



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Twenty-second and twenty-third periodic reports of States
parties due in 2016**

Peru*

[Date received: 27 December 2016]

* The present document is being issued without formal editing.



Twenty-second and twenty-third periodic reports of Peru to the Committee on the Elimination of Racial Discrimination

1. The Government of Peru hereby submits its combined twenty-second and twenty-third periodic reports, in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination and rule 65 of the Committee's amended rules of procedure.
2. The present document is the result of a multisectoral consultation process led by the Ministry of Justice and Human Rights, in which information was requested of participating State entities. It reflects the progress and contributions made by the Ministry of Justice and Human Rights, the Ministry of Culture, the Ministry of Education, the Ministry of Labour and Employment Promotion, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Energy and Mines, the National Identity and Civil Status Registry and the National Institute of Statistics and Informatics.
3. In order to adhere to the reporting guidelines of the treaty bodies, this document is divided into two parts. The first gives a general overview of the progress achieved by the Peruvian State in a number of thematic areas, as per the provisions of articles 1 to 7 of the Convention, while the second reports on the implementation of the concluding observations issued by the Committee in 2014 (CERD/C/PER/CO/18-21).

Part I

Racial discrimination (articles 1, 2, 3 and 7 of the Convention)

4. To guarantee equality and non-discrimination as a right and as a constitutional principle, the Government of Peru has implemented policy measures to promote the rights of indigenous peoples, campesino communities and persons of African descent. The following legislation is noteworthy in this respect:
 - Ministerial Decision No. 075-2015-MC, adopting Directive No. 001-2015-MC, "Procedure for the use and promotion of indigenous or aboriginal languages in the delivery of public services in the culture sector". The aim of this decision is to establish guidelines and procedures for guaranteeing that speakers of indigenous and aboriginal languages have access to public services by requiring the presence of interpreters and/or translators conversant with those languages.
 - Supreme Decree No. 002-2015-MC, which created a national register of interpreters and translators of indigenous or aboriginal languages, maintained by the Ministry of Culture, so that speakers of those languages can provide translation and interpreting services once they have been accredited by the Ministry. The register is also intended to guarantee language rights in a culturally appropriate manner and without any form of discrimination.
5. On 27 June 2016, in Cusco, the decentralized directorates of culture¹ and the Directorate of Indigenous Languages of the Ministry of Culture held the ninth training programme for indigenous language interpreters and translators specializing in intercultural justice. Some 57 justice officials from various regions of Peru participated in the training.²
 - Supreme Decree No. 003-2016-MIDIS adopting the Sustainable Social Action Strategy, under which the Ministry of Development and Social Inclusion leads actions for the protection and development of indigenous peoples, with an emphasis

¹ Decentralized directorates of culture act on behalf and by delegation of the Ministry of Culture in each region. They follow guidelines and implement directives in line with State policies and regional and sectoral plans.

² Ministry of Justice and Human Rights. *Informe sobre el Segundo Trimestre de 2016. Seguimiento y Monitoreo del Plan Nacional de Derechos Humanos 2014-2016*, p. 13.

on the Peruvian Amazon, which is the most culturally and linguistically diverse region of the country.

- The main objective of the Strategy is to enhance the living conditions and the development of the Amazon's native communities through the coordination of intersectoral and intergovernmental actions. In that context, the Government devised the initiative known as Itinerant Social Action Platforms (Plataformas Itinerantes de Acción Social, or PIAS), which draws on the participation of various sectors with a view to improving the quality of life in rural, poor and socially excluded communities throughout the Peruvian Amazon.

6. The Platforms are Peruvian navy vessels equipped to provide various public services. For example, the Ministry of Health and the Regional Directorate of Health offer medical, dental, gynaecological and paediatric consultations, operating rooms and enrolment in the Comprehensive Health Insurance programme, among other services. The National Identity and Civil Status Registry processes identity cards and birth certificates and performs related services. The Ministry of Development and Social Inclusion participates in the initiative through the *Pensión 65* (retirement), *Juntos* (cash transfer), *Qali Warma* (school meals), *Cuna Más* (childcare) and *Beca 18* (scholarship) social programmes and through the National Development Cooperation Fund. Banco de la Nación caters to the users of these programmes, pays teachers and provides financial services. The Ministry for Women and Vulnerable Groups provides services for the prevention of domestic violence. The Ministry of Education lends assistance to teachers in bilingual intercultural education programmes and delivers teaching materials and teacher training in native languages. The services provided by the Ministry of Justice and Human Rights include those of the Public Defence Service and those relating to registry information and legal certainty; the National Commission for Development and Life without Drugs undertakes actions to prevent drug use among at-risk populations. The Ministry of Culture provides each vessel with an interpreter familiar with the main Amazonian indigenous languages. There are currently five Platforms:

- PIAS Napo, in operation since 2013;
- PIAS Putumayo I, in operation since 2015;
- PIAS Morona, pre-operational since October 2015 and in operation since November 2015;
- PIAS Putumayo II, operational since 2016;
- PIAS Puno, under construction; it will bring public services and social programmes to communities living on the islands and shores of Lake Titicaca.

7. All PIAS vessels make four or five voyages per year, each lasting 30 to 45 days. The time spent at each population centre or stopping point is 1 to 3 days, depending on the size of the community. Thirteen voyages have been completed to date.

8. Other measures are described in part II of this report, concerning the implementation of the concluding observations.

Access to and administration of justice (articles 4, 5 and 6)

9. The General Directorate of the Public Defence Service and Access to Justice³ of the Ministry of Justice and Human Rights has carried out the following actions:

- Extending its services for indigenous communities by appointing public defenders in criminal cases to provide free legal assistance to indigenous persons of limited financial means;
- Progressively recruiting public defenders fluent in the indigenous languages spoken in the area where the service is provided, and holding talks and information campaigns in indigenous and aboriginal languages;

³ General Directorate of the Public Defence Service and Access to Justice. Technical report No. 000018-2016-JUS/DGDP-DDP-FEVP of 26 September 2016, p. 6.

- Participating in the development of a legal guidance and assistance protocol with an intercultural approach, aimed at justice officials, as part of a joint project of the EUROsociAL II programme and the International Development Law Organization in coordination with the Peruvian judiciary, to enhance access to justice for native and campesino communities;
- Working on a protocol relating to access to justice for young people and foreign women deprived of their liberty, developed under the EUROsociAL II programme, in order to provide the Public Defence Service with a useful management tool with which to carry out its work efficiently and effectively on behalf of foreign women and of young people between 18 and 24 years of age.

10. Moreover, the Government, through its various institutions, seeks to shield individuals from acts of discrimination. An array of judicial and administrative remedies is in place to punish acts of discrimination and provide redress for damage caused.

11. The Constitutional Court has extensive case law on the fundamental right to equality and non-discrimination. The judgment handed down in case No. 07357-2013-PA/TC noted that equality, as a fundamental right, “entails the recognition of an authentic subjective right, i.e., the person’s entitlement to a constitutional right, equality, which may be invoked against a third party. It is the recognition of a right to not be discriminated against for reasons that are prohibited by the Constitution itself (origin, race, sex, language, religion, opinion, economic status) or for other reasons (‘any other grounds’) that might be legally relevant.”

12. The first ruling in Peru on a case involving the offence of discrimination was handed down in case No. 1650-07 by the Seventh Criminal Court of Lima Norte on 12 June 2009. In this case, the defendants Gilberto Albino, Gilberto Ávila Najera, Abilio Pedro Fuertes Sedano, Guadalupe Gladis Asúa Estelo and Sara Milagros Luciano De La Cruz, teachers at the “Manuel Arévalo Cáceres” Public Higher Technological Institute, were convicted of discriminating against Vilma Palma Calle on the grounds of her motor and language disability, by refusing to teach classes in which she was present. The judge at first instance found them guilty of committing an offence of discrimination, gave them a suspended sentence of 3 years’ imprisonment and ordered them to pay civil damages in the amount of 10,000 soles (S/. 10,000). The Second Criminal Division of the High Court of Lima Norte upheld the ruling on appeal.

13. The Second Transitional Constitutional and Social Law Division of the Supreme Court, in respect of appeal No. 9149-2015, ordered the municipal drinking water and sewerage services company SEDAM Huancayo S.A. to cease acts of hostility and racial discrimination against its employee Azucena Asunción Algendones and to pay a fine equivalent to 5 procedural reference units. The judgment stated that “discrimination in employment occurs whenever a worker is selected or rejected on the grounds of his or her origin, race, sex, sexual orientation, or economic, social or other status. To a large extent, discrimination in the workplace means treating people differently on account of certain characteristics, such as race, colour or sex. This infringes the right to equality of opportunity and treatment and the right to work by restricting the freedom of the human being to choose and develop his or her professional and personal aspirations.”

14. The National Institute for the Defence of Competition and the Protection of Intellectual Property, as a public entity specializing in the protection of consumer rights, has issued several decisions through its Tribunal for the Defence of Competition and Intellectual Property to put a stop to acts of discrimination by companies and businesses. By Decision No. 2228-2011/SC2-INDECOPI, the Tribunal found that the Banco de Crédito del Peru had illegally engaged in the differential treatment of an individual by refusing to open a savings account without just and objective cause. The judgment noted that “while consumers might colloquially describe any differential treatment as discrimination, the offence is more serious in cases involving this type of limitation, since the restriction imposed not only infringes the right to obtain or enjoy the products and services afforded

by the regular workings of a social market economy, but also demeans the individual and undermines the basic conditions for living in society”⁴.

15. Furthermore, by Decision No. 1415-2016-TDC-INDECOPI, the Tribunal penalized the company Gesur S.A.C. for acts of discrimination perpetrated by its commercial business “Café del Mar”, which provided unequal service to customers and discriminated on the grounds of race or socioeconomic status. The Tribunal stated that it is “an inescapable obligation of the administrative authority responsible for ensuring compliance with the Consumer Protection Act to regularly monitor different markets, with an emphasis on the most sensitive, in order to identify or uncover any discriminatory practices in consumer transactions in our society. The administrative authority has a duty to see to it that discrimination, by its nature a covert form of behaviour, is exposed and punished as provided under the laws in force.”⁵

16. The Judicial Training School has been conducting human rights training, including an interdisciplinary course on legal pluralism, and the right of indigenous peoples to be consulted, in the framework of international human rights law.⁶

17. Other measures are described in part II of this report, concerning the implementation of the Committee’s concluding observations.

Part II

18. The following information is provided further to the recommendations of the Committee on the Elimination of Racial Discrimination.

Paragraph 8 on structural discrimination

National Policy for Mainstreaming the Intercultural Approach

19. To reduce the high levels of inequality and poverty among indigenous peoples and the Afro-Peruvian community, the Ministry of Culture adopted Supreme Decree No. 003-2015-MC setting forth the National Policy for Mainstreaming the Intercultural Approach. The policy is intended to guide, coordinate and establish mechanisms for State action to ensure that the country’s culturally diverse population groups, particularly indigenous peoples and Afro-Peruvians, are able to exercise their rights. It promotes the formation of a State that recognizes the inherent cultural diversity of Peruvian society, operates in a culturally sensitive manner and, by so doing, helps to enhance social inclusion and national integration and to eliminate discrimination.

Guide to culturally sensitive public services

20. This instrument provides State entities with guidance on the delivery of public services using an intercultural approach, based on the recognition of cultural differences and of the need to guarantee equal access to rights for all citizens. In 2015 and 2016, the guide was implemented gradually by public entities in the education and health sectors and by local governments in Ayacucho, Loreto and Ucayali.

Life plans

21. Under Ministerial Decision No. 103-2016-MC of 14 March 2015, the Ministry of Culture adopted the document *Plan de Vida: Guía para la Planificación Colectiva* (Life

⁴ National Institute for the Defence of Competition and the Protection of Intellectual Property. Decision No. 2228-2011/SC2-INDECOPI, handed down in case No. 622-2010/CPC of 24 August 2011, p. 3. Available at <http://servicio.indecopi.gob.pe/buscadorResoluciones/tribunal.seam>. Consulted on 18 October 2016.

⁵ National Institute for the Defence of Competition and the Protection of Intellectual Property. Decision No. 1415-2006/TDC-INDECOPI, handed down in case No. 176-2006/CPC of 13 December 2006, p. 4. Available at <http://servicio.indecopi.gob.pe/buscadorResoluciones/tribunal.seam>. Consulted on 18 October 2016.

⁶ Judicial Training School. Report No. 119-2016-AMAG-OAJ of 15 September 2016.

Plan: Guide to Collective Planning), whereby it formally recognizes the planning and strategic management mechanism developed by indigenous and aboriginal peoples themselves and representing their own vision. Through the implementation of the Guide, indigenous planning will be progressively incorporated into the State apparatus to ensure the relevance of public services and the indigenous population's active participation in public administration.

National Development Plan for the Afro-Peruvian Population

22. The aim of this policy instrument is to ensure the development of the Afro-Peruvian population under conditions of equity, inclusiveness and non-discrimination. The Plan responds to the mandates set out in the Strategic Plan for National Development, the mandatory national policies for government agencies and the National Human Rights Plan. It also forms part of the Government's commitment in relation to the International Decade for People of African Descent (2015-2024) proclaimed by the United Nations.

23. The Plan was formulated by the Directorate of Afro-Peruvian Policies of the General Directorate of Intercultural Citizenship, which is part of the Office of the Deputy Minister of Intercultural Affairs. The Directorate is responsible for designing and implementing policies, plans and programmes to protect and promote the rights and development of the Afro-Peruvian population. Various areas of government and civil society organizations contributed to the drafting of the Plan.⁷

"Racism alert" platform

24. The "Racism alert" platform for action against ethnic and racial discrimination was given official status under Ministerial Decision No. 431-2015-MC and is designed to foster an informed citizenry that is engaged in the fight against ethnic and racial discrimination. See <http://alertacontraelracismo.pe/>.

25. In the same area, a national strategy for the eradication of ethnic and racial discrimination was developed for the period 2016-2021 as a specific policy instrument setting out actions to be taken by public institutions at various levels of government to address this social problem. The document is still in draft form and has not yet been adopted.

Intersectoral coordination

Sectoral Policy on Intercultural Health (Supreme Decree No. 016-2016-SA)

26. The aim of this policy is to regulate intercultural health activities at the national level in order to deliver health care as a human right, promoting inclusiveness and equal opportunity for men and women. A Multisectoral Standing Committee was formed to prepare the technical report on the Sectoral Plan on Intercultural Health 2016-2021, to monitor the implementation of the Sectoral Policy on Intercultural Health and to develop mechanisms for its effective implementation. The Committee is intended to be a forum for ongoing intersectoral coordination and cooperation for the effective implementation of the proposed action lines.

Multisectoral Standing Committee for the Preservation and Appreciation of the Traditional and Ancestral Knowledge and Practices of Indigenous and Aboriginal Peoples (Supreme Decree No. 006-2016-MC)

27. The purpose of this Committee is to draft technical reports containing proposals for the design of policy instruments to preserve, protect and promote, and to enhance appreciation of, the traditional and ancestral knowledge and practices of indigenous and aboriginal peoples and to monitor compliance with those instruments once they are adopted.

⁷ For more information, see <http://poblacionafroperuana.cultura.pe/primeros-avances-del-estudio-especializado-para-poblacion-afroperuana>.

National Commission against Discrimination (Supreme Decree No. 015-2013-JUS)

28. The Commission is the executive branch advisory body on equality and non-discrimination. It consists of representatives of the Ministry of Justice and Human Rights, which acts as chair, the Ministry of Culture, the Ministry for Women and Vulnerable Groups, the Ministry of Labour and Employment Promotion, the Ministry of Health, the Ministry of Education, the Ministry of Transport and Communications and the Ministry of Foreign Affairs. The Anti-Discrimination Platform (<http://yonodiscrimino.gob.pe/>) has been created and an electronic complaints procedure is being implemented as a mechanism for expediting action to serve and protect victims of any form of discrimination and to punish perpetrators, thus guaranteeing the exercise of rights enshrined in the Constitution.

29. The Platform identifies race, ethnicity, sex, gender, disability, age, sexual orientation, gender identity and religion as prohibited grounds of discrimination. Although not exhaustive, the list does establish suspect classifications and is in accordance with article 2 (2) of the Constitution and other domestic legislation.

Paragraph 9 on the definition of racial discrimination

30. Peru has made significant strides in terms of local and regional regulations, specifically ordinances, for prohibiting, preventing and punishing all forms of discrimination. These regulations establish that discrimination refers to any differentiated, exclusionary or restrictive treatment of a person or group of persons which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social or cultural spheres.

31. Since 2013, the Ministry of Culture has promoted the adoption and implementation of 25 regional and municipal ordinances, including through the provision of technical assistance to local and regional officials. The model ordinance includes the definition of discrimination set forth in the preceding paragraph, which has led to better regulation to address this sociocultural problem, as well as a better understanding of discrimination among officials and the general public and, hence, improved capacity to combat it in all its forms.

32. This definition of racial discrimination is also reflected in a number of public policy instruments and publications, including the *Comunicación que no discrimina* (Communication that Doesn't Discriminate) guide and the series of workbooks on ethnic and racial discrimination, which have been made available to all citizens through an intercultural resource centre (<http://centroderecursos.cultura.pe/>).

Paragraph 10 on racial discrimination offences and racist hate speech

33. Discrimination and incitement to discrimination are characterized as criminal offences under article 323 of the Criminal Code, as follows:

“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, dress, political or other opinion, or economic status for the purpose of nullifying or impairing the recognition, enjoyment or exercise of their rights shall be sentenced to imprisonment for a term of no less than 2 and no more than 3 years or to the performance of community service for a period of 60 to 120 days.

If the agent is a civil or public servant, the sentence shall be no less than 2 and no more than 4 years, in addition to disqualification as provided for under article 36, paragraph 2.

The term of imprisonment referred to in the preceding paragraph shall also apply if an act of discrimination, or the incitement or promotion thereof, has been carried out by means of physical or mental violence or through the Internet or other similar medium.”

34. Consequently, the dissemination of ideas of racial superiority and all acts of racial discrimination are punishable under article 323 of the Criminal Code, which expressly criminalizes discrimination based on racial, ethnic or cultural identity. There are no separate criminal offences of racial discrimination and/or racist hate speech in the domestic legal order, since article 323 covers all forms of discrimination and incitement to discrimination.

35. The Criminal Code is currently under review. The Ministry of Justice and Human Rights is preparing the draft of a new criminal code that will improve the definition contained in the current article 323 in order to reflect the elements set forth in article 1 of the Convention.

Paragraph 11 on statistical and census data

Census

36. Act No. 27778, incorporating ethnicity as a variable to be measured in population and housing censuses,⁸ creates an obligation to build an ethnicity-related question into the census so that respondents can self-identify as belonging to a particular group. By Administrative Decision No. 167-2013-INEI, the National Institute of Statistics and Informatics created a working group consisting of representatives of State entities, civil society, indigenous organizations and academic institutions, whose goal is to develop a proposed methodology for identifying indigenous and Afro-Peruvian populations in order to build a system of statistics on ethnicity in Peru. The group is currently drafting a question to be included in the questionnaire of the national population and housing censuses that will be conducted in 2017.

37. To date, the working group has held a total of 14 meetings, 12 of which were ordinary meetings of the Inter-institutional Technical Committee on Ethnicity Statistics and 2 were extraordinary meetings organized by the Ministry of Culture to discuss the inter-institutional proposal on the questions relating to self-identification by ethnicity and mother tongue. Two questions linked to ethnic and mother-tongue self-identification were finalized as a result of those meetings and are currently being validated as part of the third pilot census. See annex 1.

38. The Office of the Deputy Minister of Intercultural Affairs of the Ministry of Culture is designing a public information campaign to promote ethnic self-identification in the population and housing censuses planned for 2017. The aim is to encourage the indigenous and Afro-Peruvian communities to respond appropriately to the self-identification question.

Specialized study on the Afro-Peruvian population

39. In 2015, the Ministry of Culture presented a specialized study on the Afro-Peruvian population that provided disaggregated and specific information on the socioeconomic situation of this ethnic and cultural group, with a view to broadening the academic debate and generating more information for the design and implementation of public policies. The research drew on a representative sample of the Afro-Peruvian population in communities where it forms a significant part of the population, gathering information from over 3,000 Afro-Peruvian households in nine regions. Meanwhile, as part of its efforts to compile disaggregated data on the Afro-Peruvian population, the Ministry of Culture, by Ministerial Decision No. 162-2016-MC,⁹ approved the creation of a geo-ethnic map of Afro-Peruvian communities as an instrument for geographically locating these groups within Peru.

2016 prison census

40. In 2016, the National Institute of Statistics and Informatics prepared and implemented the first national prison census¹⁰ (see annex 2, prison population by ethnic

⁸ <http://docs.peru.justia.com/federales/leyes/27778-jul-8-2002.pdf>

⁹ <http://centroderecursos.cultura.pe/sites/default/files/rb/pdf/rm162-2016-mcymapageoetnico.pdf>

¹⁰ https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1364/index.html

self-identification of inmates) in order to obtain statistical data on the adult prison population for use in developing crime prevention policies aimed at re-educating and rehabilitating prisoners and reintegrating them into society. The Ministry of Culture, as the competent authority for indigenous and intercultural affairs, helped draft a question on self-identification and mother tongue in order to collect disaggregated data on the indigenous and Afro-Peruvian prison population.

Paragraph 12 on institutional measures

41. The National Commission against Discrimination was established pursuant to Supreme Decree No. 015-2013-JUS and vested with the following functions (art. 8):

- (a) Proposing actions to the executive branch to meet the obligations of the Peruvian State in matters of equality and non-discrimination;
- (b) Overseeing actions taken at the national level to address situations of discrimination, in accordance with each sector's sphere of competence;
- (c) Adopting measures for the design, implementation, operation and evaluation of a national platform for action against discrimination;
- (d) Issuing technical reports or formulating proposals and recommendations to promote the observance and contribute to the fulfilment, development, exercise and dissemination of the rights to equality and non-discrimination;
- (e) Proposing national guidelines on discrimination issues, in keeping with the proposals made by the competent bodies;
- (f) Proposing and promoting the creation and/or strengthening of mechanisms needed to protect, promote and guarantee the rights to equality and non-discrimination at the national, regional and local levels;
- (g) Proposing draft legislation on matters of equality and non-discrimination;
- (h) Formulating recommendations for promoting the ratification, execution and implementation of international human rights treaties that encourage and promote respect for the rights to equality and non-discrimination;
- (i) Signing and implementing agreements with national and international universities and academic institutions in order to promote research and training on equality and non-discrimination;
- (j) Issuing opinions on matters falling within its terms of reference, when so requested;
- (k) Nominating representatives to participate in international forums, meetings and sessions on the subject of discrimination;
- (l) Contributing to the mainstreaming of intercultural, gender and human rights approaches through the sectoral plans of the competent bodies;
- (m) Monitoring the State's progress in matters of equality and non-discrimination;
- (n) Performing other functions related to equality and non-discrimination, as mandated by the constituent ministries of the Commission under articles 36 and 37 of Act No. 29158 on the Organization of the Executive Branch.

42. The budget allocated to the Commission was S/. 163,971.66 in 2015 and S/. 103,042.00 in 2016. The lower figure reflects a general budget cut applied to all public entities, from which the savings were used to fund measures to alleviate environmental emergencies related to the El Niño phenomenon. See annex 3.

43. In July 2010, the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples became part of the Ministry of Culture pursuant to Act No. 29565 establishing the Ministry of Culture; its functions were assumed by the Office of the Deputy Minister of Intercultural Affairs. In accordance with national legislation, and under the provisions of article 22 of Act No. 29158 on the Organization of the Executive Branch, ministries are the governing bodies responsible for the programme action areas set out in

their founding legislation and for national or sectoral policies in their sphere of competence. Accordingly, the Ministry of Culture is responsible for different programme areas, including the ethnic and cultural diversity of the nation.

44. The establishment of the Ministry of Culture has led to progress in strengthening the institutional framework in respect of indigenous peoples; however, much remains to be done and the Ministry has worked with organizations representing indigenous peoples and the Afro-Peruvian population, and also directly with members of these communities under a framework of institutional independence, visibility and effectiveness. Forums for intercultural dialogue, participation and coordination between different sectoral entities of the executive branch and indigenous and aboriginal peoples have also been strengthened.

Paragraph 13 on the Afro-Peruvian population

45. As part of efforts to strengthen public institutions for the Afro-Peruvian community, in 2013 the Ministry of Culture established the Directorate of Afro-Peruvian Policies as the organizational unit responsible for designing and implementing policies, plans and programmes to protect and promote the rights and the development of the Afro-Peruvian population, while ensuring that its identity is respected, in a framework of equal rights. This is the first time that a specialized unit has been established for policy oversight in relation to this community.

46. Actions to raise the profile of the Afro-Peruvian population include the enactment by the Congress of the Republic of Act No. 28761, proclaiming 4 June as Afro-Peruvian Culture Day. In line with the Act, in 2014 the Ministry of Culture, by Ministerial Decision No. 182-2014-MC, designated June as Afro-Peruvian Culture Month. During this period, the Ministry takes steps to promote mass participation in activities to showcase and celebrate the Afro-Peruvian community's contribution to building a stronger society.

47. Among efforts to create a specific public policy for the Afro-Peruvian population, in 2014 the Ministry of Culture released guidelines for the implementation of public policies for the Afro-Peruvian population, approved by Ministerial Decision No. 339-2014-MC. The guidelines concern government action to further the comprehensive development and social inclusion of the Afro-Peruvian population, and were the outcome of a dialogue process that included 17 meetings in seven regions of Peru, attended by more than 200 people including public officials and members of civil society.

48. Similarly, measures to create mechanisms for facilitating the participation and development of the Afro-Peruvian population included the adoption in 2015 of Supreme Decree No. 004-2015-MC, which declares that devoting priority attention to the full enjoyment of the fundamental rights of the Afro-Peruvian population is in the national interest. The Decree aims to strengthen the social inclusion of this group by outlining strategic objectives and actions to enhance its development and quality of life under conditions of equity, inclusiveness and non-discrimination.

49. Furthermore, the National Development Plan for the Afro-Peruvian Population (2016-2020) was adopted under Supreme Decree No. 003-2016-MC as a public policy instrument which aims to ensure that the needs of this population group are met in conditions of equity and without discrimination. For that purpose, the Plan sets out four goals concerning, respectively, statistical visibility; the right to equality and non-discrimination; social, political, economic, productive and cultural development with respect for identity and equal opportunities; and the strengthening of public institutions engaged in protecting and promoting the rights of persons of African descent so as to enhance their participation in decision-making bodies. The Plan will give effect to the declarations established in the framework of the International Decade for People of African Descent (2015-2024) proclaimed by the United Nations and the Plan of Action for the Decade for Persons of African Descent in the Americas adopted by the Organization of American States (OAS).

50. In addition, the National Commission on Intercultural Bilingual Education was formed under Ministerial Decision No. 0246-2012-ED and defined (under article 1 of that Decision) as a body for participation and consultation between the Ministry of Education, on the one hand, and Andean and Amazonian indigenous peoples and the Afro-Peruvian

population, on the other. Article 2 stipulates that the Commission is to include four representatives of Afro-Peruvian organizations. In 2014, the Afro-Peruvian Working Group was created to examine and develop proposals regarding the educational situation of persons of African descent in Peru.

51. In the context of the International Decade for People of African Descent, the General Directorate of Intercultural, Bilingual and Rural Education, with the participation of civil society, drafted a plan for meeting the educational needs of Afro-Peruvian children and adolescents. Currently, the groundwork is being laid and a baseline survey is being conducted so that implementation can commence in 2017.

Paragraph 14 on the implementation of the Right to Prior Consultation Act

Recommendation in paragraph 14 (a)

52. Under article 55 of the Constitution, treaties entered into by the State are part of national law so long as they are in force. This means that the international treaties to which Peru is a party are fully applicable in the domestic legal order.

53. The fourth final and transitory provision of the Constitution provides that rules concerning the rights and freedoms recognized by the Constitution shall be construed in accordance with the Universal Declaration of Human Rights and the international treaties and agreements regarding those rights that have been ratified by Peru. Accordingly, the provisions of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) form part of the international standard that the Peruvian State takes into consideration when implementing the right to prior consultation. The Convention forms part of Peruvian domestic law.

54. In this legal framework, the Constitutional Court has ruled that the constitutionally protected right to prior consultation includes: (i) access to consultation; (ii) respect for the essential characteristics of the consultation process; and (iii) a guarantee that agreements reached in consultations will be respected. This right does not include veto power over legislative or administrative measures, or the refusal by indigenous peoples to take part in consultations.¹¹

55. Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation pursuant to ILO Convention No. 169 was adopted and is regulated by Supreme Decree No. 001-2012-VMI-MC, which establishes procedures for its implementation. The procedures were developed in consideration of the international legal framework that is binding on the Peruvian State.

56. In this sphere, the Office of the Deputy Minister of Intercultural Affairs of the Ministry of Culture, as the technical body with expertise in indigenous affairs, performs the following functions: (i) coordinating with the entities responsible for conducting prior consultations, and (ii) providing technical assistance and training to those entities and to the representatives of indigenous peoples on the right to prior consultation and the stages of this process. The purpose of these functions is to comply with the prior consultation process in order to reach agreements between indigenous or aboriginal peoples and the State and to involve indigenous peoples in government decision-making. As of July 2016, support had been provided in 24 prior consultation processes, and in 21 cases the dialogue stage had concluded with agreements between indigenous peoples and the State.¹² The main issues

¹¹ Constitutional Court, Judgment No. 22-2009-AI, legal ground No. 37.

¹² Agreements were reached after the dialogue stage of the prior consultation processes relating to: hydrocarbon blocks 189, 195, 175, 169, 164, 190, 191, 192, 165, 197 and 198; the Maijuna Kichwa Regional Conservation Area; the Hidrovía Amazónica waterway improvement project; the proposal to create the Sierra del Divisor National Park; the implementing regulations of the Forestry and Wildlife Act; the Sectoral Policy on Intercultural Health; the proposed Tres Cañones Regional Conservation Area; the National Plan for Intercultural Bilingual Education; the implementing regulations of the Languages Act; and the proposed master plan for the Imiria Regional Conservation Area.

addressed during the dialogue stage were environmental monitoring, participation in the supervisory committee and sources of employment.

57. In short, the aforementioned consultation processes have been carried out in compliance with the parameters laid down in ILO Convention No. 169 and in accordance with Act No. 29785 and its implementing regulations. Their aim is to ensure respect for the collective rights of indigenous and aboriginal peoples while creating a climate conducive to public and private investment, so that the agreements reached are of benefit to all Peruvians.

Recommendation in paragraph 14 (b)

58. The Ministry of Energy and Mines implements prior consultation processes in campesino and indigenous and aboriginal communities located in the territories where mining projects are envisaged, in order to guarantee the collective rights of those communities before granting authorization for the commencement of operations. To date, four prior consultation processes have been completed with the participation of four Quechua campesino communities, resulting in the authorization of the exploration projects Aurora (located in the Cusco region), Toropunto and La Merced (Ancash) and Misha (Apurímac). Six consultation processes are under way regarding the projects Anama (Apurímac), Cocapunta and Guadalupe (Ancash) and Puquiopata and two projects named Apumayu (Ayacucho). Information is available on the website of the General Directorate of Mining Environmental Affairs: http://www.minem.gob.pe/_sector.php?idSector=4.

59. The right to prior consultation is also implemented in the hydrocarbon sector. Ministerial Decision No. 350-2012-MEM/DM, issued in July 2012 by the Ministry of Energy and Mines, established that consultations must be held prior to the issuance of the supreme decree approving the conclusion of contracts for the exploration and exploitation of oil and gas blocks and that the entity responsible for consultations is Perupetro S.A. In keeping with these provisions, 11 prior consultation processes have been launched in relation to hydrocarbon blocks 189, 195, 175, 169, 164, 190, 191, 192, 165, 197 and 198.

60. Moreover, the Ministry of Education, acting through the General Directorate of Intercultural, Bilingual and Rural Education, held prior consultations on the National Plan for Intercultural Bilingual Education. The process commenced with a preparatory meeting in October 2015 and lasted until January 2016, when the Plan was approved by the following national indigenous organizations: Asociación Interétnica de Desarrollo de la Selva Peruana, Confederación de Nacionalidades Amazónicas del Perú, Confederación Campesina del Perú, Unión Nacional de Comunidades Aymaras, Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú and Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú. The two hallmarks of this process were the inclusive development of the Plan in conjunction with the indigenous organizations represented in the National Commission on Intercultural Bilingual Education and the participation of indigenous children in the consultation stage and in regional meetings of indigenous organizations, which took their views into account at the national level.

61. A prior consultation process was also undertaken in respect of the implementing regulations of Act No. 29735 regulating the use, preservation, development, revival, promotion and dissemination of the aboriginal languages of Peru. The consultation process was launched at the seventh regular meeting of the Working Group on Indigenous Policies of the Ministry of Culture, held in December 2015, and the implementing regulations were subsequently adopted under Supreme Decree No. 004-2016-MC of 22 July 2016.

Recommendation in paragraph 14 (c)

62. Within the framework of the Prior Consultation Act, the Ministry of Culture has been assigned the task of creating an official database of indigenous peoples as a tool that allows government bodies and the general public to access existing information on the indigenous or aboriginal peoples identified by the Office of the Deputy Minister of Intercultural Affairs. It should be noted that this database does not entail the creation of rights (article 1 (b) of ILO Convention No. 169) and therefore is not a register, as the

Peruvian State does not have a register of indigenous populations.¹³ The information contained in the database is for reference purposes and will be updated as further information is produced by the relevant bodies.

63. In addition, the Ministry of Culture has drafted a proposal for technical and policy guidelines on the recognition of native communities with the aim of standardizing the processes by which native communities are recognized; such processes are currently the responsibility of the regional governments. This document is the result of a joint effort based on the suggestions and support of national indigenous Amazonian organizations, including the Asociación Interétnica de la Selva Peruana and the Confederación de Nacionalidades Amazónicas del Perú.

64. In that regard, it is important to bear in mind that when we refer to campesino or native communities we are not necessarily speaking of indigenous or aboriginal peoples: while one or more communities may be, or form part of, an indigenous or aboriginal people, others may not. There are also many local populations or groups not organized as communities that may be, or form part of, an indigenous people. In determining whether a native or campesino community is, or forms part of, an indigenous people, the criteria set out in article 7 of the Prior Consultation Act are taken into account. These criteria must be interpreted in the context of article 1 of ILO Convention No. 169 (article 3 of the regulations of the Prior Consultation Act).¹⁴

65. Lastly, it should be noted that the names used to refer to indigenous or aboriginal peoples do not alter their nature or their collective rights. The right to prior consultation arises in response to measures that directly affect the collective rights of indigenous peoples, as set out in article 2 of the Prior Consultation Act.¹⁵

Paragraph 15 on indigenous peoples and exploitation of natural resources

66. With regard to the environmental and human rights studies carried out before licences are granted to companies working in the extractive industries, it should be noted that, within the framework of Act No. 27446 on the National System for Environmental Impact Assessment and the regulations implementing the Act, adopted under Supreme Decree No. 019-2009-MINAM, any national, regional or local projects, policies, plans or programmes that could have significant environmental implications, as well as any projects with public, private or joint public-private financing that involve activities, buildings, works or other commercial activities or services that may have a significant adverse environmental impact, must first obtain the environmental certification set out in the decision issued by the respective competent authority before they can be put into operation.

67. The General Directorate of Energy Environmental Affairs of the Ministry of Energy and Mines is the technical regulatory body responsible for proposing and assessing policies, proposing or issuing the necessary regulations and promoting the implementation of environmental protection and conservation activities for the sustainable development of energy activities. It is also responsible for carrying out the prior consultation process for the energy sector. In that regard, the General Directorate's decisions approving environmental

¹³ "Article 1. This Convention applies to: ... (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions."

¹⁴ Article 7. Criteria for the identification of indigenous or aboriginal peoples. In order to identify indigenous or aboriginal peoples as collective subjects, objective and subjective criteria are taken into account. The objective criteria are: (a) direct descentance from aboriginal populations of the national territory; (b) lifestyles and spiritual and historical ties to the land that they have traditionally used or occupied; (c) social institutions and customs of their own; (d) cultural patterns and ways of life that differ from those of other sectors of the national population.

¹⁵ Article 2. Right to consultation. This is the right of indigenous or aboriginal peoples to prior consultation on legislative or administrative measures that directly affect their collective rights, physical existence, cultural identity, quality of life or development. Consultation must also be sought with regard to national and regional development plans, programmes and projects that directly affect these rights. The consultation referred to in this Act shall be implemented by the State alone.

studies constitute the environmental certification required for investment projects to establish the environmental feasibility of energy sector projects in accordance with article 3 of the Act on the National System for Environmental Impact Assessment and article 15 of the regulations adopted by Supreme Decree No. 019-2009-MINAM.

68. In June 2016 the Ministry of the Environment signed agreements with two women's organizations, the Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú and the Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú, in order to establish a broad platform for inter-agency collaboration to propose, implement and disseminate solutions to environmental problems with a view to enhancing the quality of life of individuals and society, particularly women belonging to indigenous or aboriginal peoples.¹⁶ In addition, an agreement was signed with the Confederación Nacional Agraria with a view to proposing, implementing and disseminating solutions to environmental problems in order to enhance the quality of life of individuals and society, especially of indigenous and aboriginal peoples.¹⁷

69. When indigenous peoples are affected by the exploitation of natural resources in their territories and, in exceptional cases, need to be removed from the lands that they occupy, in accordance with the seventh of the additional, transitional and final provisions of the regulations of the Prior Consultation Act, the provisions of article 16 of ILO Convention No. 169 are applicable, as are the provisions of the legislation on internal displacement.¹⁸

Paragraph 16 on indigenous peoples in a situation of voluntary isolation or initial contact

70. Protective measures have been implemented to guarantee the rights, habitats and conditions safeguarding the existence and integrity of indigenous peoples in a situation of isolation or initial contact who live in indigenous reserves. Such measures include the following:

- Ministerial Decision No. 240-2015-MC on the protocol for action in the event of the discovery or sighting of or accidental contact with indigenous peoples in a situation of isolation and for engaging with indigenous peoples in a situation of initial contact;

¹⁶ Ministry of the Environment. Framework agreement on inter-agency cooperation between the Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP) and the Ministry of the Environment; and Framework agreement on inter-agency cooperation between the Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú (FENMUCARINAP) and the Ministry of the Environment. Fourth clause. Available at <http://www.minam.gob.pe/wp-content/uploads/2016/08/ONAMIAP-MINAM.pdf> and <http://www.minam.gob.pe/wp-content/uploads/2016/08/FENMUCARINAP-MINAM.pdf>. Consulted on 20 October 2016.

¹⁷ Ministry of the Environment. Framework agreement on inter-agency cooperation between the Confederación Nacional Agraria (CNA) and the Ministry of the Environment. Fourth clause. Available at <http://www.minjus.gob.pe/wp-content/uploads/2012/09/Programa-Lubanga.pdf>. Consulted on 20 October 2016.

¹⁸ "Article 16. 1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy. 2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned. 3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. 4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. 5. Persons thus relocated shall be fully compensated for any resulting loss or injury."

- Ministerial Decision No. 341-2015-MC on an updated protection plan for indigenous peoples in a situation of voluntary isolation or initial contact living in the territorial reserve for the Kugapakori, Nahua, Nanti and other peoples, 2016-2020;
- Ministerial Decision No. 258-2015-MC on the plan for special measures to protect the Mashco Piro indigenous group on the beaches of Alto Madre de Dios;
- Lastly, through Supreme Decree No. 008-2016-MC, the Ministry of Culture established the Isconahua, Mashco Piro and Murunahua indigenous reserves.

71. In accordance with the provisions of Act No. 28736 on the Protection of Indigenous or Aboriginal Peoples Living in a Situation of Isolation or Initial Contact, and with articles 18 to 24 of its implementing regulations, adopted by Supreme Decree No. 008-2007-MIMDES, a mandate to classify territorial reserves as indigenous reserves was established. By Supreme Decree No. 008-2016-MC, the Ministry of Culture established the Isconahua, Mashco Piro and Murunahua indigenous reserves.

72. In addition, 96 monitoring activities were carried out in the territorial reserves as part of the effort to safeguard the rights of indigenous peoples in a situation of isolation or initial contact.

Number of monitoring activities in the territorial reserves in 2015 and 2016

<i>Territorial reserve</i>	<i>2015</i>	<i>2016</i>
Isconahua	8	3
Murunahua	11	3
Mashco Piro	4	1
Kugapakori, Nahua, Nanti and others	37	7
Madre de Dios (El Manu/Alto Madre de Dios National Park)	12	10
Total	72	24

73. Twelve checkpoints have been established in the territorial reserves, at which 31 protection officers were deployed in 2015.

Number of checkpoints and protection officers in the territorial reserves in 2015

<i>Territorial reserve</i>	<i>Department</i>	<i>Checkpoints</i>	<i>Protection officers</i>
Madre de Dios	Madre de Dios	3	8
Isconahua	Ucayali	3	7
Murunahua	Ucayali	2	7
Mashco Piro	Ucayali	1	3
Kugapakori, Nahua, Nanti and others	Cusco and Ucayali	3	6
Total		12	31

74. By Ministerial Decision No. 341-2015-MC, the protection plan for indigenous peoples in a situation of isolation and initial contact in the territorial reserve for the Kugapakori, Nahua, Nanti and other peoples for the period 2016-2020 was updated. This plan is a management tool for implementing the special cross-sectoral regime to protect the rights to life and health of indigenous peoples in a situation of isolation and initial contact in this territorial reserve. It includes arrangements for processing applications submitted by the Nahua and Machiguenga-Nanti peoples in initial contact who live in the Kugapakori-Nahua-Nanti Reserve, coordination with the various competent bodies in the areas of preventive health and emergency care, and refurbishment and equipping of checkpoints and

surveillance points staffed by personnel working to protect the population of the Kugapakori-Nahua-Nanti Reserve.

75. A social study has provided further official information on the indigenous peoples in a situation of isolation and initial contact in the Kugapakori-Nahua-Nanti Reserve. Consultative work involving the various sectors, levels of government, indigenous organizations and representatives of civil society with an interest in protecting these peoples was also carried out.

Health care of the population in a situation of initial contact in the Kugapakori-Nahua-Nanti Reserve

76. In the upper Camisea River, there is a level I-1 medical centre for the care of the Machiguenga-Nanti population. In addition, a health-care facility has been established in Santa Rosa de Serjali to serve the Nahua indigenous population. The facility aims to provide early intervention so as to avoid the need to refer patients to the medical centre in Sepahua or to health-care facilities in Lima.

77. In accordance with Supreme Decree No. 017-2016-SA, published on 7 April 2016, a public health emergency was declared for the community of Santa Rosa de Serjali (District of Sepahua, Province of Atalaya, Department of Ucayali) for a period of 90 calendar days. The purpose was to provide care to the Nahua indigenous people, who are vulnerable to various diseases caused by water pollution, as well as tuberculosis and viral hepatitis B. An action plan to be implemented by the Ucayali regional health authority of the regional government of Ucayali and the Ministry of Health was also adopted. The plan provides for immediate actions to enhance the response capacity of health-system staff working near the Nahua indigenous peoples. The aims of the action plan include the following:

- To provide comprehensive care and specialized follow-up to 100 per cent of the population;
- To supply the Santa Rosa de Serjali health facility with basic medical equipment and a means of transport;
- To acquire two sets of medical equipment for the clinical reference laboratory (Sepahua health centre);
- To implement preventive awareness-raising activities aimed at 100 per cent of the inhabitants of Santa Rosa de Serjali;
- To vaccinate over 95 per cent of children against vaccine-preventable diseases, in accordance with the plan established by the Ministry of Health;
- To ensure that 100 per cent of the Nahua population receives anti-parasite treatment.

78. On the basis of a study carried out in October 2014 and 2015 on the sociocultural determinants of health and nutrition among the Machiguenga-Nanti and Nahua population in a situation of initial contact, significant progress has been made in the production of social reports on the Nahua's notions of health and on demographic information, updated monthly, on the Nahua indigenous population in a situation of initial contact.

Response to the request for identification services expressed by the population in a situation of initial contact in the Kugapakori-Nahua-Nanti Reserve

79. With regard to the request for birth certificates and national identity documents, as a result of three campaigns conducted in 2015 in connection with the National Identity and Civil Status Registry, the Civil Registry of the Community of Cashiriari and the Civil Registry of the Municipality of Echarati, nearly 90 per cent of the Machiguenga-Nanti population in a situation of initial contact in the upper Camisea has a national identity card. The annexed table shows the number of national identity card processes recorded as part of the work carried out with native communities, by department, between January and 18 June 2016 (see annex 4).

80. In 2015, two campaigns were conducted in order to carry out formalities such as the registration, issuance and renewal of the identity cards of the Nahua population in a

situation of initial contact and the replacement of those cards that had been lost. Twenty-four per cent of the procedures involved registration and 72 per cent involved renewal and correction. The annexed table shows statistics on national identity card processes, by type, recorded as part of the work carried out with native communities, by department, between January and 18 June 2016 (see annex 5).

81. It should also be noted that 49 per cent of the identity cards requested are in storage or ready for collection, while 34 per cent of such documents have already been delivered in the different parts of the country where native communities are found. The annexed table shows the status of national identity card processes recorded as part of the work carried out with native communities, by department, between January and 18 June 2016 (see annex 6).

Refurbishment and equipping of control and surveillance points

82. There are three control and surveillance points, located in Boca Tigre, Inaroato and Sababantiari, the main basins adjacent to the Kugapakori-Nahua-Nanti Reserve, as well as a coordination office located in the city of Sepahua. Furthermore, new radio systems were installed in the three checkpoints in 2015.

Strengthening of staff serving the population of the Kugapakori-Nahua-Nanti Reserve

83. There are six protection officers from native communities adjacent to the Kugapakori-Nahua-Nanti Reserve. In order to enhance the continuous surveillance work carried out by the protection officers, the early warning system for detecting threats of entry and/or implementation of activities within the Kugapakori-Nahua-Nanti Reserve was strengthened in 2014.

84. In 2015, in order to strengthen human resources, training was provided to protection officers, and a specialist in social affairs, based at the Sepahua Coordination Office, was hired to provide support and undertake monitoring, inter-agency coordination and data-gathering in respect of indigenous peoples in a situation of isolation and initial contact.

Use of the compensation fund established for peoples in a situation of initial contact in the Kugapakori-Nahua-Nanti Reserve

85. Within the framework of the gas exploration and exploitation activities undertaken in block 88 as part of the Camisea project, the company Pluspetrol Perú Corporation S.A. has agreed, as part of its socio-environmental commitments, to provide financial compensation to indigenous peoples in a situation of isolation and initial contact in the Kugapakori-Nahua-Nanti Reserve, with which the above-mentioned block partially coincides.

86. In accordance with Ministerial Decision No. 006-2014-VMI-MC, the Deputy Minister of Intercultural Affairs used a trust, for the first time, to channel resources from the financial compensation provided by the holder of a development right to indigenous peoples in a situation of isolation and initial contact in a territorial reserve. This was an important learning experience in joint management through a collegiate body involving the State (the Ministry of Culture), a company (Pluspetrol) and representatives of indigenous peoples in a situation of initial contact in the Kugapakori-Nahua-Nanti Reserve.

Paragraph 17 on multiple forms of discrimination

87. It is important to note that the Rural Girls' Education Act (No. 27558) is aimed at promoting conditions of equity between girls and boys in rural areas through educational policies that meet the needs of rural girls within the framework of a comprehensive, quality education for all. In order to oversee the fulfilment of the objectives set out in the Act, the Multisectoral Committee for Rural Girls' Education (Supreme Decree No. 01-2003-ED) was established in November 2003. The Committee is chaired by the Ministry of Education and composed of representatives of the Ministry of Health, the Ministry of Women, the Ministry of Culture, the National Education Council and a representative of rural girls, who participates as a full member.

88. In 2013, new impetus was given to the Committee when two international seminars were held with the active participation of representatives of regional governments. This has made it possible to generate statistical information on the educational situation of indigenous and Afro-Peruvian rural girls that shows that, while gender gaps in education have decreased at the national level and in urban areas, an analysis from an intersectional perspective shows that they persist among the groups that have historically been discriminated against. In particular, the Committee has alerted the relevant sectors to the greater incidence among these ethnic groups of gender-based violence and teenage pregnancy, areas which had been ignored by public policies on gender issues.

89. Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members was published on 23 November 2015, and its implementing regulations were adopted through Supreme Decree No. 009-2016-MIMP, published on 27 July 2016. The committee that drafted the regulations was composed of representatives of the Ministry of Justice and Human Rights, the Ministry for Women and Vulnerable Groups, the Ministry of the Interior, the Attorney General's Office and the judiciary. A broad concept of gender-based violence was incorporated into the domestic legal system in line with the Convention of Belém do Pará. In this regard, article 5 of the Act defines violence as:

“any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere. Violence against women shall be understood to include:

(a) Violence that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery, psychological ill-treatment and sexual abuse;

(b) Violence that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place;

(c) Violence that is perpetrated or condoned by State agents regardless of where it occurs.”

90. It is important to note that this Act takes account of the intercultural perspective and provides for intervention by indigenous or aboriginal peoples in cases of violence against women and family members in accordance with article 149 of the Constitution.¹⁹ The implementing regulations of Act No. 30364 contain a specific chapter on this subject called “Chapter IV: Justice in Rural Areas”, which provides that the Peruvian State, as part of its efforts to combat all forms of violence against women and family members, should establish the measures necessary for the implementation of prevention, protection, assistance, punishment and recovery actions in rural areas of the country.

91. The Act provides for intervention by the authorities of special jurisdictions, magistrates' courts or the authorities of campesino communities, native communities or campesino patrols with jurisdictional functions. These bodies establish ways and means of functional and operational coordination for the purpose of investigating and punishing violence against women and family members.

92. Since 2012, the Ministry for Women and Vulnerable Groups has been implementing the Prevention, Care and Protection Strategy against Domestic and Sexual Violence in Rural Areas, adopted by Ministerial Decision No. 273-2012-MIMP, which promotes the development of a local system of prevention, care and protection for women and persons in rural areas affected by this type of violence. To this end, it strengthens networks as forums

¹⁹ Administration of justice by campesino and native communities. Article 149. — Authorities of campesino and native communities, in conjunction with campesino patrols, may exercise jurisdiction within their territories in accordance with customary law, provided that they do not violate the fundamental rights of the individual. The ways in which this special jurisdiction is to be coordinated with that of magistrates' courts and other judicial authorities shall be established by law.

for dialogue and consultation in order to define local policies, allocate resources within local governments and adapt rules and procedures for the care of women affected by violence, while improving channels for community participation.

93. This model is used to promote the establishment and/or strengthening of community monitoring systems and the development of coordinated services agreed upon among actors in the community and State justice systems, with a view to providing a timely and appropriate response to violence in rural communities. The mechanisms used include (i) mobile services for rural communities that facilitate “justice in your community” operations, enabling decentralized hearings to be held in rural areas, and (ii) mechanisms whereby justices of the peace apply the law in cases of domestic violence, such as single hearings, protective measures, counselling and the consideration of the cultural norms of the rural community where the judgment is issued. Therefore, it is imperative to strengthen horizontal coordination between the formal justice system and the special or community justice systems in rural areas, campesino patrols and community defenders.

94. The Working Group on Indigenous Policies works in several different focus areas corresponding to clusters of issues facing the indigenous population. For example, focus area 6 is aimed at mainstreaming a gender perspective in forums for dialogue and raising awareness, among organizations and State sectors, of the vulnerability of indigenous women and the need to implement public policies that respond to their demands and problems. This focus area was formulated at the fifth meeting of the Working Group on Indigenous Policies, and a joint proposal for the development of gender-sensitive public policies for indigenous peoples is being drawn up in conjunction with indigenous organizations.

95. With regard to the protection of the labour rights of domestic workers, the Ministry of Labour and Employment Promotion has been implementing the following protective measures since 2014:

(a) Two action plans to promote compliance with the labour rights of domestic workers have been adopted. The first plan was adopted by Ministerial Decision No. 052-2014-TR in March 2014. The second plan, which corresponds to 2016-2017, was adopted and published on 13 April 2016 by Ministerial Decision No. 066-2016-TR. The aim of these plans is to improve the working conditions of this group through activities carried out by the organizational units responsible for the sector, which are intended to raise the level of compliance with regulations concerning domestic workers.

(b) The current plan contains five parts and strategic objectives: guidance and awareness-raising on the rights of domestic workers; registration of employers, workers and their dependents in health and pension schemes; labour-market monitoring, with a focus on employment agencies; improvement of prevention and care mechanisms for workers who are victims of trafficking, forced labour and/or child labour; and employability measures aimed at improving working conditions through the accreditation and certification of occupational skills.

(c) On 29 March 2015 and 20 March 2016, a fair for the promotion of domestic workers’ rights was held as part of National Domestic Workers’ Day. On both occasions, the activities, held in Exhibition Park, were attended by representatives of public and private bodies, who provided information on the services that they offer in support of these workers; Peruvian artists, who provided entertainment; and the general public.

In addition, the following regulations have been adopted for the benefit of domestic workers:

- General Directive No. 001-2014-MTPE/2/14 of 22 August 2014, adopted by Ministerial Decision No. 173-2014-TR, sets out details of the labour obligations provided for in the special labour regime for domestic workers, including certification of the employment relationship, prevention of sexual harassment, prohibition of conduct affecting the dignity of domestic workers and detection of cases of child labour;
- Ministerial Decision No. 074-2015-TR adopting the Action Plan for the Certification of the Occupational Skills of Domestic Workers in Peru, 2015-2016;

- Decision No. 050-2015-SUNAFIL of the National Labour Inspection Authority, providing for the publication, on the Authority's website, of a draft directive on monitoring compliance with obligations under the domestic workers' regime;
- Ministerial Decision No. 071-2015-TR granting official status to the Fair for the Promotion of Domestic Workers' Rights, to be held in Lima;
- Ministerial Decision No. 056-2016-TR institutionalizing the Fair for the Promotion of Domestic Workers' Rights as an annual event to be held in conjunction with National Domestic Workers' Day.

96. In addition, various public agencies have supported the task of raising awareness and promoting the rights of individuals engaged in remunerated household work. In drawing up the National Human Rights Plan, the Ministry of Justice and Human Rights developed the "I Have Rights" promotional campaign to raise awareness and promote human rights in society. One of the videos refers to the life story of Paulina Luza, a domestic worker and trade union leader.²⁰ This video promotes respect for and protection of domestic workers' rights.

97. The National Labour Inspection Authority conducts lectures and seminars on the subject of labour inspection for workers, employers and the general public. The Prevention and Advisory Office prepared the annual prevention and advisory plan for 2015, under which various activities (discussion groups, guidance sessions, parades, etc.) were undertaken to promote recognition of employment benefits for paid domestic workers.

98. Through its website, the National Tax Administration and Customs Authority provides guidance to employers and domestic workers, facilitating the registration of domestic workers, tax statements and payments. In addition, specialized information is made available through the different service modules at branch offices of the Authority.

99. EsSalud and the Welfare Standards Office also lent their support to promotion and awareness-raising campaigns through information materials (leaflets), talks and training sessions for trade unions and/or associations of domestic workers.

100. Lastly, it is important to mention that the Ombudsman's Office published report No. 001-2016-DP/ADM of the Specialized Office for Women, entitled *Las trabajadoras del hogar en el Perú: Balance sobre el cumplimiento de las recomendaciones defensoriales* (Domestic workers in Peru: assessment of the implementation of the Ombudsman's recommendations). This document highlights the situation of domestic workers in Peru, the main actions reported by the State in connection with its implementation of the Ombudsman's recommendations on the rights of domestic workers, issued in 2013, and outstanding issues concerning paid domestic work.²¹

101. With regard to the ratification of the ILO Domestic Workers Convention, 2011 (No. 189), on 20 September 2011 the Director-General of the International Labour Organization sent certified copies of that Convention and the ILO Domestic Workers Recommendation, 2011 (No. 201) to the Ministry of Foreign Affairs of Peru, which forwarded those instruments to the Ministry of Labour and Employment Promotion with a view to initiating tripartite consultations within the National Council for Labour and Employment Promotion and providing information on the course of action to be followed in respect of these instruments and their ratification.

102. The submission process within the Ministry of Labour and Employment Promotion includes tripartite consultations between the State, workers' organizations and employers' organizations and the issuance of technical reports on the feasibility of Peru's accession to this Convention.²² In that regard, tripartite consultations were held at the headquarters of the National Council for Labour and Employment Promotion during its 101st regular session. At that session, the trade unions that make up the National Council for Labour and

²⁰ See <https://www.youtube.com/watch?v=o0Uqg8pmQd0>.

²¹ See <http://www.defensoria.gob.pe/modules/Downloads/informes/varios/2011/Informe-003-2011-DP-ADHPD.pdf>.

²² On 8 November 2004, Peru ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Employment Promotion expressed their support for the ratification of the Convention on the grounds that it would promote equal treatment and decent work.

103. With regard to the technical report on the feasibility of Peru's accession to the Convention, the Office of the Deputy Minister of Labour concluded that its ratification would necessarily involve amending the rules that currently apply to domestic workers, the minimum wage being the subject that would have the greatest economic impact. It also noted that the economic rights of domestic workers would need to be brought into line with general labour regulations, which could be done progressively in accordance with national conditions.

104. On 15 July 2016 the Office of the Deputy Minister of Labour reported that the General Directorate of Fundamental Labour Rights and Occupational Health and Safety had drafted a bill amending the Domestic Workers Act (No. 27986), on which that Directorate, the General Directorate of Labour and the General Legal Advisory Office were reaching agreement.²³ Coordination meetings relating to the bill began on 5 May 2016 and continue to date.

Paragraph 18 on disparity in education

105. In accordance with Supreme Decree No. 001-2015-MINEDU, the regulations on the organization and functions of the Ministry of Education were amended, resulting in the establishment of the General Directorate of Alternative Basic Education, Intercultural Bilingual Education and Rural Services, which will improve the coordination of adult education and literacy activities for indigenous and Afro-Peruvian communities and the monitoring of education policies jointly implemented by the sector in rural areas.

Intercultural bilingual education

106. The central Government, through the General Directorate of Alternative Basic Education, Intercultural Bilingual Education and Rural Services and the line directorates (Directorate of Intercultural Bilingual Education and Directorate of Rural Educational Services), invested S/. 13,982,602 in this area in 2012 and S/. 63,199,739 in 2016, representing a significant budgetary increase.

107. In 2014, the total amount invested (in monitoring carried out by the educational programme for learning standards, remuneration of bilingual teachers and infrastructure spending on intercultural bilingual education schools) was S/. 2,072,924,588. According to figures produced by the Educational Statistics Unit, the amount invested in regular basic education was S/. 1,948 per student in 2014. That investment covered children in early and primary education at the national level and children in secondary education in certain areas.

108. The pedagogical proposal for intercultural bilingual education (Directorate Decision No. 261-2013-ED) has resulted in the creation of a clear definition of the service model for intercultural bilingual education. In accordance with Ministerial Decision No. 630-2013-ED, a national register of educational institutions providing intercultural bilingual education (language revival) and a national register of bilingual teachers of indigenous languages of Peru have been established. The register currently lists 24,798 educational institutions with demand for intercultural bilingual education and, starting this year, a validation and updating process is being developed in partnership with the National Institute of Statistics and Informatics.²⁴

109. From 2010 to 2015, the number of teacher training institutes rose from 5 to 32, while the number of universities offering teacher training in intercultural bilingual education increased from 4 to 9. This increase resulted in part from the implementation in 2012 of the Scholarship 18 Programme for Intercultural Bilingual Education, which, as of 2015, has awarded 935 scholarships to young speakers of 14 indigenous languages and 590

²³ In report No. 21-2016-MTPE/2/EPCH.

²⁴ This figure includes 5,060 so-called "language revival" institutions, which are intended to address situations in which students have Spanish as their mother tongue because the indigenous language has ceased to be used in their community. In these situations, the languages of indigenous peoples are taught as second languages.

scholarships for specialization in intercultural bilingual education to teacher trainers in Mexico and Colombia. However, there are still areas that require training centres, and none of the institutions offering initial teacher training provide the option of specializing in secondary-level intercultural bilingual education. For that reason, it is necessary to continue promoting and strengthening intercultural bilingual education.

110. In June 2016, the Ministry of Education approved, by Ministerial Decision No. 281-2016-MINEDU, the national basic education curriculum. For the first time, this curriculum includes the areas of communication in indigenous languages and Spanish as a second language with a specific number of course hours, as well as guidelines for the development, in each area, of an intercultural approach that explicitly cuts across the curriculum.

111. In July 2016, the National Policy on Intercultural Education and Intercultural Bilingual Education was approved by Supreme Decree No. 006-2016-ED. The policy includes guidelines on access, retention and timely completion; relevant curriculum and teaching methods; initial and in-service teacher training; and decentralized and participatory management. This effort is reflected in learning attainments, which were assessed by means of the general academic assessment of indigenous language reading comprehension. In some cases, there has been a threefold increase in attainment at the “satisfactory” level:²⁵

Table 1
Attainments in indigenous language reading comprehension

<i>General academic assessment of indigenous language reading comprehension: indigenous language</i>	<i>Beginner</i>		<i>In progress</i>		<i>Satisfactory</i>	
	<i>2012</i>	<i>2014</i>	<i>2012</i>	<i>2014</i>	<i>2012</i>	<i>2014</i>
Aymara	55.7	39.1	40.3	51.1	4	9.8
Chanka Quechua	-	29.4	-	56.5	-	14.1
Cusco-Collao Quechua	44.8	39.4	44.1	38.7	11	21.9
Awajún	73.8	56	21.1	26	5.1	18
Shipibo	85.7	71.1	10.7	14.7	3.6	14.2

The following progress has been made in the areas of teacher training, materials and official alphabets:

Table 2
Educational gaps (needs in terms of indigenous languages)

	<i>Number</i>	<i>Gap</i>
Indigenous languages of Peru	47	-
Languages with alphabets formalized by ministerial decision (see attached table)	32	23
Languages in which initial teacher training is available	23	24 ²⁶
Languages in which materials are available ²⁷	19	28

Illiteracy and adult education

112. Literacy training is an educational process aimed at bringing about self-development and the deployment of reading, writing and mathematical skills in persons *over 15 years of age* who did not enter the educational system in a timely manner or did not complete primary education. In that regard, paragraph 18 of the concluding observations issued by the Committee on the Elimination of Racial Discrimination is incorrectly worded in that it

²⁵ The next general assessment in indigenous languages will take place in the first week of December 2016, and the results will be available in the first quarter of 2017. As the process of creating the tests is quite complex, they are held every two years.

²⁶ The majority of languages in which no teaching is available are Amazonian (22).

²⁷ Materials produced in 2016 for distribution in 2017 have been included.

refers to illiteracy among indigenous boys and girls, whereas only adolescents aged 15 years or older can be classified as illiterate.

113. The literacy and continuing education programme is centred on districts that have the following characteristics:

- Communities with the highest levels of poverty and extreme poverty and/or
- Areas with the highest percentages of persons who are illiterate or did not complete primary education and/or
- Places in which national, regional and local programmes and/or social projects are being implemented and other places considered to be priorities by the education sector and the national Government.

114. Since 2014, priority has been given to literacy activities for young people and adults (aged 15 and over) who are illiterate or have not completed their basic education. See the tables on the progress achieved in annex 7.

115. Using the mother-tongue indicator of the national household survey, which reflects a nationally representative sample, the following figures were calculated for 2014 and 2015. As can be seen, illiteracy among the indigenous population has dropped significantly. However, although the survey is representative of the nation as a whole, for reasons of cost it may not cover all remote rural areas and is not necessarily representative of the population living in such places.

Table 4

Illiteracy rate of the population 15 years of age and over with an indigenous language mother tongue, by age group and sex, in 2014 and 2015

Age group (in years)	2014			2015		
	Male	Female	Total	Male	Female	Total
15-19	0.6%	0.9%	0.7%	0.4%	0.6%	0.5%
20-64	5.8%	25.6%	16.4%	5.6%	22.8%	14.6%
65 and over	22.5%	75.0%	51.4%	22.4%	70.7%	49.0%
Total	8.9%	34.9%	22.8%	8.7%	32.2%	21.2%

Source: National household surveys for 2014 and 2015. Prepared by the authors.

116. As the most recent national surveys have included the item of ethnic self-identification, it has been possible to obtain the following data on illiteracy among indigenous peoples, which may be compared with the levels calculated using the mother-tongue variable:

Table 5

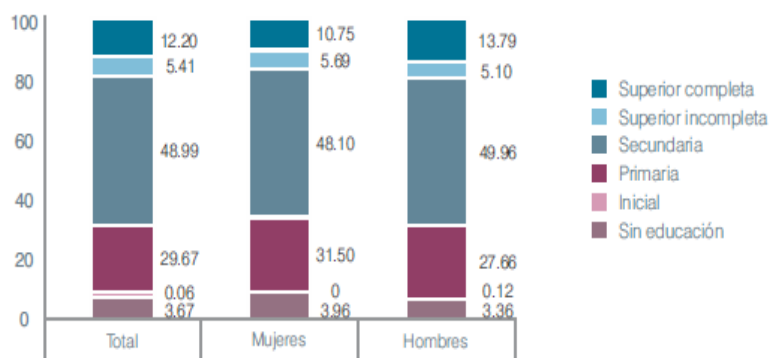
Illiteracy rate of the population 15 years of age and over who self-identify as indigenous, by age group and sex, in 2014 and 2015

Age group (in years)	2014			2015		
	Male	Female	Total	Male	Female	Total
15-19	0.2%	0.7%	0.5%	0.4%	0.4%	0.4%
20-64	4%	19%	12%	4%	17%	11%
65 and over	22%	73%	50%	23%	70%	49%
Total	6%	25%	16%	6%	24%	15%

Source: National household surveys for 2014 and 2015. Prepared by the authors.

The information gathered by the Ministry of Culture in the specialized study of the Afro-Peruvian population gives the following indication of the literacy rate among people of African descent:²⁸

Figure 1: Education of head of household by sex (percentage)



Source: Specialized study on the Afro-Peruvian population, 2014.

117. The General Directorate of Intercultural, Bilingual and Rural Education, through the Directorate of Alternative Basic Education, is implementing a strategic plan for illiterate persons and adult education, taking an intercultural approach, for indigenous and Afro-Peruvian communities. Services under the plan are provided in indigenous languages for adult speakers of such languages.

Education of the Afro-Peruvian population

118. The school census carried out in 2014 was the first to include a question on ethnic origin, which made it possible to determine the number of educational institutions serving Afro-Peruvian children. However, the question was removed in 2015, which means that the Ministry of Education does not currently have any administrative information on the Afro-Peruvian population. The National Institute of Statistics and Informatics has statistics for 2015 on the population's level of education, disaggregated by ethnic self-identification (see annex 1).

Paragraph 19 on the right to identity

119. The National Identity and Civil Status Registry's Working Group on Indigenous Peoples in the Amazon and Access to Documentation is endeavouring to improve the indigenous population's access to the identity registry and to ensure culturally appropriate service provision. The Registry has a social policy aimed at ensuring that vulnerable population groups, including indigenous peoples in the Amazon, have the documentation they need. As part of this social policy, the Department of Identity Restoration and Social Support has carried out mobile registration drives in indigenous communities in the Amazon. In June 2015, a protocol for intercultural service provision and registration of members of indigenous populations of the Peruvian Amazon was adopted through Administrative Decision No. 40-0215-JNAC-RENIEC. The protocol was the result of a joint effort by the Department of Identity Restoration and Social Support and the Ministry of Culture.

120. The proportion of undocumented indigenous peoples of the Amazon has been decreasing every year, falling from 8.10 per cent in 2012 to 3.39 per cent in 2015.

²⁸ Using the national household survey as a reference, this study selected a sample of all the families who identified themselves as being of African descent. On the basis of this sample, a survey was conducted on various indicators such as the educational level of the head of household.

Cuadro N° 3
PERÚ: PORCENTAJE DE POBLACIÓN INDOCUMENTADA
EN EL ÁMBITO DE COMUNIDADES NATIVAS, 2012-2015

Ámbito seleccionado	2012		2013		2014		2015	
	%	Absoluto	%	Absoluto	%	Absoluto	%	Absoluto
Perú	2.70%	813,977	1.70%	509,746	1.18%	363,053	1.10%	342,826
Distritos con comunidades nativas (129 distritos)	8.10%	170,879	4.90%	103,116	3.65%	77,461	3.39%	73,158

Fuente: INEI - Encuesta nacional de los programas estratégicos (ENAPRES).
Elaboración: RENIEC/GRIAS/SGFI

121. The number of registrations carried out in indigenous communities by the mobile registration teams of the Department of Identity Restoration and Social Support rose from 99,403 in 2014 to 102,938 in 2015. It should be noted that 71.6 per cent of those registered were minors; this percentage represents significant progress in reducing the number of undocumented children and adolescents in indigenous communities.

Cuadro N° 2
GRIAS: TRÁMITES DE DNI EN EL ÁMBITO DE LAS COMUNIDADES NATIVAS,
SEGÚN DEPARTAMENTO, 2012-2014

Departamento	Trámites de DNI			
	2012	2013	2014	2015
Total	133,475	145,711	99,403	102,938
Amazonas	12,097	7,032	6,299	4,962
Ayacucho	3,349	1,730	1,109	886
Cajamarca	891	3,669	1,212	1,655
Cusco	9,483	5,878	4,340	5,736
Huanuco	972	1,721	1,695	2,453
Junin	20,019	11,456	11,502	13,415
Loreto	62,705	65,656	44,020	45,623
Madre De Dios	2,940	2,526	2,957	2,709
Pasco	4,084	2,537	3,361	3,485
San Martín	4,498	7,434	6,243	6,344
Ucayali	12,437	36,072	16,665	15,670

Fuente: RENIEC/GRIAS/SGRI: Libro Discover (trámites generados por la GRIAS).

122. In recent years, the National Identity and Civil Status Registry has developed various services and initiatives to reduce the number of undocumented people within indigenous communities. These measures are conducted in keeping with public policies on mainstreaming an intercultural and culturally sensitive approach. The following achievements may be highlighted in this regard:

- A Spanish-Awajún bilingual civil registry has been set up for part of the Departments of San Martín, Loreto and Amazonas, and a Spanish-Huampibilingual civil registry has been set up for part of the Departments of Amazonas and Loreto. The registries are updated manually and online through the network of electronic civil registries. They allow persons who speak indigenous languages to receive birth, marriage and death certificates in two languages.
- The National Identity and Civil Status Registry also set up a Spanish-Jaqrú bilingual civil registry in the Supe district of the Province of Yauyos, Lima Region, in mid-2014, and a Spanish-Aymara bilingual civil registry in the Department of Puno in 2015. Bilingual civil registries are now being created in Cajamarca Quechua, Inkawasi-Kañaris Quechua, Shipibo-Konibo and Matsés.



- Dictionaries of indigenous names are also being created as a way of improving the services provided to the indigenous population. They contain lists of indigenous names and thus make it easier to enter these names in the registries. The initiative began in 2012 with the “Dictionary of Awajún Names” and the “Dictionary of Huampi Names”, and a second edition of the latter dictionary has since been published. The “Dictionary of Matsés Names” is also in the process of being published. As in the case of the bilingual civil registries, the initiative has been extended to other regions, with the publication of the “Dictionary of Quechua Names in Apurímac” and the “Dictionary of Jaqaru Names”.

With regard to dialogue between the National Identity and Civil Status Registry and organizations representing indigenous communities in the Amazon, the Registry has reached an agreement with the Matsés Native Community in order to resolve the problems that have arisen in many registrations because of the order in which family names appear on birth certificates. People in this community had encountered problems when applying for a national identification document because their birth certificates did not comply with the national standards for civil registries and identification. This agreement illustrates the desire of the members of the Matsés community to obtain identification documents that are in accordance with national rules but that also respect and recognize the specific situations that characterize this community.

Paragraph 20 on forced labour practices

123. The Second National Plan to Combat Forced Labour 2013-2017 was adopted by Supreme Decree No. 004-2013-TR on 9 June 2013. The Plan is aimed at involving both the Government and civil-society organizations in the response to forced labour, which represents an infringement on freedom of employment and the dignity of workers. The overall objective is to eradicate forced labour by designing a system of comprehensive support for victims who have been rescued from such situations and creating the necessary conditions to prevent the recurrence of such practices in the future.

124. The Second National Plan to Combat Forced Labour 2013-2017 is to be strengthened through the allocation of a special budget for addressing this scourge, which violates workers’ basic human rights. The Intersectoral Protocol against Forced Labour was adopted by Supreme Decree No. 011-2014-TR on 2 October 2014. This Protocol sets out the action to be taken by the Government to combat forced labour, spelling out the actions to be taken within each State sector to ensure timely intervention.

125. One of the priorities of the National Committee against Forced Labour is to establish regional committees to combat forced labour nationwide, with a focus on the most vulnerable areas, such as Madre de Dios, Ucayali, Loreto, Cusco and Puno. The aim is for the regional governments and the Regional Offices of Labour and Employment Promotion

to set up regional committees tasked with developing a regional public policy and action plan to combat forced labour.

126. The Chair of the National Committee against Forced Labour, which is under the responsibility of the Ministry of Labour and Employment Promotion, has taken up the task of reactivating and building the institutional capacities of the Regional Council against Forced Labour in the Region of Ucayali, with a view to completing the institution-building process and updating the Regional Council's strategic plan, which was initiated in 2012.

127. On 15 July 2016, experts from the General Directorate of Fundamental Labour Rights and Occupational Health and Safety and the General Directorate for the Promotion and Protection of Workers' Fundamental Rights held a workshop at the Regional Directorate of Labour and Employment Promotion in Ucayali with members of the Technical Committee on Forced Labour in the region's forestry sector. Representatives of the various institutions that make up the Committee attended the workshop. The workshop began with a presentation of the proposal for the new Regional Action Plan against Forced Labour, which will put Ucayali at the forefront of the country's efforts to combat forced labour.

128. In addition, a methodology for strengthening the efforts of the Regional Directorates of Labour and Employment Promotion to combat forced labour has been put forward. It has been suggested that the proposal, which is subject to approval by ministerial decision, should be implemented on a sectoral basis so as to cover other priority regions as well.

129. Finally, through the National Committee against Forced Labour, all the necessary steps are being taken to reinforce domestic criminal law as soon as possible in order to effectively end all forms of forced labour. One such measure is the proposal on the legal definition of the offence of forced labour, which has been adopted by the National Committee against Forced Labour and endorsed by the National Human Rights Council of the Ministry of Justice and Human Rights.

Paragraph 21 on refugees and asylum seekers

130. The executive secretariat of the Special Commission for Refugees has taken on board the approach of the Office of the United Nations High Commissioner for Refugees (UNHCR) with regard to providing sustainable livelihoods for refugees and asylum seekers. Major progress has been made in this regard through the Ministry of Labour and Employment Promotion, the Ministry for Women and Vulnerable Groups, the Ministry of Health, the Ministry of Transport and Communications and the Ministry of Development and Social Inclusion. The main achievements are detailed below.

- *Access to health care for asylum seekers and refugees.* The Comprehensive Health Insurance system, as a public implementing agency of the Ministry of Health, aims to protect the health of persons who do not have health insurance, giving priority to vulnerable populations in situations of poverty or extreme poverty. Foreign nationals who are recognized as refugees currently have access to the Comprehensive Health Insurance system. However, the situation is more complex for asylum seekers, as they do not have access to the system until they obtain refugee status. Through the Ombudsman's Office and the Office of the Ombudsman for Health, support is being provided to State hospitals to ensure that asylum seekers have access to medical services.
- *Access to the labour market for asylum seekers and refugees.* Once a foreign national is recognized as a refugee, he or she receives an alien identity card granting authorization to work legally in Peru. Asylum seekers are granted temporary authorization to work. This allows them to engage in gainful employment as self-employed workers, since they can register with the Central Tax Registry, or as employees, since they can open a salary account in any of a number of national banks, have the legal capacity to sign contracts and can be recorded on a payroll. Officials within the executive secretariat of the Special Commission for Refugees are tasked with resolving individual problems that may arise in terms of both employment and health care.

- Furthermore, both asylum seekers and refugees now have access to the virtual job-vacancy platform run by the Employment Centre of the Ministry of Labour and Employment Promotion. Action is also being taken to ensure that asylum seekers and refugees register with the social programmes carried out by the Ministry of Labour and Employment Promotion, such as Perú Responsable, Trabaja Perú, Vamos Perú and Jóvenes a la Obra.
- *Access to education for asylum seekers and refugees.* Through the Ministry of Education, the Peruvian Government has put in place the necessary provisions to ensure the access of refugees and asylum seekers to education, the flexible application of rules concerning the recognition of foreign school certificates, the remission of fees and charges and, where possible, the award of scholarships.
- *Human rights capacity-building and training for public officials regarding asylum seekers and refugees.* Public officials of the Ministry of Labour and Employment Promotion, the Ministry for Women and Vulnerable Groups, the Ministry of Health and the Ministry of Development and Social Inclusion take part in annual capacity-building sessions on international refugee law organized by the secretariat of the Special Commission for Refugees and the association ENCUEENTROS — Servicio Jesuita de la Solidaridad, which is an implementing partner of UNHCR.

Paragraph 22 on the implementation of the Comprehensive Collective Reparations Plan

131. The purpose of the Collective Reparations Programmes is to contribute to the reconstruction of the social and institutional, material and economic-productive capital of families and rural and urban communities affected by violence. Through Collective Reparations Programmes, funding is provided for production and infrastructure projects in campesino and native communities and/or villages affected by political violence between 1980 and 2000 and registered in the Central Registry of Victims. The funding consists of financial transfers of up to S/. 100,000 to local governments in their capacity as implementing agencies.

132. Through the programmes that make up the Comprehensive Collective Reparations Plan, action has been taken to ensure that indigenous peoples are involved in implementing the Plan, in keeping with the intercultural approach set forth in the regulations implementing Act No. 28592.²⁹ As a result, in order to involve indigenous peoples in the Plan's implementation and to provide services in the valley of the Apurímac, Ene and Mantaro rivers, which was identified as a national priority region in Supreme Decree No. 074-2012-PCM, 126 priority communities in that region have received support. Staff of the Collective Reparations Programmes attend community assembly meetings to ensure that project decisions reached by the community are respected by the local municipality, which is the implementing agency in charge of drawing up technical reports and implementing the project in accordance with the Programme's general guidelines.

133. At these meetings, a symbolic act of reparation is addressed to the community by means of a public apology made by the official representing the technical secretariat of the High-level Multisectoral Committee of the Ministry of Justice and Human Rights. While technical reports are being drawn up, developers and evaluators receive technical advice to ensure the project's sustainability. In the first half of 2016, five collective reparation projects for organized groups of displaced persons received funding.

²⁹ "When implementing and carrying out activities under all the programmes launched by the State, the State's action, which is conducted through the agencies under the purview of the Act and these Regulations and through the public-sector institutions, entities and officials tasked with implementing the Comprehensive Collective Reparations Plan, shall be guided by the following approaches: (...) Interculturality. This involves recognizing the ethnic and cultural differences within the Peruvian population and, accordingly, its diversity, as well as the differential impact that the violence has had on the various ethno-linguistic communities making up the country's population. The aim of the intercultural approach is to ensure that the differences existing within the country are respected and to work with them to create a dialogue between different stakeholders, adapting actions to the specificities of each of the beneficiary populations and individuals."

134. Through the Economic Reparations Programme, the Peruvian Government awards financial compensation to the families of victims who have died or disappeared, to persons with a permanent total or partial mental or physical disability caused by an attack, an assault or torture, and to victims of rape.

135. The amount awarded under the Economic Reparations Programme is S/. 10,000 per victim, which is either distributed among the surviving family members of those who have died or disappeared or paid in full to the beneficiary in all other cases.

136. Through Supreme Decree No. 012-2016-JUS, which was published on 8 September 2016, the process for determining and identifying beneficiaries of the Economic Reparations Programme within the civilian population, the military and the police force was reopened for those whose applications were submitted after the Central Registry of Victims was closed. This provision supersedes article 1 of Supreme Decree No. 051-2011-PCM, which had set the end of the period for determining and identifying beneficiaries of the Economic Reparations Programme as 31 December 2011. Consequently, persons who submitted their application to be entered in the Central Registry of Victims on or after 1 January 2012, and who were subsequently included in the Registry, were not considered beneficiaries of the Programme even though they would have qualified under article 38 of the regulations implementing Act No. 28592. For this reason, the Central Registry of Victims was reopened under Supreme Decree No. 012-2016-JUS.

137. By a ministerial decision, the Ministry of Justice and Human Rights will approve the beneficiaries and payment amounts in lists Nos. 19 and 20 of the Economic Reparations Programme. List No. 19 includes 1,013 beneficiaries, with total compensation of S/. 4,381,591.29, and list No. 20 includes 3,450 beneficiaries, with total compensation of S/. 20,837,287.72.

138. With regard to the *registration of and legal assistance for victims of forced sterilization*, Supreme Decree No. 006-2015-JUS sets out two key roles for the victim support service within the Ministry of Justice and Human Rights: (i) the establishment of the Registry of Victims of Forced Sterilization for 1995-2001, and (ii) the provision of free legal assistance to all those nationwide who consider themselves to be victims of forced sterilization, including assistance in filing complaints and, where applicable, provision of free legal support and advice.

139. By Ministerial Decisions Nos. 001-2016-JUS and 161-2016-JUS, the first and second phases of the implementation process for the Registry of Victims of Forced Sterilization were launched through the following District Directorates of the Public Defence Service and Access to Justice: Cusco, Cajamarca, Piura, Huancavelica, Lima Este, Ayacucho, Lima Centro, Lima Sur and San Martín. The timeline for implementation is as follows:

<i>Implementation phase</i>	<i>District Governorate</i>	<i>Province</i>	<i>District</i>	<i>Address</i>	<i>Start date</i>
	Cusco	Cusco	Wanchaq	Av. Micaela Bastidas No. 657-D	18 January
	Cajamarca	Cajamarca	Cajamarca	Av. La Alameda de los Incas S/N	28 January
	Piura	Piura	Piura	Av. Sánchez Cerro No. 1226 — Cercado de Piura	18 February
	Lima Este	Lima	San Juan de Lurigancho	Jr. San Martín No. 675 2do. Piso — Urb. San Rafael	7 March

<i>Implementation phase</i>	<i>District Governorate</i>	<i>Province</i>	<i>District</i>	<i>Address</i>	<i>Start date</i>
Second phase, approved by Min. Dec. No. 161-2016-JUS	Ayacucho	Huamanga	Ayacucho	Av. 26 de Enero No. 401-407	18 July
	Lima Centro	Lima	Cercado de Lima	Jr. Carabaya No. 831, oficina 403	21 July
	Lima Sur	Lima	San Juan de Miraflores	Jr. Felipe Valleriestra No. 192, Ciudad de Dios	22 July

140. In accordance with article 8.1.2 of Ministerial Decision No. 0319-2015-JUS, a mobile registration service was scheduled for 21 separate periods in 2016. The details are provided below.

<i>Mobile registration</i>				
<i>No.</i>	<i>Department</i>	<i>Province</i>	<i>Mobile registration dates</i>	<i>Status</i>
1	Cusco	Anta	18 to 27 January	Completed
2	Cusco	Chumbivilcas	13 to 25 April	Completed
3	Cusco	Anta	27 May to 3 June	Completed
4	Piura	Huancabamba	12 to 23 March	Completed
5	San Martín	Picota	18 to 22 September	Completed
6	Cajamarca	Chota	21 to 25 September	Completed
7	Cusco	Paucartambo	6 to 10 October	Completed
8	Cusco	Canchis	6 to 10 October	Completed
9	Cusco	Quispicanchis	6 to 10 October	Completed
10	Huancavelica	Tayacaja	15 to 21 October	Completed
11	Huancavelica	Acobamba	15 to 21 October	Completed
12	San Martín	Rioja	27 to 31 October	Completed
13	Ayacucho	Huanta	4 to 8 November	Completed
14	Ayacucho	Vilcashuamán	4 to 8 November	Completed
15	Huánuco	Dos de Mayo	15 to 19 November	Preparatory work completed
16	Huánuco	Leoncio Prado — Tingo María	15 to 19 November	Preparatory work completed
17	Junín	Tarma	26 to 30 November	Preparatory work completed
18	Junín	Satipo	26 to 30 November	Preparatory work completed
19	La Libertad	Otuzco	5 to 9 December	Preparatory work completed
20	La Libertad	Santiago de Chuco	5 to 9 December	Preparatory work completed
21	Moquegua	General Sánchez Cerro	13 to 17 December	Preparatory work completed

141. In order to continue the gradual implementation of the Registry of Victims of Forced Sterilization 1995-2001, the Registry will be set up in another six District Directorates in November and December of this year. Those districts are Huánuco, Junín, La Libertad, Moquegua, Lima Norte and Ventanilla.

Statistics on the number of persons who have applied to be recorded in the Registry of Victims of Forced Sterilization

142. The Registry of Victims of Forced Sterilization has been set up in nine District Directorates of the Public Defence Service and Access to Justice, and 14 mobile registration periods have been completed in a number of provinces, with 3,713 alleged victims of forced sterilization applying to be recorded in the Registry. Of these cases, 1,749 have been registered, 108 were not registered and 1,836 are being processed. The following table provides further details.

<i>Data by judicial district</i>			
<i>Implementation phase</i>	<i>Judicial district</i>	<i>Start date</i>	<i>Total number of applications</i>
	Cusco	18 January	1 250
	Cajamarca	28 January	197
	Piura	18 February	267
	Huancavelica	25 February	812
	Lima Este	7 March	37
	Ayacucho	18 July	410
	Lima Centro	21 July	17
	Lima Sur	22 July	6
	San Martín	25 July	717
Total			3 713

Paragraph 23 on social conflict arising out of projects involving natural resource exploitation

143. In addition to the information provided on follow-up to the concluding observations, submitted in February of this year, it is worth mentioning that the Office of the Deputy Minister of Intercultural Affairs created a permanent Working Group on Indigenous Policies, through Ministerial Decision No. 403-2014-MC, to serve as a platform for dialogue with indigenous peoples for the development of intercultural public policies. The Working Group will be a forum for participation and dialogue between the executive branch and indigenous peoples for the coordination, proposal and monitoring of public policies that involve indigenous peoples and require an intercultural approach in their design and implementation.

144. Since its establishment, the Working Group has held 11 ordinary meetings and 4 off-site meetings (in Puno, Ucayali, Cusco and Iquitos). To date, its members have adopted 66 agreements, of which 45 relate to the Working Group's internal workings and 21 relate to the more than 10 public entities that have participated in its meetings. Some of the Working Group's main achievements include the creation and launch of a Regional Working Group on Indigenous Policies in Ucayali; the creation and upcoming launch of the Working Group for the Strengthening of Indigenous Participation, in conjunction with the National Elections Board; and the regulations implementing the Indigenous and Aboriginal Languages Act (No. 29735).

145. In addition to serving as regional forums for participation and dialogue, the off-site meetings seek to establish regional working groups on indigenous policies, which can then be formalized and maintained by the regional authorities. The purpose of these regional working groups is to ensure that the indigenous population is involved in formulating and implementing regional policies for indigenous peoples, and to create platforms for the continued involvement of indigenous communities in order to help minimize conflict between the State and indigenous peoples at the local and regional levels.

146. With regard to oil block 192, as a result of the process of prior consultation, agreements were reached with each of the communities in the Alto Pastaza and Tigre River basins. In addition, after months of dialogue, the Lima Agreement was signed on 10 March 2015, the Teniente López Agreement on 24 September 2015 and the José Olaya Agreement

on 5 November 2015; these are agreements between the executive branch and the river basin communities represented by the Federación de Comunidades Nativas del Corrientes (FECONACO), the Federación Indígena Quechua del Pastaza (FEDIQUEP), the Organización de los Pueblos Indígenas Kichwas Amazónicos de la Frontera Perú-Ecuador (OPIKAFPE) and the Asociación Cocama de Desarrollo y Conservación de San Pablo de Tipishca (ACODECOSPAT).

147. The Contingency Fund for Environmental Remediation was established under Act No. 30321, published on 7 May 2015, with a view to ensuring the environmental remediation of sites affected by hydrocarbon-related activities. The Ministry of Energy and Mines is responsible for issuing the regulations implementing the Act (second final supplementary provision of the Act). Through Ministerial Decision No. 382-2016-MEM/DM of 21 September 2016, the draft regulations implementing Act No. 30321 were published; commentaries on the draft regulations were received between 22 September and 12 October 2016. At the most recent meeting of the Board of the Contingency Fund for Environmental Remediation, held on 3 November 2016, it was agreed that the input and commentaries on the draft regulations would be consolidated.

148. Furthermore, the Ministry of Health has drawn up an intervention plan to take joint and coordinated action, both within and between sectors, to achieve comprehensive improvements in the population's access to health care, with a focus on anaemia, malnutrition, dengue fever, malaria, maternal health, and pollution by heavy metals and chemicals. Specific activities are under way to address the issue of heavy metals pollution and monitor the health of affected persons, as well as to address certain aspects of the epidemiological and toxicology study conducted in the four river basins concerned. In addition, the capacity of regional and local health-care teams to deal with the situation has been strengthened, in particular by:

- Adapting and equipping health-care facilities;
- Increasing the frequency of visits and number of teams offering comprehensive health care to remote populations;
- Integrating indigenous health workers into those teams;
- Prioritizing maternal health care;
- Preventing and controlling communicable diseases such as malaria, hepatitis and leptospirosis;
- Reducing rates of chronic child malnutrition and anaemia;
- Strengthening preventive health-care activities.

149. Finally, it is worth mentioning that the Ministry of Health is working to promote intercultural health. To this end, it has strengthened the management team by setting up the Directorate of Indigenous Peoples in accordance with Supreme Decree No. 007-2016-SA approving the regulations on the organization and functions of the Ministry of Health. It also adopted the Intercultural Health Policy through Supreme Decree No. 016-2016-SA.

150. Regarding the *use of force*, in order to ensure that law enforcement is founded on respect for human rights and to enact regulations on principles concerning the use of different levels of force, including firearms, the executive branch adopted Legislative Decree No. 1186, which regulates the use of force by members of the Peruvian National Police.³⁰

151. The regulations implementing Legislative Decree No. 1186 were recently adopted through Supreme Decree No. 012-2016-IN, published on 27 July 2016. These regulations lay down the procedures and rules for applying the principles of legality, necessity and proportionality of the use of force, setting out clear conditions and rules of conduct for the

³⁰ Decree approved under the legislative powers granted by Congress, published in the Official Gazette (*El Peruano*) on 16 August 2015. The regulations are in keeping with international human rights standards for law enforcement, particularly the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

use of force. As a general rule, force — including lethal force by means of a firearm — should be used in a progressive and differentiated manner,³¹ in accordance with the principles and levels set forth in Legislative Decree No. 1186. Use of any level of force must be in keeping with the level of cooperation, resistance or aggression on the part of the individual involved and the situation at hand.

152. In the case of firearm use (lethal force), the regulations stipulate that police officers may use firearms only when strictly necessary and only when less extreme measures prove insufficient. Accordingly, “the use of lethal force in this situation is justified only in response to a clear, manifest and immediate act of violence committed by a person using objects or weapons that may cause serious injury or death”, i.e. a particularly serious crime (Legislative Decree No. 1186, art. 8.3 (e)).

153. The regulations implementing Legislative Decree No. 1186 also stipulate that members of the Peruvian National Police may not invoke the superior orders defence when an order to use force, particularly a firearm, is manifestly unlawful. They also provide that, in cases where the order was followed, the superior who gave the unlawful order shall also be held responsible (Supreme Decree No. 012-2016-IN, art. 14).

154. The immediate superior of an officer who uses force arbitrarily is held responsible if he or she was aware of the act and did not take steps to prevent it, did not immediately attempt to stop it or to control the individual, or did not notify the disciplinary or criminal investigation authorities of the arbitrary use of force (Supreme Decree No. 012-2016-IN, art. 15).

155. To ensure that those responsible for arbitrary or excessive use of force are investigated and brought to justice, the regulations implementing Legislative Decree No. 1186 provide that any police intervention involving use of force that results in injury or death must immediately be reported in writing to the local police station or the investigative authorities, which, in addition to conducting inquiries in conjunction with the Office of the Public Prosecutor, must inform the National Police Inspectorate or the relevant unit thereof for the purpose of opening the corresponding administrative inquiry (Supreme Decree No. 012-2016-IN, art. 13).

156. Through Legislative Decree No. 1230 of 25 September 2015, the National Police Act was amended to include, among the police powers listed, the use of force in accordance with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

157. Finally, a series of provisions have been adopted to revise and adapt the human rights handbook for law enforcement personnel, set guidelines for human rights training and capacity-building for police officers and ensure that capacity-building and training plans are in keeping with the standards laid down in Legislative Decree No 1186.³² The protection of vulnerable groups and individuals continues to form part of human rights capacity-building.

Paragraph 24 on combating racial stereotypes

158. The action undertaken by the Ministry of Culture has been geared towards awareness-raising and training for communicators and journalists. In 2014 and 2015, 500 communicators and journalists in Lima, Loreto, Tumbes, Piura, Huánuco, Huancavelica, Ayacucho, Cusco and Madre de Dios received training in conceptual tools and practices for developing communication free of ethnic and racial discrimination.³³

159. Another area of focus has been to run public awareness-raising campaigns designed to highlight the issue of ethnic and racial discrimination in the country. To this end, various

³¹ Progressive and differentiated use of force refers to the escalation, de-escalation and adaptation by police personnel of the means and methods they use, taking account of the level of cooperation, resistance or aggression in the situation at hand (article 3 of Legislative Decree No. 1186).

³² First, second and sixth final supplementary provisions (Supreme Decree No. 012-2016-IN).

³³ It should be noted that participants in these sessions received a guide for communicators entitled *Comunicación que no discrimina* (<http://www.alertacontraelracismo.pe/sites/default/files/guia.pdf>).

communication tools have been used, including booklets and public service announcements.³⁴ Although the campaigns have had a limited impact at the national level, it should be noted that the various management and planning tools in the culture sector include actions for the promotion of the right to equality and non-discrimination and that additional funds are being allocated for their implementation.

160. At its second ordinary session, on 12 May 2015, the National Human Rights Council decided to task its technical secretariat with the development of ethics guidelines for the media in response to the recommendations of the Committee on the Elimination of Racial Discrimination and in keeping with the National Human Rights Plan 2014-2016.

161. The Ministry of Justice and Human Rights subsequently convened a meeting on 23 July 2015 in which representatives of the Ministry for Women and Vulnerable Groups, the Ministry of Culture and the Ministry of Education took part to devise an intersectoral strategy on the formulation of ethics guidelines for the media. A second meeting was held on 4 August 2015, in which representatives of the Sociedad Nacional de Radio y Televisión, the Lima office of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Asociación Nacional de Anunciantes del Perú, the Consejo Nacional de Autorregulación Publicitaria del Perú, the country office of the United Nations Children's Fund (UNICEF), the Ministry of Culture and the LUNDU Centro de Estudios y Promoción Afroperuanos took part.

162. At that second meeting, the Ministry of Justice and Human Rights presented draft ethics guidelines for adoption by the institutions involved. However, the representatives of the various institutions emphasized that the media had internal codes of ethics and that, therefore, guidelines on the exercise of the profession and mechanisms for penalizing excesses or violations of fundamental rights such as equality and non-discrimination already existed. Consequently, the codes of ethics remain the regulatory and disciplinary instruments used by the media.

163. It should be noted that radio broadcasters either adopt their own codes of ethics or abide by the model code developed by the Ministry of Transport and Communications, since the Ministry's code of ethics applies automatically to radio broadcasters without a code of their own.³⁵ The codes of ethics are published on the Ministry's website.³⁶

164. Article II of the preliminary part of the Radio and Television Act (No. 28278) establishes that the following principles should be taken into account: (i) the defence of the individual and respect for human dignity; (ii) the defence of the fundamental human rights and freedoms enshrined in international treaties and the Constitution; and (iii) the promotion of national values and identity. Accordingly, radio and television broadcasters are required to have a code of ethics based on these principles and on international human rights treaties. The failure to submit a code of ethics constitutes a petty offence, while the breach of a code's provisions constitutes a more serious offence punishable by a fine of up to 30 taxation units.

165. In addition, the public has access to administrative and judicial mechanisms to report cases of discrimination. The Radio and Television Advisory Board is an autonomous, pluralistic advisory body under the Ministry of Transport and Communications that was established pursuant to the Radio and Television Act of 2004 and began operations in 2005. It is made up of representatives of the public, the private sector and the State³⁷ and its

³⁴ The public service announcements can be seen at the following link:
<https://www.youtube.com/watch?v=rFJOjgMj2gc&list=PLHxC7Qqk6x7TGRW19qRWsc-785JOYwgJJ>.

³⁵ See <http://www.mtc.gob.pe/comunicaciones/autorizaciones/radiodifusion/documentos/MTC%20cod%20etica%20COMERCIAL.PDF>.

³⁶ See <http://www.mtc.gob.pe/comunicaciones/autorizaciones/radiodifusion/etica.html>.

³⁷ The following institutions are members of the Board: the National Association of Centres for Research, Social Advancement and Development, commercial radio and television broadcasting licensees, educational radio and television broadcasting licensees, the Peruvian Press Council, consumer advocacy groups, faculties of communication and journalism, the Ministry of Transport and Communications (non-voting member), the College of Journalists, the professional association of advertisers (Asociación Nacional de Anunciantes) and the Professional Association of Teachers.

purpose is to promote good practices in Peruvian radio and television by producing reliable information and fostering a climate of dialogue among all stakeholders.

166. The Board's website provides public guidance on how to file a complaint about breaches of the law and/or of the media code of ethics.³⁸ The complaint must be filed first with the appropriate radio or television broadcaster and, if the broadcaster does not reply within 15 working days or if the person is dissatisfied with the reply, he or she may file a complaint with the Ministry's Directorate of Communications Oversight and Monitoring, appending the supporting documentation.

167. The public also has access to the following judicial mechanisms: (i) the remedy of *amparo*, a procedure whose purpose is to protect constitutional rights, including the right to equality and non-discrimination on grounds of origin, sex, race, sexual orientation, religion, opinion, economic or social status, language or any other characteristic (Code of Constitutional Procedure, art. 37); and (ii) criminal proceedings for discrimination, as defined in article 323 of the Criminal Code.

Paragraph 25 on statelessness

168. Peru acceded to the 1954 Convention relating to the Status of Stateless Persons on 23 April 2014. On 18 December 2014, as evidence of its commitment to the eradication of statelessness, Peru deposited its instrument of accession to the 1961 Convention on the Reduction of Statelessness.

169. The decision of the Government of Peru to accede to these international conventions is a tangible illustration of the State's commitment to protecting human rights and persons in vulnerable situations. In order to ensure compliance with the provisions of the two conventions, the authorities are looking into the establishment of mechanisms for recognizing and protecting stateless persons, as well as the review of laws and procedures on the acquisition of nationality.

170. Regarding the Inter-American Convention against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, it should be noted that on 25 October 2016, Peru signed both conventions during a ceremony held at the office of the Secretary General of OAS in Washington, D.C. The signing of the two conventions attests to the Government's determination to combat racism and discrimination.

Paragraph 26 on the amendment to article 8 of the Convention

171. The amendment was incorporated into domestic law through Legislative Decision No. 27078 of 22 March 1999. In addition, the amendment was ratified by Peru through Supreme Decree No. 016-99 of 9 April 1999.

Paragraph 27 on the Durban Declaration and Programme of Action

172. As part of the functions and powers conferred on the Office of the Deputy Minister of Intercultural Affairs, the Office has been specifically tasked with the coordination of policies and actions with the different levels of government, the various sectors of the executive branch and civil society. The following actions are noteworthy in this regard:

- Establishment of the Audiovisual Library of Cultures by the Ministry of Culture as an educational initiative for encouraging intercultural citizenship through audiovisual materials on the different cultures in Peru, produced by children and adolescents, especially those of indigenous and Afro-Peruvian background, in audiovisual workshops. The initiative also involves training key actors to teach children and adolescents how to use the Library with a view to education for intercultural citizenship, disseminating the Library's content to different audiences in order to foster the development of intercultural skills, and promoting its use in formal and non-formal education settings.

³⁸ See <http://www.concortv.gov.pe/ley-de-radio-y-television/como-quejarse-ante-una-emisora-de-radio-yo-canal-de-television/>.

- Provision of capacity-building for public servants at the different levels of government and in the various sectors of the executive branch with a view to combating racism and ethnic and racial discrimination. Workshops for public servants are held on a continual basis to provide them with tools for preventing and reporting cases of racism and discrimination.
- Production of publications and information materials, including print and electronic booklets in indigenous languages, to help eliminate racial discrimination.
- Implementation of the “Many Heritages, One Peru” project to foster discussion of various topics related to the way in which cultural diversity is experienced in Peru today. The objective is to promote opportunities for discussion, analysis and reflection on cultural diversity in Peru as a key element of human development and social inclusion. To this end, academics, opinion leaders, artists, outreach workers, students and the authorities are involved in various activities, round tables and publications.
- Development of guidance on the implementation of public policies regarding the Afro-Peruvian population. The document was adopted in 2014 and constitutes a guide for State efforts towards the comprehensive development and social inclusion of Afro-Peruvians and the reduction of inequalities that affect this group.
- Organization of commemorative activities as part of Afro-Peruvian Culture Month. Noteworthy activities include round tables, seminars, discussion forums, festivals and academic papers, with the coordinated involvement of various sectors of the Government and civil society organizations. In addition, through the Ministry of Foreign Affairs, activities to mark Afro-Peruvian Culture Month were held by the Peruvian missions in Buenos Aires, São Paulo, Santiago (Chile), Pretoria, Mexico City and Uruguay.
- Conduct of a specialized study on the Afro-Peruvian population which provides an in-depth picture of this ethnocultural group’s socioeconomic situation, with a view to broadening the relevant academic discussion and producing more information for the design and implementation of public policies. The study also contains detailed disaggregated data on the situation of the Afro-Peruvian population in terms of poverty, employment, health, education, discrimination, violence, culture and identity.
- Formulation of the National Development Plan for the Afro-Peruvian Population, a policy instrument whose purpose is to ensure equitable, inclusive and non-discriminatory conditions for the development of the Afro-Peruvian population. The Plan reflects the mandates set forth in the Strategic Plan for National Development, mandatory national policies and the National Human Rights Plan and is part of the State’s commitment under the International Decade for People of African Descent (2015-2024) proclaimed by the United Nations.
- Adoption of Supreme Decree No. 004-2015-MC declaring that priority attention to the Afro-Peruvian population and its full enjoyment of fundamental rights, in the context of the International Decade for People of African Descent (2015-2024) proclaimed by the United Nations General Assembly, is a matter of national interest.
- Development, as part of the specialized study on the Afro-Peruvian population, of a geo-ethnic map identifying areas with a high concentration of Afro-Peruvian residents, using updated information on this population group obtained through a survey of Afro-Peruvian households. The purpose of the map is to have official, substantiated data on the distribution of the Afro-Peruvian population in the country as an important tool for public administration, policy design and implementation, and use by civil society and academia.
- Organization, by the Ministry of Culture in partnership with the Secretariat of Public Administration of the Office of the President of the Council of Ministers, of the “Intercultural Good Governance” contest, which is directed at public entities at the national level with a view to promoting the positive acknowledgement of the country’s cultural diversity in the management of public services.

- Adoption of the National Policy for Mainstreaming the Intercultural Approach with a view to guiding, coordinating and establishing State mechanisms to safeguard the exercise of rights by the country's culturally diverse population, in particular indigenous peoples and Afro-Peruvians, thereby promoting a State that recognizes cultural diversity, operates in a culturally sensitive way and works towards social inclusion, national unity and the elimination of discrimination.
- Initiatives geared towards the media and public forums to raise public awareness of racism and ethnic and racial discrimination in the country by providing useful information on how to prevent and report discriminatory acts. One of the most high-profile events was the campaign "Keep an eye out for racism in football", which had a strong impact on the public, opinion leaders, the media and representative football teams and helped to expose and counteract racial discrimination in Peru. The campaign was very successful: in 2014, the Justice Commission of the Professional Football Association sanctioned eight clubs in relation to cases of racism.
- The Ministry of Justice and Human Rights and the National Commission against Discrimination, jointly with the Ministry of Culture, the Peruvian Football Federation and UNICEF, held an event to promote the right to equality and non-discrimination during a Peru-Brazil match at the national stadium on 15 November 2016. The event called for the participation of the spectators, who were asked to pull out a red card against discrimination as a symbolic gesture of commitment to a discrimination-free country.

173. The foregoing comprises the full extent of the information to be reported.
