayacucho, Arequipa and Iquitos regions. Up to the month of April 2011, approximately 36,000 people around the country had received training.<sup>115</sup>

#### **N. Policies aimed at ensuring rest or leisure as means of development**

316. The national curriculum for regular basic education and its supplementary documents recognize free play as a guiding principle for activities in preschool education that meets a need of children. Teachers are provided with guidelines for promoting free play in education services. In 2009, social mobilization measures aimed at promoting play were implemented in the Ayacucho, Apurímac, Huancavelica and Huánuco regions. In this context, 43,300 free play guides were distributed to groups around the country, aimed essentially at community education facilitators in non-school initial education programmes and preschool teachers.

317. The Ministry of Education, in conjunction with the Peruvian Sports Institute, has continued to hold national school sports competitions. Primary and secondary students aged 10 to 17, both boys and girls, from various public and private education institutions around the country take part. In 2011, the national school sports competition had the highest level of participation, with 410,916 school pupils — 173,665 girls and 237,251 boys — taking part. In third place was the national summer recreation and sports programme, which is held every year with the main objective of improving quality of life by putting school pupils' free time to good use and identifying children who show sporting aptitude and skill. A total of 46,371 children and adolescents took part: 19,159 girls and 27,212 boys. The "Grow With Sport" programme occupied fifth place, with 12,410 male and female

<sup>115</sup> Project for the improvement of justice services. April 2011.

participants aged 6 to 12. The aim of the programme is to encourage school pupils to get involved in sport so as to find new talent to help revive the country's national sporting activity.

## **VIII. Special protection measures (arts. 22, 30, 32–36, 37 (b)-(d), 38, 39 and 40 of the Convention)**

### **A. Internal displacement**

318. Pursuant to Ministerial Decision No. 621-2006 MIMDES, the guidelines for the implementation of the system of registration and accreditation of internally displaced persons were adopted with a view to mitigating the impact of population displacements caused by the internal armed conflict in the 1980s and 1990s.

### **B. Elimination of the worst forms of child labour**

319. The Street Teachers programme under the National Integrated Family Welfare Programme is a support service for children and adolescents aged 6 to 17 who are living on the streets or who are working, involved in gangs or begging, or being subjected to sexual or economic exploitation; it seeks to strengthen and develop their personal and social skills and capacities.

320. The former Ministry for Women and Social Development, through the Street Teachers programme, was able in 2007 to reintegrate 1,243 working street children and adolescents into the school system, reducing the hours they spent working and helping others with full or partial grants. During 2011, the Ministry for Women and Vulnerable Groups, through the Street Teachers programme, assisted 4,802 working children and adolescents (accumulated coverage) — a 13 per cent increase, or 556 new users, since 2010.

321. In 2011, the Ministry of the Interior reported that, of the total number of police stations around the country, 123 were implementing the Colibrí programme, while the Family, Participation and Public Safety Directorate of the Peruvian National Police provided training under the programme for 2,981 children and adolescents at 92 events such as workshops, talks and orientation sessions, where topics such as comradeship, human rights, sexual abuse, drug abuse, child abuse and other negative social phenomena were addressed. Recreational and/or cultural activities were also provided. During 2012, 195 police stations took steps as part of the Colibrí programme to protect working children, providing them with training and guidance. The Territorial Police Directorates in Junín, Amazonas, Piura, Lambayeque and Tumbes carried out 1,249 operations to register 954 children and adolescents who had been abandoned and/or were working on the streets. The Territorial Police Directorates in San Martín, Lambayeque and Piura also held 406 talks and awareness-raising events (educational, sporting and recreational), which benefited 3,685 vulnerable children and adolescents.

322. Through the Colibrí programme in Metropolitan Lima, the Family, Participation and Public Safety Directorate of the Peruvian National Police organized 99 events: 34 recreational activities, 23 cultural activities, 24 preventive activities, 9 psychological support activities and 9 social support activities; and, in coordination with the Alto Colibrí

organization, it ran the “Learning about rights through play” campaign in five education institutions in the La Victoria district.<sup>116</sup>

323. On 5 September 2012, as part of the Government’s policy of protection for vulnerable groups, the Council of Ministers adopted Supreme Decree No. 005-2012-MIMP<sup>117</sup> launching the national Yachay programme, aimed at restoring the rights of street children and adolescents who are at risk and promoting their comprehensive development. The programme was launched as a pilot in Lima and Iquitos with the aim of reaching 3,071 children and adolescents at risk by December 2012. The programme has a budget of 1,668,000,975 nuevos soles, and it was launched in the aforementioned cities because they have the largest child population and report the highest number of cases of child exploitation and begging. The programme defines street children and adolescents as individuals who may or may not have a family and whose enjoyment of their rights is limited because they are living on the streets all or part of the time, which makes them vulnerable and exposes them to risks such as diseases, accidents, sexual abuse, exploitation, child labour, abandonment or other situations that affect their comprehensive development.

324. In 2008, the then Ministry for Women and Social Development stated that a total of 2,478 children and adolescents were registered in the education system and were receiving support through extra tuition or remedial courses. In 2011, 3,402<sup>118</sup> children received assistance under the Street Teachers programme. In addition, the Ministry of Labour and Job Creation reported that in 2009 concerted social monitoring measures were implemented by the central Government, local governments, the community and adolescent organizations in order to eliminate the worst forms of child labour and promote alternatives, as a result of which 1,991 children under 12 were taken out of child labour and the issue was placed under special monitoring.

325. The Public Sector Budget Act for Fiscal Year 2010 provided for the design of a strategic programme on the issue of child labour, within the framework of strategic budget programming. Although the design was completed under this scheme, the programme is being redesigned in order to adapt it to the requirements of the new methodology of results-based budget programmes, which entered into force in 2012.

### C. Reduction of child labour

326. The National Institute for Statistics and Information Technology announced that, according to the results of the National Household Survey, the number of children and adolescents aged 6 to 17 who were working (employed) fell by 4.3 per cent in 2011, in other words, by 80,800. In 2007, 1,875,900 children were registered as working, a number that fell to 1,795,000 in 2011.<sup>119</sup>

327. The last national census, in 2007, included “economically active children”, meaning children aged 7 to 14 involved in economic activities for at least one hour in the week in

<sup>116</sup> Ministry of the Interior. Official Communication No. 00623-2013/IN/DGSD, dated 29 May 2013.

<sup>117</sup> Ministry for Women and Vulnerable Groups. Supreme Decree No. 005-2012-MIMP establishing the national Llachay programme. *El Peruano*, 6 September 2012.

<sup>118</sup> *Source*: Ministry for Women and Vulnerable Groups, updated information for July 2006-September 2012 (National Programme to Combat Domestic and Sexual Violence, National Integrated Family Welfare Programme), and initiatives under the Ministry of Development and Social Inclusion in 2012, for July 2006-December 2011 (National Food Aid Programme, Wawa Wasi, Cooperation Fund for Social Development).

<sup>119</sup> National Institute for Statistics and Information Technology, press release. [www.inei.gob.pe/web/Nota\\_Prensa/Attach/14439.pdf](http://www.inei.gob.pe/web/Nota_Prensa/Attach/14439.pdf), 4 November 2012.

which the census was taken. There are two groups: those who only work and those who work and study. The total represented about 2 per cent of children in the given age group; 0.7 per cent only worked and 1.3 per cent worked and studied. In 2011, 855,400 children and adolescents aged 6 to 13 were registered as engaged in an occupation. Of this total number, 76.7 per cent worked as helpers on a farm or grazing animals, 16 per cent helped in a parental or family business, and 3.2 per cent were engaged in other work or the provision of services such as washing cars or cleaning shoes.<sup>120</sup> The number of adolescents aged 14 to 17 who were working was 939,700, of whom 48.1 per cent lived in urban areas and 51.9 per cent in rural areas. By occupation, 43.4 per cent of this group worked as farm helpers, followed by retail and/or street vendors (15.2 per cent); shoe cleaners, attendants and gardeners (6.5 per cent); cleaners (6.4 per cent); and domestic staff (4.3 per cent), among others.

#### **D. Elimination of the worst forms of adolescent labour**

328. The Ministry of Labour and Job Creation registered 1,078 work permits for adolescents in 2009. It has stated that in 2007 it succeeded in taking 870 children and adolescents out of the worst forms of child labour and hazardous work; in 2006 the number was 770, and between September 2005 and December 2007, in coordination with international organizations, 495. Under Act No. 27337, the Code on Children and Adolescents, which regulates adolescent work, the Ministry of Labour granted 1,159 permits for adolescents to engage in work activities, an increase of 32 per cent compared with 2010, when 789 permits were issued. This shows that there is a trend towards the formalization of work for adolescents<sup>121</sup> (CRC/C/PER/CO/3, para. 64 (a)).

329. In addition, Act No. 29497, the new Employment Proceedings Act promulgated in 2010, is a dynamic instrument aimed at ensuring that workers, including minors, have appropriate access to employment proceedings, as can be seen in article 8.1 (minors may appear without a legal representative), article 9.1 (claims arising from the bans on forced labour and child labour may be filed by those directly affected, a trade union organization, or a non-profit-making association or institution involved in the protection of fundamental rights) and article 10 (expectant mothers, minors and persons with disabilities who work are entitled to public defence services, governed by the relevant law). Furthermore, pursuant to Ministerial Decision No. 215-2011-TR, published on 28 July 2011, a sectoral strategy for the prevention and elimination of child labour was adopted (CRC/C/PER/CO/3, para. 64 (a)).

330. In 2007 the National Institute for Statistics and Information Technology, at the behest of the International Labour Organization (ILO), carried out a specialized child labour survey using concepts such as the total number of child workers, light work, non-hazardous work, hazardous work and the worst forms of child labour. A total of 8,428 households around the country were surveyed, with conclusions for the country as a whole, for urban and rural areas, for different types of natural region (coast, mountains and forest areas) and Metropolitan Lima. Although the survey, because of its specialized nature, certainly provided information on the situation of children and adolescents aged 5 to 17, it should be noted that it used a different measurement system from the System of National Accounts used by the National Institute for Statistics and Information Technology in the National Household Survey; it measured child labour starting at one hour a week, while

<sup>120</sup> *Ibid.*

<sup>121</sup> Annual progress report for 2011 on the implementation of policies relating to children and adolescents.



the System of National Accounts measures child labour starting at 15 hours a week. This accounts for the difference in figures between the two surveys (CRC/C/PER/CO/3, para. 64 (a)).

331. In addition, the official figures for children and adolescents involved in child labour, on the basis of which national policies are adopted, are taken from the National Household Survey, which is prepared annually by the National Institute for Statistics and Information Technology and which is able to provide up-to-date figures. The specialized child labour survey, because of its specialized nature, provides specific information on children and adolescents in child labour but has been conducted only once, in 2007. It should therefore be pointed out that, according to the National Household Survey 2008 published by the National Institute for Statistics and Information Technology and entitled “Peru: working children and adolescents 1993–2008”, there were 2,115,000 children and adolescents aged between 6 and 17 in the employed economically active population. In Peru the majority of child labour is in the agricultural sector, mainly in family businesses and concentrated in rural areas. Furthermore, according to the National Household Survey 2011, 1,659,000 children and adolescents were working in Peru, or 23.4 per cent of that population group. Of that total, 832,000 were aged between 6 and 13 (18.4 per cent of minors in this age range) and 826,000 were aged between 14 and 17 (32 per cent of adolescents) (CRC/C/PER/CO/3, para. 64 (a)).

332. With regard to efforts to combat child labour, a National Plan for the Prevention and Elimination of Child Labour 2006–2010 was drawn up. In addition, pursuant to Supreme Decree No. 007-2006-MIMDES, a list of jobs and activities hazardous or harmful to the physical or moral health of adolescents was adopted, to remain in force for two years. Subsequently, pursuant to Supreme Decree No. 003-2010-MIMDES, a new list of jobs and activities hazardous or harmful to the physical or moral health of adolescents was adopted; the new element was the indication that the list would be updated in accordance with priority needs. Having adopted these lists, Peru is in compliance with the provisions of article 4 of ILO Convention No. 182. Consultations on the updating of the list will be conducted in accordance with the second paragraph of article 58 of Act No. 27337 adopting the new Code on Children and Adolescents and the international agreements to which Peru is a party. Pursuant to Supreme Decree No. 015-2012-TR, dated 4 September 2012, the National Strategy for the Prevention and Elimination of Child Labour 2012–2021 was adopted as part of the National Plan of Action for Children and Adolescents 2012–2021 (CRC/C/PER/CO/3, para. 64 (b)).

333. During 2008, 3,585 children under 12 were taken out of child labour, in particular hazardous work, a figure higher than that reported between 2005 and 2007 (2,135). In addition, a total of 24,356 children were prevented from entering child labour involving hazardous or prohibited work. Support was also provided for 2,402 working children and adolescents living on the streets (CRC/C/PER/CO/3, para. 64 (b)).

334. Act No. 28992 was adopted on 27 March 2007, replacing the third final and transitional provision of Act No. 27651, the Act on the Formalization and Promotion of Small-scale and Artisanal Mining, adopted on 26 March 2007, which prohibits work by persons aged under 18 in any of the mining activities referred to in the Act and also establishes that children and adolescents are entitled to be taken out of or not to participate in such work, which poses a risk to their health and safety, and to be given priority in benefiting from the protection measures set out in the Code on Children and Adolescents. The Act also establishes that the families of children who have been taken out of mining work or who do not participate in it will be given priority access to social programmes for poverty reduction and job creation, provided that they can demonstrate to the competent authority that they are complying with the rules for the protection of children and adolescents (CRC/C/PER/CO/3, para. 64 (b)).

335. The production-oriented social programme Building Peru has given temporary employment to 54,733 parents of children aged 0 to 17, indirectly benefiting a total of 123,242 children and adolescents. Civil society and private companies have contributed to the achievement of these results (CRC/C/PER/CO/3, para. 64 (b)).

336. Steps have also been taken to take children and adolescents out of the worst forms of child labour: 891 children have been taken out of gold-washing (Madre de Dios and Cusco) and hazardous work (Villa El Salvador, San Juan de Lurigancho, Lima Cercado and El Agustino); between 2004 and 2007 a total of 1,400 children were taken out of small-scale brick production, stone-cutting and waste recycling in Huachipa, Nievería, Chosica and Carabayllo, and were provided with extracurricular educational support. In 2007, 870 children and adolescents were taken out of the worst forms of child labour and hazardous work, which represents an increase of 12.98 per cent compared with 2006 (770). In 2008, 1,337 adolescents aged 12 and 13 were taken out of hazardous child labour, 467 more than in the previous year, as a result of measures taken by the State and civil society. Furthermore, through preventive measures, 9,355 adolescents aged between 14 and 17 were prevented from engaging in hazardous work or the worst forms of child labour (CRC/C/PER/CO/3, para. 64 (b)).

337. In 2007, a clause of commitment not to use child labour was incorporated as a basic principle of the Building Peru programme of the Ministry of Labour and Job Creation; in addition, 340 adolescent workers were given grants from the Vocational Technical Training Service of the Ministry for Women and Social Development (CRC/C/PER/CO/3, para. 64 (b)).

338. There are 50 labour inspectors from the Ministry of Labour and Job Creation who are trained in child labour issues, and a team of 18 labour inspectors has been established to act on complaints. In Metropolitan Lima, a total of 917 businesses have been inspected in connection with child labour, 65 of which have been fined for failing to comply with the rules protecting children and adolescents. The number of inspections increased by 300 per cent in Metropolitan Lima, from 917 in 2007 to 3,186 in 2008, and checks were carried out on permits for adolescent work, work by minors under 14, prohibited work and hazardous work. Control measures are also being expanded: in 2008, the total number of duly assessed adolescent work permits nationwide was 1,111, 48 infringement reports were issued to businesses for failure to comply with the laws protecting adolescent workers, and 15 businesses were fined for having adolescent workers without employment permits (CRC/C/PER/CO/3, para. 64 (b)).

339. Steps are being taken to promote production-oriented initiatives tailored to the age of the beneficiaries, such as the Pro Joven (“Pro-youth”) programme, which has benefited 1,419 adolescents aged 16 and 17 (CRC/C/PER/CO/3, para. 64 (b)).

340. The special commission to revise the Code on Children and Adolescents has proposed that the minimum age for work be changed to 15 years (Book II of the Code); the draft new Code is currently before Congress (CRC/C/PER/CO/3, para. 64 (c)).

341. The Public Sector Budget Act for Fiscal Year 2010 provided for the design of a strategic programme on the issue of child labour, within the framework of strategic budget programming. Although the design was completed under this scheme, the programme is being redesigned in order to adapt it to the requirements of the new methodology of results-based budget programmes (CRC/C/PER/CO/3, para. 64 (d)).

342. With regard to the budget allocation for activities under the National Plan for the Prevention and Elimination of Child Labour 2006–2010, the National Steering Committee

for the Prevention and Elimination of Child Labour<sup>122</sup> in 2009 ensured that each sector reserved a sum to finance activities. The Committee is a body responsible for multisectoral coordination of public and private non-profit-making institutions that works on the prevention and elimination of child labour and its worst forms, with the objectives of coordinating, evaluating and following up on efforts to prevent and eliminate child labour in Peru. The Committee also has consolidated information on measures taken by the sectors represented on it within their areas of sectoral competence<sup>123</sup> (CRC/C/PER/CO/3, para. 64 (d)).

343. Furthermore, the social programmes already described also help to overcome the problem through various mechanisms, such as that applied by the Juntos programme, which involves conditional transfers of money to the poorest families. During 2007 and 2008, the Building Peru programme, whose approach to the prevention of child labour is in line with that set out in the National Plan for the Prevention and Elimination of Child Labour 2005–2010, contributed 113,848,670 nuevos soles to different projects throughout the country, generating temporary employment for more than 165,000 parents of children under 18. This contribution has benefited 197,656 children and adolescents aged 0 to 17 (CRC/C/PER/CO/3, para. 64 (d)).

344. During 2009, the Building Peru programme also included parents of minors in the projects being implemented, with the aim of ensuring that their children attended the relevant schools. This commitment between parents and Building Peru was formalized through the joint signing of an agreement. More than 92,000 parents benefited by obtaining temporary employment and more than 200,000 children benefited indirectly. At the same time, Building Peru gave talks for parents during working hours in order to raise their awareness of different types of violations of children's rights, a subject of vital importance to their children (CRC/C/PER/CO/3, para. 64 (d)).

345. Furthermore, 2,089 adolescents aged 16 and 17 from around the country take part in Pro Joven, with expenditure per person of 1,125.43 nuevos soles, which adds up to a total investment of 2,351,127 nuevos soles; in addition, the Plan for the Elimination of Child Labour gives regional and local governments responsibility for the formulation of programmes and projects dealing with this problem and for funding them through participatory budgeting (CRC/C/PER/CO/3, para. 64 (d)).

346. The National Steering Committee for the Prevention and Elimination of Child Labour signed a memorandum of understanding with the Telefónica Foundation in 2008 as a model for cooperation between the public and private sectors, with a view to raising community awareness of the negative impact of child labour and the economic exploitation by adults of children and adolescents (CRC/C/PER/CO/3, para. 64 (e)).

347. In 2008, the preventive measures taken by the National Steering Committee for the Prevention and Elimination of Child Labour prevented 24,356 children under 12 from going out to work on to the streets, where they often carry out hazardous work or work that is prohibited for children of their age. In addition, 3,585 children under 12, most of whom were engaged in hazardous work, were taken out of child labour, as were 1,514 children carrying out non-hazardous work. During this period, the work day was also reduced by about 25 per cent for 250 children, which enabled many of them to go to school. During 2011, the Ministry for Women and Vulnerable Groups, through the Street Teachers

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<sup>122</sup> The National Steering Committee for the Prevention and Elimination of Child Labour was established pursuant to Supreme Decision No. 018-2003-TR and is chaired by the Ministry of Labour and Job Creation.

<sup>123</sup> Ministry of Energy and Mining. Official Communication No. 1171-2013-MEM/SEG, dated 4 June 2013.

programme under the National Integrated Family Welfare Programme, provided support to 4,802 working children and adolescents (accumulated coverage) — a 13 per cent increase, or 556 new users, since 2010. The Ministry of the Interior reported that the operation of the Colibrí programme had been reduced by 32 per cent in comparison with 2010; nonetheless, the number of children and adolescents benefiting from the programme increased by 332 per cent and the number of events and activities organized under the programme increased by 340 per cent<sup>124</sup> (CRC/C/PER/CO/3, para. 64 (e)).

348. Ministerial Decision No. 213-2006-TR was adopted on 7 June 2006, establishing 12 June as the Day Against Child Labour. With the support of the Telefónica Foundation, the “Child labour isn’t child’s play” campaign was run in 2008, involving the market launch of 2.7 million “Tarjeta 147” and “Tarjeta Hola Perú” telephone recharge cards by the company Movistar in Lima, Cusco, Arequipa, Lambayeque and Trujillo, featuring images and messages about investment in children’s education (CRC/C/PER/CO/3, para. 64 (e)).

349. In 2009, the World Day Against Child Labour focused on the situation of girls, who often bear a double burden: going out to work and helping with domestic and family chores. The campaign slogan was “No more girls working – we want them studying”. From 2005 to 2007, the Ministry of Labour and Job Creation, together with civil society and international organizations, was able through various intervention projects to prevent 20,567 children and adolescents from entering child labour. Of these children, 735 would have been engaged in domestic child labour and 483 in the worst forms of child labour (CRC/C/PER/CO/3, para. 64 (e)).

350. According to the Street Teachers programme of the former Ministry for Women and Social Development (2007),<sup>125</sup> 432 parents or relatives have undertaken to reduce the hours worked by their children aged under 14 or to ensure that they stop working. With regard to preventive measures, the Network for a Future Without Child Labour and the Ministry of Health have provided 11,500 children and adolescents with information about the impact of child labour (CRC/C/PER/CO/3, para. 64 (e)).

351. Peru has a memorandum of understanding with the ILO International Programme on the Elimination of Child Labour, the second update of which was signed in June 2008 and is in force until June 2013 (CRC/C/PER/CO/3, para. 64 (f)).

## E. Street children

352. During 2008, the National Integrated Family Welfare Programme provided assistance to a monthly average of 2,475 working street children and adolescents through the Street Teachers programme, which provides non-conventional education, encouraging children to attend and stay in school with support in their school work, vocational study grants for adolescents and monitoring of their progress in academic and vocational study. During 2011, 2,921 children and adolescents under the minimum age for work who received assistance from the Street Teachers programme reduced their work day by two hours, compared with an average of 10 hours of work per day. Efforts were also made to improve the social skills and capacities of 600 children and adolescents through, *inter alia*, workshops on risk prevention and control (working and living on the streets, drug use, HIV/AIDS, etc.), training workshops on social skills and problem-solving, guidance and counselling (CRC/C/PER/CO/3, para. 66 (a)).

<sup>124</sup> Annual report for 2011 on progress towards the goals of the National Plan of Action for Children and Adolescents 2002–2010.

<sup>125</sup> Annual report for 2007 on progress towards the goals of the National Plan of Action for Children and Adolescents 2002–2010.

353. The Street Teachers programme has also fostered the protection of working and street children and adolescents by their parents and/or relatives through the provision of workshops to raise parents' awareness of the issue of working children and adolescents and the risks of child labour and to provide guidance on family roles, problem-solving and parenting, which have been attended by 235 families (CRC/C/PER/CO/3, para. 66 (b)).

354. The State consistently works in conjunction with civil society and, in the majority of cases, intervention plans and programmes involve the establishment of multisectoral working groups (CRC/C/PER/CO/3, para. 66 (c)).

355. The Street Teachers programme has staff specializing in this area and in the rights of children and adolescents. The Ministry of the Interior, which has a special involvement in this issue, has published a handbook on the application of rights in policing, in which children and adolescents are identified as a vulnerable group. Protection and a different approach form part of the training and practice of the Peruvian National Police in matters relating to children and adolescents, both boys and girls (CRC/C/PER/CO/3, para. 66 (d)).

356. The work of the Ministry of Education on comprehensive education emphasizes the prevention of violence from the earliest age, with an emphasis on adolescents. The Ministry of Health also implements preventive measures in its community programmes. The Ministry for Women and Vulnerable Groups, through the National Integrated Family Welfare Programme, takes steps to promote family integration and communication in high-risk population groups, such as organizing workshops on social skills and vocational training as tools for dealing with these situations (CRC/C/PER/CO/3, para. 66 (e)).

357. The Ministry of the Interior has addressed the issue of adolescent violence, focusing on prevention; it has therefore encouraged discussions on the public safety implications of such violence with pupils in the fourth and fifth years of secondary school. Discussions have been held with 4,670 adolescents in eight regions of the country (Amazonas, Arequipa, Ayacucho, Cajamarca, Callao, Lambayeque, Piura and Metropolitan Lima) (CRC/C/PER/CO/3, para. 66 (e)).

358. The measures and programmes implemented by the Ministry of the Interior through the Peruvian National Police involve information provision, dialogue, entertainment and recreation, sports training and community liaison. As part of these measures and programmes, "Youth Patrols" involving more than 16,000 young people have been formed to carry out activities aimed at social reintegration through employment training and the establishment of micro-enterprises, and also direct measures for youth advancement and development. These patrols exist all over the country and are made up of ex-gang members who contact groups directly. The Gaviota ("Gull") programme of the Peruvian National Police aims to reintegrate street children and adolescents into their homes and schools. The National Police also runs the school self-protection programme, which involves about 10,000 adolescents (CRC/C/PER/CO/3, para. 66 (e)).

359. In addition, the Attorney-General's Office has established the "Young leaders for a better future" programme as part of the institutional policy of intelligent prosecution of crime, which is being implemented around the country in areas such as Lima, Ayacucho, Bagua and Cajamarca, with the aim of involving young people at risk, including adolescents, in a programme that helps guide them towards the positive development of their potential and away from criminal activity and socially risky behaviour such as gang violence and hooliganism. In this context, 237 adolescents and young people have completed a training programme on computer assembly, network installation, mobile phone repair and business management, designed by the private Universidad San Ignacio de Loyola (inter-institutional agreement). Furthermore, through an agreement with the Ministry of Labour and Job Creation, 94 adolescents and young people have been accredited for occupational training under the Pro Joven programme; 25 of them have

received training in computer science (Microsoft community technical preview (CTP)), while 80 have received non-school regular basic education at the Instituto Radiofónico Fe y Alegría (Faith and Happiness Radio Institute). In addition, a school crime prevention programme known as *Fiscalías escolares* (“School attorney’s offices”) has been implemented with the involvement of 942 school pupils, along with a “law promoters” programme involving 26,448 school pupils aged 15 to 19 from nine of the country’s departments, and 448 micro-enterprise modules established by former members of youth gangs with the aim of diverting adolescents from behaviour detrimental to their development, promoting the enjoyment of their rights and offering them productive alternatives (CRC/C/PER/CO/3, para. 66 (e)).

360. There is a participatory technical support relationship between the State and UNICEF relating to the country’s experience of restorative justice and coordinated intervention to tackle different forms of violence (CRC/C/PER/CO/3, para. 66 (e)).

## **F. Implementation of mechanisms to keep working children in the education system and reduce their drop-out rate**

361. One of the strategies for preventing more children from becoming involved in child labour was the Building Peru programme, which in 2009 provided 145,407 parents of children under 18 with temporary employment, investing a sum of 58,286,066 nuevos soles. During 2010, a total of 114,948 parents had access to temporary jobs, which indirectly benefited 52,269 children. By December 2011, the Juntos programme was supporting more than 474,000 user households in 14 departments. In its interventions, the programme prioritized children under 14 and expectant mothers from among the poor population in 14 departments. Money transfers amount to 200 nuevos soles bimonthly and are subject to the fulfilment of conditions, as verified by local agents<sup>126</sup> (CRC/C/PER/CO/3, para. 64 (b)).

362. The Ministry of Education has implemented the improvements set out in the Regulations for Alternative Basic Education (Supreme Decree No. 015-2004-ED), which specify an alternative form of education intended for students who have not previously had access to regular basic education and who need to combine study with work (CRC/C/PER/CO/3, para. 64 (b)).

363. The alternative basic education programme takes three forms: the alternative basic education programme for children and adolescents aged 9 to 18; the alternative basic education programme for young people and adults aged over 18; and literacy programmes for persons aged 15 and over. The Alternative Basic Education Centre has also expanded its provision into the community in order to facilitate support for students<sup>127</sup> (CRC/C/PER/CO/3, para. 64 (b)).

364. In 2009, the Ministry of Education distributed tutorial guides for alternative basic education and held learning sessions on the prevention of child labour; it also distributed 10,000 copies of the handbook on tutorial sessions for the prevention and elimination of child labour and the SCREAM Peru Guide (Supporting Children’s Rights through Education, the Arts and the Media) to education institutions in the Apurímac, Ayacucho, Ica, Piura, Cusco, Lambayeque, Cajamarca, Huancavelica, La Libertad,

<sup>126</sup> Ministry of Development and Social Inclusion: Evaluation and reorganization of social programmes 2012.

<sup>127</sup> Outcome of the National Plan of Action for Children and Adolescents 2002–2010.

Tumbes, Madre de Dios, Puno and Arequipa regions and Metropolitan Lima<sup>128</sup> (CRC/C/PER/CO/3, para. 64 (e)).

## G. Exploitation and sexual abuse of children and adolescents

365. The Ministry of the Interior has implemented the registration and statistical system of the Peruvian National Police for the crime of trafficking in persons and related crimes so as to have a register of cases of trafficking in persons; the system contains data on complaints, police procedures, places, events, individuals' identities and criminalization of trafficking in persons in accordance with Act No. 28950, the Act on Trafficking in Persons and Smuggling of Migrants.

366. Between 2004 and July 2011, the registration and statistical system for the crime of trafficking in persons and related crimes recorded 1,435 complaints of trafficking in persons. Of these, 93 per cent (1,334 cases) involved women and 7 per cent (101 cases) involved men. According to the system's records, of the total number of cases registered between 2004 and 2011, 75 involved the 0 to 13 age group and 583 involved the 14 to 17 age group. Moreover, with regard to the reported purposes of trafficking, 59 per cent of cases were for the purpose of sexual exploitation, 30 per cent for labour exploitation, 10 per cent for begging and 0.4 per cent for the sale of children.

## H. Elimination of sexual abuse of children and adolescents

367. In 2005 there were 42 women's emergency centres; by 2011 the number had increased to 144 and by January 2012 there were 175. These services, which initially focused on support for women, have been emerging as support services for children and adolescents who are suffering domestic or sexual violence, so that at least a quarter of those receiving support are now aged under 18.

368. Although the number of children and adolescents receiving support at the women's emergency centres has been increasing gradually, the number of centres has also been increasing. Data on child and adolescent victims of abuse and sexual violence are set out below.

Table 2

### Child and adolescent victims of abuse and sexual violence receiving support at women's emergency centres

Period	Number of women's emergency centres	Cases where support has been provided		Total
		Physical and psychological violence	Sexual violence	
2007	69	5 454	2 937	<b>8 391</b>
2008	89	8 768	3 824	<b>12 592</b>
2009	89	7 705	3 200	<b>10 905</b>
2010	114	8 327	3 314	<b>11 641</b>
2011	144	7 483	3 727	<b>11 210</b>
2012*	170	7 149	3 657	<b>10 906</b>

Source: National Programme to Combat Domestic and Sexual Violence 2006–2012.

\* January–November 2012.

<sup>128</sup> Annual report for 2009 on progress towards the goals of the National Plan of Action for Children and Adolescents 2002–2010.

369. The Ministry of the Interior stated that there were 5,087 reported cases of violation of the sexual freedom of children and adolescents in 2006 and 5,602 in 2007. The majority of cases involved girls, and the departments with the highest number of cases were Lima (2,288), Arequipa (339), Ancash (231) and Callao (261).

370. During 2011, the Peruvian National Police registered 5,321 complaints of violation of sexual freedom, 76 per cent of which (4,045) involved children and adolescents. Of these, 94.6 per cent (3,828) involved female victims and 5.3 per cent (217) male victims. For both sexes, the majority of cases were in the 14–17 age group. For 2012, the number of registered complaints increased by 17 per cent (6,240) and the proportion of cases involving minors fell to 73.17 per cent (4,566); however, the actual number of cases increased by 5 per cent. With regard to the sex of the victims, the majority continue to be female, at 93.23 per cent (4,257). Among female victims, most cases occur in the 14–17 age group, while for male victims the majority are aged 10 to 13.<sup>129</sup>

371. The Ministry of Justice, through the public defenders assigned to the family courts, has been dealing with cases of domestic violence, of which there were 23,593 in the period 2006 to 2010; with regard to violations of sexual freedom — comprising statutory rape, aggravated statutory rape and indecent acts against minors under 14 — the number of cases was 3,165. In 2011, the public defenders assigned to people's legal advice centres dealt with cases of statutory rape (27 boys and 71 girls), aggravated statutory rape (8 boys and 77 girls) and indecent acts against minors under 14 (3 boys and 58 girls).<sup>130</sup> In the first half of 2012, the public defenders assigned to people's legal advice centres dealt with cases of statutory rape (6 boys and 31 girls), aggravated statutory rape (15 boys and 31 girls) and indecent acts against minors under 14 (9 boys and 17 girls).

## **I. Trafficking in children and adolescents**

### **1. National legislation on trafficking in children and related preventive measures and programmes for the care and reintegration of victims**

372. Act No. 28950, the Act on Trafficking in Persons and Smuggling of Migrants of 12 January 2007, amends articles 153 and 153-A of the Criminal Code, which relate to crimes against personal liberty; furthermore, its Regulations, adopted pursuant to Supreme Decree No. 007-2008-IN, set out the responsibilities of the relevant State institutions to promote and implement preventive measures, always taking a human-rights-based approach. It is also established that the sale of children, begging, sexual and labour exploitation, and organ removal or trafficking will be defined as crimes of trafficking in persons, punishable by imprisonment for up to 35 years. The National Transport Administration Regulations, adopted pursuant to Supreme Decree No. 017-2009-MTC, have established, in the context of the Regulations of Act No. 28950, that travel tickets for minors may be sold only on presentation of the child's birth certificate or national identity document, and also a travel authorization in cases where the child is travelling without at least one parent. Trafficking in persons is referred to in the Ministry of Education regulations for tutoring and educational guidance in regional education directorates, local education management units and education institutions, adopted pursuant to Directorate Decision No. 0343-2010-ED of 9 April 2010. Pursuant to Decision No. 589-2010-MP-FN of the Attorney-General's Office of 28 April 2010, a guide on interview procedures for child and adolescent victims of sexual abuse, exploitation or trafficking for the purpose of exploitation has been adopted. Pursuant to Act No. 29918, promulgated on 22 September this year, 23 September each

<sup>129</sup> Ministry of the Interior. Official Communication No. 000623-2013/IN/DGSD, dated 29 May 2013.

<sup>130</sup> Statistical yearbook of the justice sector 2011.



year has been declared the National Day against Trafficking in Persons (CRC/C/PER/CO/3, para. 67 (a)).

373. In response to a request from the Ministry of the Interior, as the representative of the multisectoral standing working group on trafficking in persons, the International Organization for Migration (IOM) undertook to prepare the National Plan of Action to Combat Trafficking in Persons in Peru 2007–2013. After two years of work in close collaboration with the Peruvian Government, the document was approved on 3 July 2007. The Plan was adopted on 18 October 2012 pursuant to Supreme Decree No. 004-2011-IN. The document addresses three baselines: prevention of trafficking, prosecution of traffickers and assistance to victims. In this regard, 10 objectives and 27 goals have been established, encompassing 60 activities and 150 indicators (CRC/C/PER/CO/3, para. 68 (c)).

## **2. Regional regulations on trafficking in children and related preventive measures and programmes for the care and reintegration of victims**

374. There are various regulations on this issue, which are set out below:

- Regional Executive Decision No. 000973-2010/GOB-REG.TUMBES of 27 September 2010 establishing the decentralized multisectoral network to combat trafficking in persons in Tumbes;
- Regional Executive Decision No. 425-2011-GRJ/PR of 17 June 2011 establishing the inter-institutional working group to combat trafficking in persons in the Junín region;
- Regional Ordinance No. 230-2011/GRP-CR of 28 November 2011 establishing the regional commission to combat trafficking in persons and smuggling of migrants in the Piura region;
- Regional Ordinance No. 017-2011-CRGRH of 29 December 2011 establishing the multisectoral network to combat trafficking in persons in the Huánuco region;
- Regional Ordinance No. 002-2012-GRL-CR of 10 February 2012 establishing the regional committee for preventing, addressing and punishing cases of trafficking in persons in the Loreto region;
- Regional Ordinance No. 159-AREQUIPA of 9 March 2012 establishing the regional network to combat trafficking in persons and smuggling of migrants in the Arequipa region;
- Regional Ordinance No. 003-2012-GR-LL/CR of 3 April 2012 establishing the regional commission to combat trafficking in persons and smuggling of migrants in the Libertad region;
- Regional Ordinance No. 013-2012 GRA/CR of 25 May 2012 (published on 16 June 2012) establishing the multisectoral regional commission for action to combat trafficking in persons in Ayacucho;
- Moquegua Regional Ordinance No. 11-2012-CR/GRM of 2 August 2012 (published on 11 October 2012) establishing the regional commission to combat trafficking in persons and smuggling of migrants in the Moquegua region;
- Callao Regional Ordinance No. 000034 of 6 November 2012 establishing the regional committee for preventing, addressing and punishing cases of trafficking in persons in the Callao region;

- Regional Ordinance No. 016-2012-GR-CRP of 11 January 2013 establishing the regional network to combat trafficking in persons and smuggling of migrants in the Puno region;
- Regional Ordinance No. 004-2013-GRSM/CR of 14 April 2013 establishing the regional network to combat trafficking in persons in the San Martín region<sup>131</sup> (CRC/C/PER/CO/3, para. 68 (a)).

### 3. Trafficking in children and adolescents

375. According to the annual progress report for 2011 on the implementation of policies relating to children and adolescents (Act No. 27666), 307 allegations of trafficking in persons were recorded in the registration and statistical system of the Peruvian National Police for the crime of trafficking in persons and related crimes; the majority of cases (154) continued to be for the purpose of sexual exploitation, followed by labour exploitation (115 cases), begging (35 cases), two cases of trafficking for the purpose of sale of children or adolescents, and one case of human organ or tissue removal or trafficking. These complaints involved 908 possible victims of trafficking in persons, 167 of whom were adolescents aged between 14 and 17.

376. The number of children and adolescents registered as victims in the registration and statistical system for the crime of trafficking in persons and related crimes increased from 149 in 2010 to 167 in 2011.<sup>132</sup>

### 4. Measures taken to prevent and combat trafficking in persons

377. The following legal instruments have been issued in relation to this problem:

- The National Transport Administration Regulations (Supreme Decree No. 017-2009-MTC), published on 22 April 2009, establish in paragraph 76.2.9 the requirement for carriers operating national and regional transport services not to sell travel tickets for minors if they do not have, and present, their national identity document or birth certificate and if they do not have a travel authorization.
- Supreme Decree No. 014-2006-MIMDES, which accords the status of supreme decree to Ministerial Decision No. 624-2005-MIMDES mentioned above (29 November 2006).
- Ministerial Decision No. 624-2005-MIMDES adopting policies and procedures for intervention at sites where the commercial sexual exploitation of children is taking place (22 September 2005).
- Ministerial Decision No. 2570-2006-IN-0105 establishing the registration and statistical system for the crime of trafficking in persons and related crimes (4 January 2007).
- Ministerial Decision No. 129-2007-IN-0105 setting out the directive on procedures for the input, recording, consultation and reporting of data in the registration and statistical system for the crime of trafficking in persons and related crimes (28 February 2007).
- Ministerial Decision No. 122-2007-MIMDES declaring the month of May each year the month against sexual exploitation of children and adolescents (15 March 2007).

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<sup>131</sup> Ministry of the Interior. Official Communication No. 000623-2013/IN/DGSD, dated 29 May 2013.

<sup>132</sup> Annual progress report for 2011 on the implementation of policies relating to children and adolescents.

- Act No. 29009 granting the Executive the power to legislate on drug trafficking, money-laundering, terrorism, kidnapping, extortion, organized crime, trafficking in persons and pernicious gang violence (*pandillaje pernicioso*) (28 April 2007).
- Decision No. 589-2009-MP-FN of the Attorney-General's Office setting out the guide on interview procedures for child and adolescent victims of sexual abuse, sexual exploitation or trafficking for the purpose of sexual exploitation. The purpose of the guide is to provide judicial personnel with a tool enabling them to apply the single interview procedure to these vulnerable minors who are victims of trafficking for the purpose of sexual exploitation, in order to prevent their revictimization (28 April 2009) (CRC/C/PER/CO/3, para. 68 (b)).

378. With regard to measures to protect and assist victims, the Regulations of Act No. 28950 (12 January 2007) establish, in the chapter on protection of and assistance to victims, direct dependent relatives, collaborators, witnesses and experts on trafficking in persons, that the Ministry for Women and Vulnerable Groups (formerly the Ministry for Women and Social Development) will provide social support to children and adolescents through its programmes and that it will introduce a register of women, children and adolescents who are victims of this crime. In cases of trafficking in persons involving sexual violence, the Regulations state that comprehensive support will be provided at women's emergency centres under the National Programme to Combat Domestic and Sexual Violence (CRC/C/PER/CO/3, para. 68 (b)).

379. In the Madre de Dios department, a coordinated programme on trafficking in persons has been implemented, led by the Attorney-General's Office, to improve the working environment for prosecutors with a view to coordinating work on operations. Thus the Attorney-General's Office, through its staff or the community itself, gathers information directly about places where trafficking in persons is occurring and intervenes with the support of the Peruvian National Police. In this way, breaches of trust in the handling of information are avoided, which results in successful operations. At the same time, work is carried out in particular with children and adolescents, using the single interview technique. If they are found to have been abandoned, they are referred to the Judiciary, which works in conjunction with civil society (NGOs). Children and adolescents from high Andean areas are referred to shelters in the city of Cusco. Under the programme, multisectoral and multidisciplinary work has been carried out to provide victims with comprehensive protection and also to reintegrate adolescents into the workplace (CRC/C/PER/CO/3, para. 68 (b)).

380. In 2008, the School of the Attorney-General's Office ran a course on techniques for forensic interviewing of child and adolescent victims of sexual violence, given by forensic experts from the International Criminal Investigative Training Assistance Program of the United States Department of Justice, with a view to preventing the revictimization of injured parties by the justice system itself through coordinated multisectoral and multidisciplinary work. In this way, specialized training has been developed for officials who interview victims in intervention areas (Lima, Cusco, Madre de Dios and Iquitos) where child sexual exploitation is concentrated (CRC/C/PER/CO/3, para. 68 (d)).

381. In 2004, the Peruvian National Police established the Anti-Trafficking in Persons Section within the Abduction Investigation Division, which in 2005 became part of the Department of Special Investigations. In 2008, pursuant to Directorate Decision No. 277-2008-DIRGEN/EMG, the Section was upgraded to become the Criminal Investigation Division against Trafficking in Persons, separated from the Abduction Investigation Division and integrated into the Directorate of Criminal Investigation of the Peruvian National Police (CRC/C/PER/CO/3, para. 68 (d)).

382. In 2009, with a view to verifying compliance with the law punishing the dissemination of child pornography, the Ministry for Women and Vulnerable Groups (formerly the Ministry for Women and Social Development) implemented the “Chat Safe, Chat Smart” campaign in three areas of Lima (Callao, Independencia and Los Olivos) in order to raise public awareness of the risks posed by Internet use to the safety of children and adolescents; in addition, numerous preventive activities were carried out.

383. In November 2008, the first National Congress against Child Sexual Exploitation took place, attended by 300 representatives of public and private organizations, with the aim of placing the issue on the national agenda and highlighting some of the country’s successful practices in dealing with child sexual exploitation. Strategic alliances were also formed with providers of tourist services in cities where the problem is particularly prevalent (Cusco, Iquitos, Madre de Dios and Lima-Miraflores), through the signing of codes of conduct to prevent child sexual exploitation in tourism. In 2008, 52 codes were signed, compared with 36 in 2007.

384. The Victims and Witnesses Unit of the Attorney-General’s Office has supported 520 child and adolescent victims of abuse and sexual exploitation in judicial districts in the cities of Huaura, La Libertad, Moquegua, Tacna and Arequipa.

385. In addition, Peruvian National Police officers in Cusco, Madre de Dios and Loreto received training in 2008 on dealing with violence, abuse and child sexual exploitation, and the number of women’s emergency centres around the country has now increased from 69 to 175 (CRC/C/PER/CO/3, para. 68 (d)).

386. Pursuant to Regional Ordinance No. 012-2010-GRMDD/CR of 31 August 2010, the Madre de Dios department declared it a priority to promote respect for human rights, in particular the right to liberty and life, by combating trafficking in persons, and established the Madre de Dios multisectoral regional standing commission against trafficking in persons. In addition, pursuant to Loreto Regional Ordinance No. 012-2009-GRL-CR of 15 July 2009, the Loreto department declared it a priority to promote the right to health, education and life through action on issues such as child sexual exploitation and trafficking in persons, and established a multisectoral commission for monitoring and follow-up chaired by the regional manager for social development in the regional government. Furthermore, the regional government of Cajamarca, pursuant to Regional Executive Decision No. 074-2010-GR.CAJ/P of 23 February 2010, established a regional committee to deal with the problem of trafficking in persons in Cajamarca. The regional government of Ucayali, pursuant to Regional Executive Decision No. 1173-2010-GRU-P of 18 June 2010, established a decentralized network to combat trafficking in persons in Ucayali within the technical secretariat of the Regional Office of Social Development.

387. As part of the “State and Society against Violence, Child Sexual Abuse and Child Sexual Exploitation” project, an intersectoral road map for comprehensive care and protection of victims of child sexual abuse, child sexual exploitation and trafficking for the purpose of child sexual exploitation was developed in 2010 with the aim of establishing clearly the stages, processes and actors involved in the detection and prevention of such crimes, assistance to victims and punishment of the perpetrators, so as to improve the assistance currently provided and identify new measures that sectors and entities of both the State and civil society should take, bearing in mind particular regional characteristics and the services existing in the country’s different departments. The road map was adopted by the multisectoral commission on the National Plan of Action for Children and Adolescents 2002–2010 (CRC/C/PER/CO/3, para. 68 (d)).

388. Furthermore, in coordination with the NGO Capital Humano y Social (CHS) Alternativo and the Land Transport Authority, the “More control, fewer exploitation routes” information campaign was launched in 2010 with the aim of preventing trafficking

in children and adolescents through information and control measures in the land transport sector nationwide, as part of the implementation of Supreme Decree No. 017-2009-MTC, the National Transport Administration Regulations (CRC/C/PER/CO/3, para. 68 (d)).

389. During 2011, units of the Family, Participation and Public Safety Directorate took part in preventive activities relating to trafficking in persons, mainly at education institutions in Metropolitan Lima and Lima province, attended by 1,639 pupils. The Ministry of Foreign Affairs has taken a number of measures to prevent the crime of trafficking in persons, including a campaign to provide information to its missions abroad on trafficking in persons, for dissemination to compatriots living abroad (CRC/C/PER/CO/3, para. 68 (d)).

390. In 2011, the Ministry for Women and Vulnerable Groups implemented awareness-raising and control measures at the land terminals in Lima and Lima North so as to have greater control over the departures of children and adolescents on holiday and during school vacations; for example, national identity documents, birth certificates and departure permits must be requested, so as to ensure that children and adolescents who are travelling with their parents or authorized persons have identity documents with them. In order to prevent the sexual exploitation of children and adolescents, the National Tourism Directorate of the Ministry of Foreign Trade and Tourism has organized training workshops in the departments of Lima, San Martín, Arequipa, Madre de Dios, Loreto (2), Cusco, Tacna, Huánuco (2), Lambayeque and Ayacucho, attended by 1,080 providers of tourist services and public officials (CRC/C/PER/CO/3, para. 68 (d)).

391. During 2010 and 2011, the Ministry of the Interior, through the multisectoral standing working group on trafficking in persons, organized the first National Crusade against Trafficking in Persons with the participation of 10 State sectors, four international organizations and three NGOs. The campaign launch was a public event attended by two ministers of State (the Minister of the Interior and the Minister for Labour), four deputy ministers (Education, Women, Health and the Interior) and school leaders, and was therefore covered by social media, raising the profile of the issue. In addition, 11 training workshops were held for school “leaders in action” in Lima, Madre de Dios and Tumbes, who were then motivated to take part in the competition to devise a logo, slogan and musical theme for the National Crusade (CRC/C/PER/CO/3, para. 68 (d)).

392. As part of this campaign, the Ministry of Foreign Trade and Tourism presented the play “Voces en el Silencio” (Voices in the Silence), attended by 500 people, including police officers, representatives of neighbourhood boards and authorities, and members of the multisectoral standing working group on trafficking in persons. Afterwards, prizes were presented to the winners of the logo, slogan and musical theme competition — 16 school leaders from Lima and Madre de Dios. In 2011, professional versions of the winning logo, slogan and video were made and, once they had been finalized, they were officially presented to the public at a ceremony to recognize all the representatives of civil society who had helped raise awareness of the National Crusade. In 2012, the musical theme continued to be broadcast in areas of Puno, Chiclayo, Cusco, Ayacucho, Cerro de Pasco, Huánuco, Pucallpa, Ucayali, Puerto Maldonado, Iquitos and Arequipa, along with radio spots promoting prevention and publicizing the trafficking in persons telephone line, 0800-2-3232, all with the support of UNICEF.<sup>133</sup>

393. From 2006 to 2010, with the support of Belgium, under expected outcomes Nos. 21 and 22 of the National Plan of Action for Children and Adolescents 2002–2010 (Act No. 28487), the Ministries of Education, Health, the Interior and Foreign Trade and

<sup>133</sup> Ministry of the Interior. Official Communication No. 000623-2013/IN/DGSD, dated 29 May 2013.

Tourism, the Attorney-General's Office, the Judiciary, civil society and regional governments implemented the "State and Civil Society against Violence, Abuse and Child Sexual Exploitation" project, which involved comprehensive action to tackle the problem of sexual violence and the sexual exploitation of children and adolescents through strategies and measures for prevention, diagnosis, registration, specialized services, research, monitoring and evaluation of the problem, including the strengthening of related public policies. Multisectoral and interdisciplinary assistance and prevention are being promoted, with broad community support, so as to achieve a substantial long-term reduction in sexual violence and the sexual exploitation of children and adolescents (CRC/C/PER/CO/3, para. 68 (d)).

394. The Ministry of the Interior, through the Peruvian National Police, has carried out various training activities to build the capacities and raise the awareness of its staff with regard to complaints involving children and adolescents. In 2007 and 2008, 21 training workshops were held for staff of the police and the Ministry of the Interior from the Lima, Cusco, Loreto and Madre de Dios regions. A total of 1,277 police officers from the Directorate for Migration and Naturalization and the Permanent Secretariat of the National Human Rights Commission received training. Among the issues discussed were care for victims of child sexual exploitation and ways of dealing with violence, child sexual abuse and trafficking in children and adolescents (CRC/C/PER/CO/3, para. 68 (d)).

395. In 2010, a total of 3,920 police officers from the family services sections of police stations in Lima, Callao and the provinces were trained to prevent and deal with domestic violence, maltreatment and child sexual abuse, in line with the principle of non-revictimization and treating children and adolescents as subjects of rights (CRC/C/PER/CO/3, para. 68 (d)).

396. In 2009, 40 staff members of the Directorate for Migration and Naturalization, the Peruvian National Police, the Attorney-General's Office and the Judiciary in the Cusco region received training to raise their awareness not only of the issue of trafficking in persons but also of the need to identify fraudulent documentation in order to prevent illegal departures of children and adolescents. In addition, the Family Division of the Seventh Territorial Police Directorate in Lima held training and awareness-raising workshops for 200 non-commissioned officers from police stations in Lima and Callao (CRC/C/PER/CO/3, para. 68 (d)).

397. In 2010, the Directorate-General for Migration and Naturalization of the Ministry of the Interior organized motivational workshops for migration staff and enforcement officers from the Peruvian National Police at Jorge Chávez International Airport in connection with trafficking in children and adolescents with a view to preventing sexual exploitation. These workshops were attended by 45 people, including directors, advisers, facilitators, migration inspectors and enforcement officers from the Peruvian National Police (CRC/C/PER/CO/3, para. 68 (d)).

398. The Division for the Investigation of Disappearances has carried out daily search operations under the general Youth 2009 plan, which have been effective in responding to reports of missing children and establishing their whereabouts. A police information bulletin is produced periodically with photographs of children reported missing, mentioning their physical features, clothing and the circumstances of the disappearance; this information is posted on the Internet at [www.peruanosdesaparecidos.org](http://www.peruanosdesaparecidos.org), on social media and at police units in Metropolitan Lima and provinces and departments around the country. On the basis of agreements signed with the companies Edelnor and Luz del Sur, information about missing persons is disseminated via electricity bills and, with the complainant's consent, the missing person's photograph is published and circulated. As a result of its daily activities, the Division for the Investigation of Disappearances was able to locate 2,258 children between 2006 and 2009 (CRC/C/PER/CO/3, para. 70).

## 5. “State and Society against Violence, Sexual Abuse and Child Sexual Exploitation” project

399. The “State and Society against Violence, Sexual Abuse and Child Sexual Exploitation” project was funded by UNICEF and was aimed at helping prevent violence, sexual abuse and sexual exploitation of children and adolescents through an intersectoral and interdisciplinary response by the public services, and strengthening the public system of intervention in cases of violence, sexual abuse and sexual exploitation of children and adolescents through three areas of action that form a logical framework: prevention, comprehensive assistance from appropriate public services, and reduction of impunity.

400. One of the major achievements of the project is that the Judiciary held a judicial plenary meeting and organized training courses for judges on the subject. It also organized the first workshop, on the topic “Judicial protection of the rights of child victims of maltreatment, abuse, sexual exploitation and trafficking: the problem, intervention and practical obstacles in the legal sphere”, which took place from 5 to 7 November 2009.

401. The Attorney-General’s Office has set up eight Gesell chambers or single interview rooms. In addition, pursuant to Decision No. 589-MP-FN-2009 of 28 April 2009, the guide on single interviews with child and adolescent victims of violence, abuse and child sexual exploitation has been adopted, institutionalizing the single interview method and providing for its use in cases of sexual violence against children and adolescents (CRC/C/PER/CO/3, para. 68 (b)).

402. The Ministry of Foreign Trade and Tourism has signed codes of conduct with hotel companies to encourage their active involvement in preventing the sexual exploitation of children and adolescents in the tourism sector.

403. The 100 telephone helpline of the National Programme to Combat Domestic and Sexual Violence of the Ministry for Women and Vulnerable Groups has extended its operating hours.

## 6. Institutions involved in combating trafficking in persons

404. UNICEF, IOM and the United Nations Office on Drugs and Crime (UNODC) make up the multisectoral standing working group on trafficking in persons, which puts forward relevant recommendations and guidance. An example of the technical assistance provided is the implementation by UNICEF Peru since 2006 of the “State and Society against Violence, Abuse and Child Sexual Exploitation” project, with the involvement of seven government sectors (the Ministries of Health, Foreign Trade and Tourism, Education and the Interior, the Ministry for Women and Vulnerable Groups (formerly the Ministry for Women and Social Development), the Attorney-General’s Office and the Judiciary), the regional governments of Madre de Dios, Cusco and Loreto, and civil society (CRC/C/PER/CO/3, para. 68 (e)).

405. Since 2008, the National Police, which comes under the authority of the Ministry of the Interior, has had a Child Pornography Investigation Department within the High Technology Crime Investigation Division of the Directorate of Criminal Investigation, the purpose of which is to provide appropriate protection for children around the country through virtual operations and relationships and collaboration with international partners.<sup>134</sup>

406. The Criminal Investigation Division against Trafficking in Persons within the Directorate of Criminal Investigation (established pursuant to Directorate Resolution No. 277-2010-DIRGEN/EMG of 28 March 2010) is the police body specializing in

<sup>134</sup> *Ibid.*

investigations of crimes of trafficking in persons; it investigates possible cases of trafficking in children and adolescents at the various stages of commission of the crime and, where appropriate, coordinates support for possible victims with the assistance programmes provided by the Ministry for Women and Vulnerable Groups, the Ministry of Health or other institutions involved in this area.

407. The Directorate-General for Migration and Naturalization is responsible for administering, coordinating and controlling the migration of Peruvian nationals and foreigners; it is responsible for issuing and renewing passports, safe-conducts and other travel documents. In that regard, the 2010 report of the multisectoral working group on trafficking in persons noted that the Directorate-General, through its line agencies, had been taking decisive action to tackle trafficking in persons and the smuggling of migrants, providing guidelines and training its operational staff at headquarters and throughout the country in coordination with the Permanent Secretariat of the National Human Rights Commission within the Ministry of the Interior, the Peruvian National Police, the Attorney-General's Office, intelligence units and others. In this context, staff who provide services at migration and border control posts and at offices issuing passports and aliens' identity cards and other administrative offices are always ready, among their many functions, to support and contribute to preventive work and/or prosecutions, playing a collaborative role with regard to trafficking in persons and the smuggling of migrants.

408. The multisectoral standing working group on trafficking in persons was established pursuant to Supreme Decree No. 002-2004-IN of 20 February 2004 and is made up of the following sectors and institutions: the Ministry of the Interior, which acts as the technical secretariat of the multisectoral working group at the national level, the Ministry for Women and Vulnerable Groups, the Ministry of Health, the Ministry of Justice, the Ministry of Education, the Ministry of Labour and Job Creation, the Ministry of Foreign Affairs, the Ministry of Foreign Trade and Tourism, the National Institute for Statistics and Information Technology, the Judiciary, the Attorney-General's Office and the Ombudsman's Office, as an observer. The following institutions representing civil society are also involved: Acción por los Niños ("Action for Children"), CHS Alternativo and the Institute for Childhood and Family Studies. In addition, the following international organizations are involved: UNICEF, UNODC, IOM and ILO.

## **J. Protection of child and adolescent victims of the period of internal violence**

409. According to the 2008–2009 annual report of the Reparations Board, the body responsible for the Central Register of Victims and for the provision of information to the high-level multisectoral commission for the monitoring of State action and policies regarding peace, collective reparation and national reconciliation, significant progress has been made in the reparations process in Peru. This includes the design of a regulatory framework for reparation programmes, the establishment of monitoring mechanisms, the inclusion of the first individual victims and collective beneficiaries in the Central Register of Victims and the start of collective and health reparations (CRC/C/PER/CO/3, para. 10).

410. In March 2007, the high-level multisectoral commission agreed to start implementing the Comprehensive Reparations Plan with the launch of the Collective Reparations Programme, beginning with 440 rural population centres deeply affected by the violence. This involved the implementation of investment projects worth up to 100,000 nuevos soles (approximately 34,000 dollars) for each affected community. According to data from the high-level multisectoral commission, 1,083 collective reparation projects benefiting 1,066 communities had received funding by the end of 2009 (CRC/C/PER/CO/3, para. 10).



411. The Ministry of Health has incorporated measures to assist those affected by political violence into its various policy instruments on mental health, such as the Mental Health Strategy and the National Mental Health Plan, whose strategic objectives include the implementation of a programme of mental health reparations for those affected by political violence. A comprehensive mental health reparations plan has therefore been established, under which 10 departments (Ayacucho, Apurímac, Cusco, Huancavelica, Huánuco, Junín, Pasco, Puno, San Martín and Ucayali) have their own reparations plan and all the regions affected by political violence have mental health teams. (This information is taken from report No. 139 of the Ombudsman's Office: "Five years of reparation and justice in Peru. Outcomes and outstanding challenges.") In addition, the Ministry of Health has signed agreements on multi-year programming for 2009–2011 with the regional governments of Ayacucho and Huánuco, establishing guidelines and standards for optimizing the allocation and efficient use of public resources (CRC/C/PER/CO/3, para. 10).

412. The Ministry of Health, through Administrative Decision No. 060-2008/SIS of 7 March 2008, established that the relevant children, adolescents, expectant mothers and adults retain all the care that is not included in the priority list of health interventions under the universal insurance plan and that was funded by the comprehensive health insurance scheme prior to the adoption of Supreme Decree No. 004-2007-SA. This means that individuals affected by political violence are still entitled to the mental health care that they received under their former care plans in addition to receiving the services included in the priority list of health interventions. The work of the teams established under the comprehensive mental health reparations plan has been strengthened by the action taken under the Juntos programme in those regions benefiting from both schemes, which has made interventions more effective (CRC/C/PER/CO/3, para. 10).

## **K. Reduction of child begging**

413. During the period 2004 to May 2013, the registration and statistical system for the crime of trafficking in persons and related crimes registered a total of 923 allegations of trafficking in persons, 52 of which (5.63 per cent) were for the purpose of begging. These 52 cases involved 240 victims — 233 female and 7 male — 57 of whom (23.75 per cent) were minors, 51 female and 6 male.<sup>135</sup>

414. Pursuant to Ministerial Decision No. 701-2006-MIMDES, the following were adopted: a basic protocol for identification and assistance, a guide to operations in high-risk cases and an operational handbook for cases of children and adolescents involved in begging, as referred to in Act No. 28190 on the protection of minors involved in begging and its Regulations, adopted pursuant to Supreme Decree No. 001-2005-MIMDES.

415. In 2007 and 2008, 240 children from various districts of Lima and Arequipa were provided with comprehensive assistance through coordinated action by the then Ministry for Women and Social Development, the Attorney-General's Office and the Peruvian National Police. Furthermore, in the same period, through the Building Peru programme of the Ministry of Labour and Job Creation, 54,733 parents who were heads of households with children between the ages of 0 and 17 obtained temporary jobs, which indirectly benefited a total of 123,242 children and adolescents. This policy was implemented as a mechanism for the prevention of begging.

416. The special commission to revise the Code on Children and Adolescents, established pursuant to Act No. 28914, has drafted proposed amendments to the Code, including the

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<sup>135</sup> *Ibid.*

proposed repeal of the provisions on pernicious gang violence (*pandillaje pernicioso*). The preliminary draft of the amended Code is currently pending adoption (CRC/C/PER/CO/3, para. 8).

417. Furthermore, Peru has an inter-institutional committee on adolescents in conflict with the criminal law, which is a forum for coordination between State institutions and civil society, whose contributions served as input for the proposal to repeal the provisions on pernicious gang violence. Subcommissions of the multisectoral commission responsible for the implementation of the National Plan of Action for Children and Adolescents 2012–2021 have been established to work towards the expected outcomes, including No. 11: a reduction in the number of adolescents in conflict with the law (CRC/C/PER/CO/3, para. 8).

418. In September 2006, a basic protocol for identification and assistance, a guide to operations in high-risk cases and an operational handbook for cases of children and adolescents exploited through begging were adopted pursuant to Ministerial Decision No. 701-2006-MIMDES. In addition, work is under way with local governments to develop programmes to assist children and adolescents in their respective areas (CRC/C/PER/CO/3, para. 8).

## **L. Children and adolescents deprived of liberty**

419. The Public Criminal Defence Service is mandated to provide free legal assistance in police stations and to defend persons who are to be investigated, those already under investigation by the police or prosecution service, and those being tried in the criminal courts. Lastly, the public defender advises prison inmates, manages prison privileges, enforcement of judgements and rehabilitation, and requests rights of pardon. The people's legal advice centre is mandated to answer inquiries and provide legal advice on various subjects, including the rights of children and adolescents.

420. In this regard, the problem of adolescents in conflict with the criminal law should be addressed in accordance with guidelines based on criminological diagnosis, with a view to developing strategies and activities that are effective in a particular social environment. Within the National Criminal Policy Council chaired by the Ministry of Justice, work is under way on a comprehensive proposal for preventing adolescents from coming into conflict with the criminal law and dealing with them when they do, with a focus on strengthening the justice system in this regard through a rights-based approach, and also on reintegration programmes.

421. The complexity of the problem requires a multisectoral approach encompassing all its dimensions. In this regard, any planned activity requires the strategic intervention of all State sectors and civil society. To that end, an inter-institutional task force has been established, capable of managing all the relevant sociopolitical resources appropriately.

## **M. Minimum age for military recruitment**

422. Pursuant to Act No. 29248, the Military Service Act of 28 June 2008, the Ministry of Defence establishes that military service is an activity of a personal nature and that all Peruvians may exercise their constitutional right and duty to participate in national defence. It is also established that military service is open to men and women over the age of 18 without discrimination of any kind. Directive No. 04/F-2/DIMOV/02.01.01 of June 2010 provided for ordinary call-up for billeted active military service for the second stage of 2010 and provided that military service was to be performed by men and women over the age of 18 without discrimination.

423. Pursuant to Directive No. 05/F-2/DIMOV/02.01.01 of October 2010, the ordinary call-up of voluntary troops for non-billeted male military service took place; the Directive also established that this service was to be performed by persons over the age of 18 without discrimination.

424. According to the Ministry of Defence, a number of communications have been issued to date — including O/M 012-DIRAC (25 October 2010), Official Communication No. NC-45-ORM2-No. 1080 (17 November 2010) and Dispatch JRSJ-081450 (April 2010) — to all levels of command (military regions, brigades and units) so as to ensure that no one under the age of 18 is accepted for military service, in accordance with Act No. 29248 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

425. Furthermore, pursuant to Ministerial Decision No. 560-2010-DE/FAP of 2 June 2010, the Peruvian Air Force authorized the ordinary call-up for military service for 2009 with retroactive effect from 1 February 2009, stating that billeted military service was to be performed by those between 18 and 30 years of age.

426. The defence sector has announced that it has produced publicity material (posters, flyers, etc.) and is updating its website so as to inform the public of the minimum age for military service.

427. With regard to related actions, the Ministry for Women and Vulnerable Groups has been promoting a proposal to form an intersectoral working group to design intersectoral strategies to assist children and adolescents who have been improperly recruited by the armed forces or illegally enlisted by armed groups separate from the armed forces.

428. With a view to prohibiting the recruitment and enlistment of children and adolescents, the National Commission for the Application of International Humanitarian Law, a body that advises the Executive on international humanitarian law, has advocated the amendment of the Code on Children and Adolescents to bring it into line with the Convention on the Rights of the Child and its Optional Protocols. For that reason, the Ministry of Justice has submitted a bill proposing the following:

(a) Articles VII and VIII in the Preliminary Title of the Code on Children and Adolescents should state that the international standards to be taken into account are the Convention on the Rights of the Child and its Optional Protocols, as instruments ratified by Peru;

(b) Article 4 of the Code, governing the right to personal integrity, should be amended to specify Peru's obligation to ensure that children below the age of 18 years do not take part in hostilities;

(c) Article 39 of the Code should be amended to provide that child or adolescent victims of armed violence, whether or not they have participated in it, should receive appropriate assistance for their physical and psychological recovery and their full social reintegration;

(d) A criminal offence of recruitment and enlistment of children below the age of 18 should be added to the Criminal Code.

429. The Directorate-General for Children and Adolescents within the Ministry for Women and Vulnerable Groups has formulated the new National Plan of Action for Children and Adolescents 2012–2021, which sets out important guidelines for the promotion and protection of the rights of children and adolescents throughout the country. One of its new elements is the inclusion of expected outcome No. 23 — that no children or adolescents should be involved in internal conflicts — which should be introduced as a national policy so as to combat this social problem.

## **N. Protection of children and adolescents from involvement in armed conflict**

430. In paragraph 7 of legal ground 2 (principle of special protection of the child) in its judgement in case No. 01817-2009-PHC/TC, the Constitutional Court stated that, “in accordance with this principle, the child is entitled to receive care and special protection and to have opportunities for healthy, comprehensive and normal development, in conditions of freedom and dignity. Therefore, no legislative act may disregard the rights of children or provide for measures that are not conducive to their comprehensive and harmonious development, since under article 4 of the Constitution, the well-being (physical, mental, moral, intellectual, spiritual and social) of the child is a constitutional objective that must be realized by society, the community, the family and the State”.

431. In this context, pursuant to Act No. 29248, the Military Service Act of 28 June 2008, the Peruvian Government has established that 18 is the minimum age for military service (art. 2), with a view to excluding children and adolescents from armed activities. Furthermore, article 6 prohibits forced recruitment of persons for military service. In addition, article 44 provides that billeted military service is service that is performed full-time at units, bases and offices of armed forces institutions, for the period of time set out in the Act. It is performed by persons aged 18 to 30 who have been through a selection process. All three branches of the armed forces comply with this rule. Article 6 of the Regulations of Act No. 29248, adopted pursuant to Supreme Decree No. 021-2009-DE-SG, reiterates the prohibition established in Act No. 29248 on recruiting children under 18 for military service.

## **O. Physical and psychological recovery and social reintegration of child victims**

432. The multisectoral commission responsible for implementing the National Plan of Action for Children and Adolescents 2002–2010, at its meeting on 18 December 2010, adopted an intersectoral road map for prevention, care, recovery and punishment in cases of sexual abuse of and trafficking in children and adolescents, which was to be implemented under the National Plan of Action for Children and Adolescents 2012–2021 and which includes among its various objectives the physical and psychological recovery and social reintegration of child victims through coordinated work involving a number of State institutions, principally the Ministry of Health, the Ministry for Women and Vulnerable Groups and the Ministry of the Interior.

433. At the institutional level, the Ministry for Women and Vulnerable Groups, in coordination with UNICEF and civil society, has produced a management tool for residential care centres — the manual for intervention in residential care centres for children and adolescents — which contains a section on the reintegration of children and adolescents who have been housed in an institution because of a protection investigation connected with abandonment, exploitation or sexual abuse or other situations. The purpose of the section is to ensure that social reintegration takes place in a healthy and decent environment for the child or adolescent. In addition, through the women’s emergency centres under the National Programme to Combat Domestic and Sexual Violence of the Ministry for Women and Vulnerable Groups, the Government offers psychological, legal and social support to child and adolescent victims covered by the Programme.

434. Furthermore, in response to the high incidence of child abuse, children’s vulnerability, the existence of risk factors for child abuse and domestic violence, and the increase in the number of recorded cases, the Ministry of Health has set up units for

maltreated children within health-care facilities, which consist of multidisciplinary teams that intervene in cases of child abuse.

## **P. Special juvenile justice system**

435. There is a comprehensive system of juvenile courts and justice officials, and also a special family justice system that covers children and adolescents. The comprehensive juvenile justice system includes a set of courts and officials whose number has been growing in recent years; the system includes, in addition to the Ministry of Justice and Human Rights, other State institutions, such as the Judiciary, the Attorney-General's Office, the Ministry of the Interior and the Ministry for Women and Vulnerable Groups.

436. The special family justice system covers children and adolescents. It is divided into three specific areas: civil cases, guardianship cases and criminal cases. The indicators of consolidation in the special family justice system are as follows: the proportion of offenders held in open and closed institutions; the proportion or number of open-system measures imposed on adolescent offenders; the proportion of adolescent offenders detained, tried and convicted; and the proportion or number of adolescents in respect of whom diversion from criminal proceedings is ordered by a prosecutor or judge, or who receive assistance from people's legal advice centres for children and adolescents or from family conciliation centres. Between 2006 and 2010 there was an increase in the proportion of adolescent offenders on whom open-system measures were imposed.

437. The open system includes various penalties, such as warnings, community service, supervised liberty and restricted liberty. The latter type of custody under the open system is accompanied by therapy appropriate to the reported offence, in accordance with article 217 of the Code on Children and Adolescents. Efforts are made to use socioeducational and reintegration measures that make it easier for adolescents in conflict with the law to continue their lives in society and the family.

## **Q. Adolescents in conflict with the law**

438. During 2011, the Peruvian National Police registered 4,309 adolescents alleged to have committed criminal offences. Of these, the highest number were involved in offences against property (2,520), followed by assault (459), drug trafficking (258), terrorism (18), homicide (14) and others (1,040). The highest proportion of alleged offenders came from Lima (1,730), Cusco (776), Callao (437) and Huánuco (195). In 2012, the number of registered cases increased by 6 per cent (4,588) and, as in the previous year, the highest number involved offences against property (2,690), followed by assault (494) and drug trafficking (338). The largest number of cases occurred in Lima (1,662), followed by Callao (689), Cusco (440) and Piura (283).

439. Between 2002 and 2010, the proportion of adolescent offenders subject to open-system measures increased from 34 per cent (2002) to 37 per cent (2010). The open system includes various socioeducational measures, such as warnings, community service, supervised liberty and restricted liberty. The proportion subject to closed-system measures fell from 66 per cent in 2002 to 63 per cent in 2010.

440. The open system has been promoted in particular since 2005, as part of the restorative juvenile justice approach, under which efforts are made to reintegrate adolescents rather than impose closed-system penalties.

441. Furthermore, one socioeducational measure in the open system that should be highlighted is the Adolescent Guidance Service within the Judiciary, which has been

working since 2002 to facilitate the reintegration of adolescent offenders who are on semi-release. In 2010, the Service assisted 405 adolescents, both male and female, providing them with psychological, social and educational support, with the involvement of their families.

## **IX. Concluding comments**

442. In the past 20 years, the Peruvian Government has made significant efforts to guarantee the rights of children and adolescents, in accordance with the commitments it entered into by ratifying the Convention on the Rights of the Child. One of the first measures was the updating of the regulatory framework, moving from the Minors' Code to the Code on Children and Adolescents, a legal instrument that incorporates institutions and services that provide care for children and adolescents, establishes the national system for the comprehensive care of children and adolescents and recognizes it and the justice system as special systems responsible for the design and implementation of policies of care and protection and the administration of justice respectively.

443. In accordance with this body of law, the Ministry for Women and Vulnerable Groups is responsible for formulating, approving and coordinating the design and implementation of policies aimed at the comprehensive care of children and adolescents; in this context, four national plans of action for children and adolescents were adopted, for the period 1992–1995, the five-year period 1996–2000, the period 2002–2010 (which had the status of an Act), and, lastly, the National Plan of Action for Children and Adolescents 2012–2021, adopted on 14 April 2012 pursuant to Supreme Decree No. 001-2012-MIMP, by which the national Government also established the multisectoral commission responsible for the implementation of the Plan.

444. Significant progress has been made in reducing infant mortality and chronic child malnutrition; in documenting children and adolescents; and in adopting legislation as a means of guaranteeing and promoting the effective exercise of the rights of children and adolescents, as reflected in the increased investment resulting from the Peruvian Government's decision to prioritize children and adolescents.

445. In this regard, we are seeking to ensure that our children and adolescents have opportunities to access high-quality basic services: education, social security and mechanisms for protection and restoration of their fundamental rights, so as to avoid the intergenerational transmission of poverty.

446. There have been significant advances with regard to various aspects of the rights of children and adolescents in terms of overall figures; however, an analysis of advances in rural and urban areas shows that there are disparities in access to services that need to be addressed as a matter of priority.

447. In this regard, the lack of equity in access to high-quality basic services is one of the challenges that we must address in the design and implementation of public policies and strategies for the care of those children and adolescents in Peru who, for various reasons, are in situations of particular vulnerability and social risk.

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