

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 28th Session

PERU

I. BACKGROUND INFORMATION

Peru acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in 1964 and 1983, respectively. In 2014, Peru acceded to the *1954 Convention relating to the Status of Stateless Persons (1954 Convention)* and the *1961 Convention on the Reduction of Statelessness (1961 Convention)*.

The status and treatment of asylum-seekers and refugees in Peru is primarily governed under the 2002 *Refugee Law No. 27.891 (Refugee Law)* and implemented by the Special Commission for Refugees (CEPR). Refugee legislation entrusts the CEPR with the task of adjudicating asylum claims, and promoting durable solutions for refugees. The *Refugee Law* is further complemented by a number of decrees and administrative regulations dealing with specific issues, such as residence permits, documentation and extradition.

As of December 2016, some 1,633 refugees and 4,390 asylum-seekers, mainly from Colombia, Cuba and Venezuela, lived in Peru. Approximately 36 per cent of the refugees and asylum-seekers are female. In general, by the end of 2016, Peru had experienced a 900 per cent increase in new asylum applications.

In 2016, authorities reported more than 3,602 new asylum applications from Venezuelans in particular. In this regard, Peru adopted *Supreme Decree N° 002-2017-IN* establishing a Temporary Resident Permit Programme for Venezuelans (PTP). As per the PTP, which entered into force in February 2017, only Venezuelans who legally entered Peru before 1 January 2017 would be entitled to a one year residence visa (renewable). Despite these measures, national authorities have indicated that the number of asylum applications of Venezuelan nationals remained high and even increased during the first months of 2017.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 116.27: “Continue working to eradicate the dissemination of stereotypes that may encourage racial discrimination (Argentina).”¹

¹ All recommendations made to Peru during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review of Peru” (20 February 2013), A/HRC/22/15, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/PESession14.aspx>.

UNHCR commends Peru for its active involvement in the adoption of the *Brazil Declaration and Plan of Action (BDPA)*,² as well as the development of concrete measures for the implementation of its main components. The *BDPA* includes provisions on non-discrimination policies to strengthen local integration through the promotion of respect for diversity and interculturalism, highlighting the positive contribution refugees, displaced and stateless persons bring to the host communities.

Following the adoption of the *BDPA*, UNHCR and CEPR elaborated a draft Plan of Action for the development of key activities to ensure the implementation of the components of the *BDPA* that are relevant to the reinforcement of the protection framework in Peru, namely the “Quality Asylum” Programme, the “Borders of Solidarity and Safety” Programme, the “Local Integration” Programme, and Chapter Six on Statelessness in the Americas.

Linked to 2nd cycle UPR recommendation no. 116.68: “Facilitate the registration of all births and promote, in line with article 7 of the Convention on the Rights of the Child, birth registration of those children who were not registered at birth, in particular in the rural and remote areas of the country. Simultaneously, provide training to personnel in charge of birth registration (Uruguay).”

UNHCR commends Peru for its accession to the *1961 Convention* in 2014, which establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life.

As possession of nationality is essential for full participation in society and for the enjoyment of the full range of human rights, stateless people are often deprived of access to basic rights and services. It is generally birth registration that provides proof of place of birth and parentage and thereby provides evidence of acquisition of nationality, either by *jus soli* or *jus sanguinis*, rather than being the formal basis for the acquisition of nationality.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Trafficking in persons

Linked to 2nd cycle UPR recommendations no. 116.21: “Continue to allocate appropriate budget and resources to address challenges such as trafficking in persons, sexual exploitation of children and extreme poverty in rural areas and establish a targeted timeframe for implementing related plans and programs (Thailand)” **and no. 116.42:** “Improve coordination on trafficking in persons (TIP) investigations, increase funding for TIP victim services, implement programs to combat the worst forms of child labour and forced labour, and effectively enforce national labour laws, including laws related to freedom of association (United States of America).”

Refugees and asylum-seekers, including children, are particularly at risk of falling victim to trafficking or smuggling due to the vulnerable situations they often face. Regarding trafficking in persons for sexual exploitation, the social situation of asylum-seekers and refugees in Peru

² *Brazil Declaration and Plan of Action: A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity*, 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

and the limited programmes available to facilitate their local integration in the country make refugees and asylum-seekers, particularly women and children, especially vulnerable. No special measures have been adopted to protect refugees, asylum-seekers, stateless persons and internally displaced persons from trafficking in persons. Government efforts to combat trafficking in persons should also take into account the fact that victims, or potential victims, who are at risk of persecution if returned to their countries of origin, may qualify as refugees within the meaning of the *1951 Convention*.

Recommendations:

UNHCR recommends that the Government of Peru:

- a) Adopt special measures and programmes to ensure the effective local integration of asylum-seekers, refugees and stateless persons and to prevent them from falling victim to trafficking in persons; and
- b) Design and implement mechanisms to identify, protect, and refer to the asylum authorities, presumed or identified victims of trafficking who may need international protection, or who may otherwise be unable to return to their country of origin.

Issue 2: Birth registration

Linked to 2nd cycle UPR recommendation no. 116.70: “Continue to increase the coverage of identification and birth registration services, including in the rural jungle areas (Chile).”

A 2012 *UNICEF Report on Peru* highlighted the issue of unregistered and undocumented children in the Amazonian Region. According to the report, unregistered children in the North and North-Western border regions of Peru represented 17.3 per cent of all children under five years old in Ucayali, 11.3 per cent in Loreto and 8.7 per cent in the Amazonas Department.³

UNHCR is particularly concerned about the situation of children born to Colombian parents in isolated communities near the Colombian/Peruvian border. Although the law considers these children Peruvian citizens through birth on the territory (*jus soli* principle), in practice, and many are not able to be registered at birth or to access proper personal documentation. Lack of birth registration renders individuals at risk of statelessness, as they may not be able to provide proof of their birthplace or the nationality of their parents.

Recommendation:

UNHCR recommends that the Government of Peru:

- a) Ensure universal birth registration and access to proper documentation for all children born in Peru, particularly for those residing in isolated border communities of the Amazonian region.

Issue 3: SGBV affecting refugees, asylum-seekers and stateless persons

Linked to 2nd cycle UPR recommendation no. 116.38: “Continue with the efforts to end violence against women through, inter alia, the implementation of the Second National Plan on Violence against Women and by supporting international initiatives (Spain).”

Participatory assessments held with female refugees and asylum-seekers in Peru revealed that women face situations of domestic/interfamilial violence aggravated by their displacement;

³ UNICEF, *Informe Perú 2012*, p. 10, available at: <http://www.unicef.org/peru/spanish/Informe-Anual-Unicef-Peru-2012.pdf>.

lack adequate information about services available to prevent and respond to SGBV; and face discriminatory attitudes that prevent their access to rights, including sexual and reproductive health-care services. The challenges that women experience in the context of forced displacement (poor documentation, loss of family/social networks, etc.) impact their capacity to perceive domestic violence as a situation that threatens their human rights. Precarious labor conditions and limited access to income-generating activities increase refugee and asylum-seeking women's vulnerability.

Although no official statistics are available on the prevalence of SGBV among refugee and asylum-seeking women in Peru, based on information compiled by UNHCR, UNHCR and CEPR initiated a series of activities on SGBV prevention. These activities are taken in conjunction with the national agency on SGBV prevention (*Centros Emergencia Mujer – CEM*), the Ministry of Women and Vulnerable Populations and UNHCR's implementing partner agency (*Encuentros – Servicio Jesuita de la Solidaridad*) and aim to provide capacity building to CEM officials throughout the country and facilitate the access of women to prevention and response mechanisms.

The *Second National Plan on Violence against Women 2016-2021* was enacted by *Supreme Decree N° 008-2016-MIMP*. It is applicable to all levels of the Government for the prevention, sanction and eradication of gender violence and is coordinated by a High Level Multisectorial Commission. Among others, the Plan addresses forms of gender violence pertaining to refugees, internally displaced and migrant women.

Recommendation:

UNHCR recommends that the Government of Peru:

- a) Adopt effective measures to prevent and respond to situations of SGBV towards refugee and asylum-seeking women and enhance victim's access to economic, social, and cultural rights, within the framework of the *Second National Plan on Violence against Women*.

Additional protection challenges

Issue 4: Local integration of refugees and asylum-seekers

The provision of humanitarian assistance to newly arrived asylum-seekers and the development of programmes for the local integration of refugees remain major challenges in Peru. In the absence of a government assistance programme for local integration, refugees and asylum-seekers, especially those with specific protection needs, often face serious difficulties when trying to integrate locally, particularly concerning the access to public assistance, employment and housing opportunities. The process of local integration is primarily supported through the efforts of UNHCR and its local implementing partner agency. There is a need for more direct and active involvement of governmental institutions in the integration processes of refugees and in response to the basic needs of asylum-seekers.

Asylum-seekers are excluded from the Universal Health Insurance System (*Sistema de Aseguramiento Universal en Salud*) because the temporary documents they receive are not considered valid for enrolment. Although the regulations allow for the enrolment of refugees who present residence identity cards, in practice, refugee families face significant difficulties in accessing the system due to additional requirements and the fact that refugees are not eligible for the free health insurance programme called "*Seguro Integral de Salud*" (SIS). Initiatives

developed by the CEPR and UNHCR have facilitated the access of vulnerable asylum-seekers, such as pregnant women, children and new-borns to the SIS under a temporary scheme. However, access to the programme is still blocked for other adult members of the family.

Recommendation:

UNHCR recommends that the Government of Peru:

- a) Design a comprehensive public programme or social policy to ensure proper social assistance to asylum-seekers and durable solutions for refugees to facilitate their process of socio-economic integration, including concrete actions to remove legal and material barriers that hamper asylum-seekers and refugee families' access to the free public health insurance system.

Issue 5: National legal framework and protection safeguards

On 7 January, Peru enacted *Legislative Decree on Migration N° 1350-2017 (LD 1350-2017)*, which establishes a new legal framework on migration and contains a specific section on Asylum and Refuge. This Decree abolishes *LD N° 1236-2015*, which failed to come into force due to lack of regulation. Migration rules are applied to specific issues and situations related to the protection of refugees and for this reason is considered to complement the refugee legal protection framework in Peru. The legal provisions in *LD 1350-2017* are generally in line with international and regional standards. Among other issues, *LD 1350-2017*: authorizes a change to permanent migratory residence criteria; recognizes the validity and issuance of Convention Travel Documents; and, includes specific migration categories for asylum seekers, refugees and stateless persons. Notably the new Humanitarian Residence criteria applies to "asylum seekers" as well as "stateless persons", while the Temporary Migratory Residence under International Conventions criteria applies to "recognized refugees".

LD 1350-2017 also established a deadline for the adoption of necessary implementing regulations of 1 March 2017. UNHCR provided its formal comments and observations on the implementing regulation, to help reinforce the safeguards already included in the decree and to tackle the remaining challenges. Efforts will be needed in the implementation of the new regulation to ensure that, *inter alia*: asylum-seekers do not face barriers/impediments to entry, in compliance with the principle of *non-refoulement*; refugees have access to permanent residence after a reasonable period residing in the country; and, measures are taken to simplify the procedures and requirements in the processing of residence permits and documents for refugees and stateless persons in line with the "administrative assistance" principle.

Recommendation:

UNHCR recommends that the Government of Peru:

- a) Ensure effective protection of asylum-seekers, refugees and stateless persons in the implementation of *Legislative Decree No. 1350-2017*, including by ensuring compliance with the principle of *non-refoulement*, providing refugees with the means to access to permanent residence, and simplifying the procedures and requirements for refugees and stateless persons to obtain documentation.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

PERU

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Peru.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ⁴	Recommending State/s	Position ⁵
Child Protection		
116.11. Ensure that the draft amendments to the Code on Children and Adolescents explicitly prohibit corporal punishment of children in all settings, including in the home, and that they are enacted as a matter of priority	Lichtenstein	Supported
116.12. That the Bill on corporal punishment of children currently under consideration, explicitly prohibit all forms of corporal punishment in all settings, and enact this Bill as a matter of priority	Portugal	Supported
116.13. Complete the review of the Children and Adolescents Code, and develop the law prohibiting corporal punishment and humiliating treatment towards boys, girls and adolescents	Republic of Moldova	Supported
Equal rights regardless of SOGI		
116.14. Repeal penal sanctions on homosexuality in the police force	Slovenia	Supported
116.15. Consider enacting legislation that addresses crimes based on sexual orientation	Canada	Supported
116.32. Consider applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in policy development	Slovenia	Supported
Trafficking in Persons		
116.21. Continue to allocate appropriate budget and resources to address challenges such as trafficking in persons, sexual exploitation of children	Thailand	Supported

⁴ All recommendations made to Peru during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Peru" (20 February 2013), A/HRC/22/15, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/PESession14.aspx>.

⁵ Peru's views and replies can be found in: *Addendum* (15 April 2013), A/HRC/22/15/Add.1, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/PESession14.aspx>.

and extreme poverty in rural areas and establish a targeted timeframe for implementing related plans and programs		
116.42. Improve coordination on trafficking in persons (TIP) investigations, increase funding for TIP victim services, implement programs to combat the worst forms of child labour and forced labour, and effectively enforce national labour laws, including laws related to freedom of association	United States of America	Supported
Discrimination		
116.27. Continue working to eradicate the dissemination of stereotypes that may encourage racial discrimination	Argentina	Supported
Gender equality		
116.30. Redouble its efforts aimed at combating violence against women and girls, illiteracy and at ensuring greater representation of women in decision-making, both in the government and in the private sector	Romania	Supported
116.31. Eliminate effectively gender-based discrimination in accessing education and health care, particularly in rural areas and among indigenous communities	Slovakia	Supported
Sexual and gender-based violence (SGBV)		
116.36. Continue to address violence against women, particularly in regional and local areas	Australia	Supported
116.38. Continue with the efforts to end violence against women through, inter alia, the implementation of the Second National Plan on Violence against Women and by supporting international initiatives	Spain	Supported
116.39. Continue to implement legal and administrative measures to protect women from domestic and sexual violence	Singapore	Supported
116.40. Step up its efforts to prevent and combat domestic violence and to ensure that the perpetrators are promptly brought to justice	Lichtenstein	Supported
116.41. Undertake further measures to protect women and children, particularly from violence and exploitation	Australia	Supported
116.51. Sensitize law enforcement and judicial authorities towards gender-based violence and increase protection and support services, including prescribing protective measures, for female victims of violence	United States of America	Supported
116.52. Take concrete measures, including legislative measures, in order to improve access to justice for women who are victims of gender-based violence	Belgium	Supported
Birth registration		
116.68. Facilitate the registration of all births and promote, in line with article 7 of the Convention on the Rights of the Child, birth registration of those children who were not registered at birth, in particular in the rural and remote areas of the country. Simultaneously, provide training to personnel in charge of birth registration	Uruguay	Supported

116.69. Speed up the birth registration process of women who are not in possession of birth certificates and identity documents, in particular in the rural and remote areas of the country	Uruguay	Supported
116.70. Continue to increase the coverage of identification and birth registration services, including in the rural jungle areas	Chile	Supported
Right to education		
116.103. Continue the efforts to provide high quality education to all children and adolescents in the Peruvian territory, particularly to those belonging to groups in situations of vulnerability, such as indigenous peoples, Peruvian afro-descents, Afro-Peruvian communities and persons with disabilities	Costa Rica	Supported

II. Treaty Bodies

Committee on the Rights of the Child

Concluding Observations, (2 March 2016), [CRC/C/PER/CO/4-5](#)

Data collection

15. While noting the significant efforts made by the State party to collect and analyse data on children, the Committee is concerned that data are not sufficiently disaggregated and consolidated which may constitute an obstacle for an adequate understanding and assessment of the situation of children in vulnerable and marginalized situations.

16. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party continue to strengthen its data collection system, in particular by ensuring that data cover all areas of the Convention and are disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis on the situation of all children. It also recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. Furthermore, the State party should take into account the conceptual and methodological framework set out in the report of United Nations Office of the High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information.**

Definition of the child

25. The Committee notes that the minimum age of marriage is set at 18 years. However, it is concerned that courts may grant exceptions to that rule, if the boys and girls are at least 16 years old and expressly stated their desire to marry.

26. **The Committee urges the State party to effectively enforce the legal minimum age of marriage at 18 years.**

Non-discrimination

27. While noting the measures taken by the State party to address discrimination against children in marginalized or disadvantaged situations, such as the establishment of the National Commission against Discrimination and the Platform against Discrimination, the Committee is deeply concerned at the:

- (a) Persistence of patriarchal attitudes and deep-rooted stereotypes that discriminate against girls, resulting in a high prevalence of violence against girls;
- (b) Prevalence of structural discrimination against certain groups of children, including indigenous children, Afro-Peruvian children, children living in rural and remote areas, children living in poverty, lesbian, gay, bisexual, transgender and intersex (LGBTI) children and children with disabilities, in particular regarding their access to education and other basic services, such as health care;
- (c) Absence of legislation explicitly prohibiting discrimination based on sexual orientation or gender identity.

28. **The Committee recommends that the State party:**

- (a) **Design and implement a comprehensive strategy, including awareness-raising programmes and educational campaigns, to eliminate patriarchal attitudes and gender stereotypes that discriminate against girls;**
- (b) **Intensify its efforts to prevent and eliminate all forms of de facto discrimination against all children in marginalized and vulnerable situations, including through effectively implementing existing laws and policies, adopting further strategies, and carrying out broad public education campaigns;**
- (c) **Ensure that professionals working with and for children, the media and the general public are sensitized to the negative impact of stereotypes and discriminatory attitudes on children's enjoyment of their rights;**
- (d) **Explicitly prohibit discrimination based on sexual orientation and gender identity.**

Birth registration

33. While welcoming the information provided during the dialogue that the overwhelming majority of children have a national identity document, the Committee is concerned that some children continue to face difficulties in gaining access to birth registration and identity documents.

34. The Committee recommends that the State party continue to strengthen its efforts to ensure universal birth registration and access to identity documents for all children born in the State party, with particular attention to indigenous children, children living in rural and remote areas, such as the isolated border communities of the Amazonian region, and children living in poverty.

Freedom of the child from all forms of violence

41. The Committee welcomes the adoption of Law No. 30364 of 6 November 2015 to prevent, punish and eradicate violence against women and household members and other efforts taken by the State party to address domestic and sexual violence against children, including establishing comprehensive support systems. The Committee remains, however, deeply concerned at the prevalence of high levels of violence against, and abuse of, children, including domestic and sexual violence. In particular, it is concerned at:

- (a) The low rate of complaints and lack of effective investigation of acts of violence against children, in particular sexual violence, resulting in impunity of perpetrators;
- (b) Information received that children depend on parents or guardians to file complaints about violence and that their complaints are questioned, leading to their re-victimization;
- (c) The increasing severity and frequency of bullying and violence in schools;
- (d) Numerous cases of children having been abused by the clergy of the Catholic Church;
- (e) Deficiencies in the protection system for child victims of violence and abuse, in particular that it does not cover all areas of the State party, focuses on responses to violence rather than prevention, and does not always effectively function, inter alia owing to limited capacity and resources;
- (f) The lack of a comprehensive system for the collection of disaggregated data on all forms of violence against, and abuse of, children;
- (g) The fact that children are involved in training for bullfighting and associated performances, which entails a high risk of accidents and severe injuries, and that child spectators are exposed to the extreme violence of bullfighting.

42. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

- (a) **Effectively investigate all cases of violence against children and ensure that perpetrators are held accountable for these offences;**
- (b) **Ensure children's effective access to justice, including by providing legal and other relevant support, ensuring that children are treated as victims and providing accessible, confidential, child-sensitive and effective reporting channels;**
- (c) **Strengthen awareness-raising and education programmes, including campaigns, among professional groups working for and/or with children and the public at large, with the aim of preventing and combating all forms of violence against children, as well as addressing stigmatization of victims, in particular victims of sexual abuse;**
- (d) **Ensure effective implementation of the Anti-Bullying Law and the National Strategy against Violence in Schools;**
- (e) **Ensure effective investigation and prosecution of all cases of sexual abuse allegedly committed by the clergy of the Catholic Church. Those convicted should be adequately punished and the victims compensated and rehabilitated;**
- (f) **Ensure the effective functioning and coordination of all parts of the child protection system throughout the State party, including through the allocation of adequate human, technical and financial resources;**
- (g) **Pay particular attention to and address the gender dimension of violence;**
- (h) **Establish a national database on all cases of violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**
- (i) **Prohibit the participation of children in bullfighting training and associated performances as a worst form of child labour, ensure the**

protection of child spectators and raise awareness of the physical and mental violence associated with bullfighting and its impact on children.

Harmful practices

43. While taking notes of efforts made to prevent child marriage in the Napo communities, the Committee is concerned at the high prevalence of child marriage in the State party, in particular in indigenous and rural areas.

44. The Committee recommends that the State party ensure that the minimum age of marriage, set at 18 years of age for both girls and boys, is effectively enforced. The State party should also undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls, targeting in particular parents, teachers and community leaders, in the light of general comment No. 18 on harmful practices (2014), adopted jointly with the Committee on the Elimination of Discrimination against Women.

Children with disabilities

51. The Committee notes the measures taken to guarantee the rights of persons with disabilities and establish an inclusive education system, such as the adoption in December 2012 of the General Law No. 29973 on Persons with Disabilities. However, the Committee is concerned that legislative and policy measures are not effectively implemented in practice. In particular, it is concerned at:

- (a) The fact that more than 90% of children with disabilities do not possess a disability certificate, including owing to a lack of specialized medical personnel to issue such certificates, which impedes their access to services for persons with disabilities;
- (b) Information received that approximately 54 per cent of children with disabilities do not know how to read or write;
- (c) Limited access to inclusive education for children with disabilities, in particular in rural and remote areas, owing inter alia to the lack of adequate infrastructure and resources and limited support provided by the Assistance and Advice Services for Students with Special Educational Needs;
- (d) The insufficient availability of rehabilitation services and early detection programmes, in particular in rural and remote areas, and the limited coverage of rehabilitation and treatment for children with disabilities by the Universal Health Insurance;
- (e) The fact that many social protection programmes, while they do not directly exclude children with disabilities, are not accessible for them owing to the fact that they are often solely provided in schools, taking into account that only 50 per cent of children with disabilities go to school;
- (f) Continued widespread discrimination and violence against children with disabilities.

52. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, and:

- (a) **Increase its human, technical and financial resources to ensure that all children with disabilities receive a disability certificate;**
- (b) **Strengthen its efforts to implement an inclusive education system for all children at all levels, including by allocating the necessary human, technical**

and financial resources, providing accessible schools and educational materials, ensuring training of teachers, providing transportation and strengthening and expanding the support provided by its Assistance and Advices Services for Students with Special Education Needs in all areas of the State party;

- (c) **Establish a system to provide education to children with disabilities which have not attended school for many years and do not know how to read and write;**
- (d) **Ensure that children with disabilities throughout the State party have effective and free access to health and rehabilitation services, including early detection and intervention programmes;**
- (e) **Ensure that its social protection programmes are inclusive in practice;**
- (f) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Health and health services

53. The Committee welcomes the significant progress made by the State party in reducing child mortality and chronic malnutrition, but is concerned at disparities in progress between urban and rural areas and regarding indigenous children and children living in poverty. The Committee is also concerned that:

- (a) Access to and quality of health care facilities remains insufficient, in particular in rural and remote areas and indigenous communities;
- (b) Despite improvements, the maternal mortality ratio continues to be high, particularly in rural and remote areas;
- (c) Basic vaccination coverage is not yet comprehensive and even declining;
- (d) The prevalence of anaemia among children has increased;
- (e) The rate of exclusive breastfeeding is declining and the enforcement of the Rules on Infant Food is not adequately monitored.

54. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

- (a) **Continue to strengthen its efforts to address child mortality and malnutrition, focusing primarily on children living in poverty, children living in rural and remote areas and indigenous children. In this context, consider the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);**
- (b) **Ensure equal access to quality health services by all children, including children living in rural and remote areas;**
- (c) **Effectively implement its strategies aimed at reducing maternal mortality throughout the country, including by strengthening the quality of prenatal care and the responsive capacity of health services;**
- (d) **Conduct studies on the causes of anaemia among young children and women and, based on the findings, formulate and implement programmes to address the issue;**
- (e) **Strengthen its efforts to promote exclusive breastfeeding until 6 months of age by raising awareness of health personnel and the public of the**

importance of exclusive breastfeeding and ensure effective implementation and monitoring of the Rules on Infant Food.

HIV/AIDS

57. While noting the measures taken by the State party to prevent and address HIV/AIDS, the Committee is concerned at reports that only about 50 per cent of children infected with HIV receive antiretroviral treatment. It is also concerned at the increasing rate of infections among indigenous children and limited provision of appropriate health care services for HIV-infected pregnant women.

58. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party improve access and coverage of antiretroviral therapy for HIV-infected children. The State party should also provide targeted services and information on HIV prevention for indigenous children and ensure adequate health care services and treatment for HIV-infected pregnant women and follow-up treatment for HIV/AIDS-infected mothers and their infants with a view to preventing mother-to-child transmission and guaranteeing early diagnosis and initiation of treatment.

Standard of living

59. The Committee remains concerned that, despite improvements, child poverty is widespread and access to drinking water and sanitation for children is limited, in particular in rural areas and among indigenous children.

60. The Committee recommends that the State party continue to intensify its efforts to eliminate poverty and extreme poverty and expand access to drinking water and sanitation, with a particular focus on rural areas and indigenous communities.

Education, including vocational training and guidance

61. The Committee notes the significant efforts made to increase budget allocations for, and access to, education, including early childhood education, and to strengthen intercultural bilingual education. However, it is concerned about:

- (a) Disparities in budget allocations between schools and regions;
- (b) Lower enrolment and completion rates, persistent difficulties in accessing quality and bilingual education and high illiteracy rates among children living in rural areas as well as indigenous and Afro-Peruvian children;
- (c) Growing privatization of education which may reinforce discrimination in the educational system;
- (d) Hidden costs in education;
- (e) Low quality of education despite improvements and the relatively low educational achievements of children in the State party;
- (f) Insufficient training of teachers and difficult working conditions in rural and remote areas;
- (g) High rates of school dropouts, particularly affecting pregnant girls and adolescents at secondary level.

62. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:

- (a) **Continue its efforts to allocate sufficient financial resources for the development and improvement of the national education system covering all schools and all areas of the State party;**
- (b) **Continue to improve the accessibility and quality of education for all children, including by strengthening the provision of quality training for teachers and improving their working conditions, in particular in rural areas, to encourage them to provide education of a high quality;**
- (c) **Assess and address the consequences of the rapid development of private education in the State party with a view to ensuring equal access to quality education for all children;**
- (d) **Guarantee the right to free mandatory education, without indirect or hidden costs;**
- (e) **Strengthen measures to address school dropout and increase the completion of secondary education, with a particular focus on children living in rural areas, indigenous and Afro-Peruvian children, pregnant girls and teenage mothers;**
- (f) **Improve the quality of education in rural areas and among indigenous and Afro-Peruvian communities with a view to eliminating illiteracy and ensure the effective implementation of its programmes on intercultural bilingual education.**

Asylum-seeking, refugee and migrant children

63. The Committee welcomes the adoption of the Migration Act in September 2015 and the State party's active role in the preparation and adoption of the Brazil Declaration and Plan of Action "A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean" in 2014. It is, however, concerned at the lack of specific procedures to deal with unaccompanied and separated children and limited access to basic services for asylum-seeking and refugee children, including health, education and other social services.

64. In the light of its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin and in accordance with Advisory Opinion 21/14 of the Inter-American Court of Human Rights and the UNHCR Guidelines on determining the best interests of the child, the Committee recommends that the State party establish a child-sensitive refugee status determination procedure, including specific safeguards for unaccompanied asylum-seeking children. The State party should also consider adopting a social strategy ensuring access to basic services for asylum-seekers and refugees, including children.

Economic exploitation, including child labour

65. While noting the measures taken by the State party to address child labour, including awareness-raising and training activities, the Committee is seriously concerned that:

- (a) The minimum age for admission to employment remains at 14;
- (b) The prevalence of child labour remains extensive, in particular in rural areas, with a high percentage of children involved in the worst forms of child labour, including mining, agriculture, logging, brick making, domestic work, garbage dumps, and illicit activities, in particular illegal coca cultivation and drug trafficking;
- (c) Measures taken to address child domestic labour have been insufficient;

- (d) The system of authorization and registry, which bases the authorization for children to work on a number of requirements, does not work effectively in practice;
- (e) The phenomenon of child labour, in particular domestic child labour and child labour in rural areas, has not been sufficiently studied.

66. The Committee urges the State party to:

- (a) **Increase the minimum age for admission to employment to 15 years, when compulsory education ends, as previously recommended by the Committee;**
- (b) **Ensure that all hazardous and abusive forms of labour, including domestic work, are prohibited for children under 18 years of age and adopt specific measures to address the situation of child domestic workers;**
- (c) **Effectively enforce existing legislation protecting children from economic exploitation and exposure to hazardous or abusive work and illicit activities, including by strengthening monitoring and inspection mechanisms and thoroughly investigating and sanctioning violations;**
- (d) **Ensure adequate financial resources and institutional capacity to effectively implement the National Strategy for the Prevention and Elimination of Child Labour 2012-2021;**
- (e) **Continue to strengthen family support programmes to eliminate child labour;**
- (f) **Ensure that the involvement of children in labour is in full compliance with international child labour standards, in terms of their age, working hours, their working conditions, their education and health, including by effectively implementing the system of authorization and registry. In this regard, the Committee recommends that the State party establish the definition of ‘light work’, in conformity with rules set out in ILO Convention No. 182 (1999) concerning prohibition and immediate action for the elimination of the worst forms of child labour;**
- (g) **Strengthen its efforts to systematically collect and analyse disaggregated data on child labour in order to understand its dynamics and to support recommendations that will address the root causes and dangers of child labour throughout the State party;**
- (h) **Continue to seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization in this regard.**

Children in street situations

67. While noting the State party’s prevention and recovery measures, such as the Programa Educadores de Calle, the Committee is concerned that the number of children in street situations, who are vulnerable to various prevalent risks, including crime, drugs, gang violence, abuse and exploitation, remains high and data on this issue are lacking. It is also concerned at reports that children living and working in the streets are arrested, detained in poor conditions and ill-treated by the police.

68. The Committee recommends that the State party:

- (a) **Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of its magnitude and root causes;**

- (b) **Adopt a comprehensive child-protection-based approach to dealing with children in street situations, focusing on ensuring adequate assistance for recovery and reintegration, nutrition, housing, health care and educational opportunities;**
- (c) **Raise public awareness of the rights and needs of children in street situations and combat misconceptions and prejudices;**
- (d) **Ensure that children in street situations are not subject to discrimination, abuse and harassment by law enforcement officials as well as arbitrary arrest and detention;**
- (e) **Ensure that children in street situations are consulted when planning programmes designed for their protection and the improvement of their development.**

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Concluding Observations, (7 March 2016), [CRC/C/OPAC/PER/CO/1](#)

Data

11. The Committee regrets the lack of a systematic mechanism of data collection, analysis and monitoring of all areas covered by the Optional Protocol.

12. The Committee recommends that the State party establish a comprehensive data collection system on all areas relevant for the implementation of the Optional Protocol and use the information collected as a basis for designing comprehensive policies and programmes with respect to the protection of children affected by and involved in armed conflicts.

Age verification procedures

13. The Committee is concerned that age verification procedures for the recruitment in armed forces are not always carried out systematically. It is further concerned that a number of children continue to face difficulties in accessing birth registration and identity documents, which may impact on the effectiveness of age verification procedures.

14. The Committee urges the State party to ensure consistent and systematic verification of the age of individual recruits to effectively prevent the recruitment of children into the armed forces. The Committee further reaffirms its concluding observations under the Convention (CRC/C/PER/CO/4-5, para. 34) and recommends that the State party continue strengthen its efforts to ensure universal birth registration and access to identity documents for all children in the State party.

Recruitment and use of children by State armed forces

19. While noting the information provided by the State party during the dialogue that in 2014-2015 there have been no complaints in respect of recruitment and use of children by State armed forces, the Committee is deeply concerned at reports that the armed forces of the State party, including the police and self-defence committees, have unlawfully recruited and used children, which were also sent to serve in areas of high risk of conflict and violence, disproportionately affecting children in marginalized and vulnerable situations.

20. The Committee urges the State party to take all necessary measures to effectively prevent and combat the recruitment or use of children by armed forces, including the police and self-defence committees. In this regard, the State party should ensure the effective implementation of existing laws, including through providing training to relevant professionals and raising awareness on age requirements.

Recruitment and use of children by non-State armed groups

21. The Committee expresses deep concern about the ongoing recruitment, kidnapping and use of children, including girls, by non-State armed groups, in particular the Shining Path of the VRAEM and Huallaga regions. It is also concerned at reports that those children are used for illicit activities, such as drug trafficking, and are subjected to sexual abuse and exploitation by these non-State armed groups. The Committee is further concerned that measures taken to identify children at risk of being recruited, in particular owing to their socioeconomic status or remoteness of where they live, are insufficient.

22. The Committee reminds the State party of its obligations under the Optional Protocol to take all necessary measures to effectively prevent and combat the recruitment or use of children by non-State armed groups. In that regard, the Committee urges the State party to:

- (a) **Strengthen its legal, administrative or institutional measures necessary to protect children from violence, including sexual violence, and economic exploitation by non-State armed groups, taking into account the particular needs of girls victims when designing these measures;**
- (b) **Establish appropriate mechanisms to identify children at risk of being recruited or used by non-State armed groups;**
- (c) **Continue and further strengthen its programmes aimed at preventing and eliminating the root causes for recruitment, such as the Programme for Multisectoral Action on the VRAEM Region 2013-2016;**
- (d) **Expand awareness-raising and educational programmes on the negative consequences of participating in armed conflicts, targeting children, parents, teachers and any other relevant stakeholder.**

Extraterritorial jurisdiction and extradition

25. The Committee notes the information provided by the State party during the dialogue regarding the possibilities to exercise extraterritorial jurisdiction and the inclusion of the offences covered by the Optional Protocol in the majority of extradition treaties. Nevertheless, the Committee is concerned that extraterritorial jurisdiction over, and extradition for, offences prohibited under the Protocol are subject to the criterion of double criminality.

26. The Committee recommends that the State party ensure that domestic legislation regarding extraterritorial jurisdiction over, and extradition for, all offences covered by the Optional Protocol are exercised without the criterion of double criminality.

Measures adopted to protect the rights of child victims

27. The Committee welcomes the measures taken by the State party under the Comprehensive Reparations Plan with regard to redress for children affected by the armed conflict between 1980 and 2000. However, the Committee is concerned at delays in the implementation of the Plan.

28. The Committee recommends that the State party continue its efforts to ensure that child victims of the armed conflict between 1980 and 2000 receive redress.

Assistance for physical and psychological recovery and social reintegration

29. The Committee notes the information provided by the State party on recent efforts, such as the establishment of a multisectoral committee, to ensure the rehabilitation and social reintegration of children recruited by the Shining Path. It is, however, concerned at the limited availability of assistance for the physical and psychological recovery and reintegration for children recruited into armed forces or groups or used in hostilities. The Committee also regrets the lack of information on services provided for girl recruits who were victims of sexual abuse.

30. The Committee recommends that the State party take all necessary measures to ensure that children recruited into armed forces or groups or used in hostilities are provided with physical and psychological recovery and have access to rehabilitation and reintegration programmes. Such measures should include careful assessment of the situation of those children, reinforcement of the legal advisory services available for them and the provision of immediate, culturally responsive, child- and gender-sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration. The State party should provide further information on measures adopted in that regard and the number of children benefitting from such measures in its next report under the Convention on the Rights of the Child.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Concluding Observations, (7 March 2016), [CRC/C/OPSC/PER/CO/1](#)

Data collection

7. The Committee welcomes that the State party established in December 2009 an institutional system for registering cases of trafficking in persons and associated offences and compiling relevant statistics. Nevertheless, it regrets that statistics and data on the offences covered by the Optional Protocol are not comprehensive.

8. The Committee recommends that the State party intensify its efforts to develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by sex, age, nationality and ethnic origin, geographical location and socioeconomic status, with particular attention to children who are at risk of becoming victims of crimes under the Optional Protocol. Data should also be collected on the number of prosecutions and convictions, disaggregated by the nature of the offence.

Measures adopted to prevent offences prohibited under the Protocol

19. The Committee notes that the State party has introduced measures to prevent sexual exploitation and trafficking of children, including the establishment of a Multisectoral Standing Working Group against Trafficking in Persons. It is however concerned that measures to prevent the offences covered by the Optional Protocol are insufficient, as inter alia evidenced by the widespread sexual exploitation of girls, in particular in mining areas, the increasing

number of child prostitution and the existence of a large number of organized networks for trafficking in organs. In particular, it is concerned that:

- (a) Efforts to properly identify and eliminate the root causes and risks of offences under the Protocol, including poverty, the prevalence of discriminatory practices and attitudes as well as violence, are limited;
- (b) There are no mechanisms in place to identify and monitor children who are at particular risk of falling victim to the offences under the Optional Protocol, such as children in street situations, indigenous children, unaccompanied asylum-seeking, refugee and migrant children and children from rural and/or remote areas.

20. The Committee recommends that the State party expand and strengthen its preventive measures to address all areas covered by the Optional Protocol. The State party should also:

- (a) **Ensure effective enforcement of existing laws and administrative measures, social policies and programmes aimed at the prevention of offences under the Optional Protocol, including through allocation of sufficient resources;**
- (b) **Carry out comprehensive studies assessing the root causes, risk factors and scale of crimes related to the sale of children, child prostitution, including child sex tourism, and child pornography in the State party, with a view to developing and adopting effective and targeted legislative, policy and administrative measures for the prevention of offences prohibited under the Optional Protocol;**
- (c) **Ensure effective monitoring and evaluation of the measures adopted with a view to identifying possible deficiencies for corrective action;**
- (d) **Establish effective mechanisms to identify and monitor children at risk of becoming victims of the offences under the Optional Protocol and establish special prevention programmes targeting these children and their families.**

Child sex tourism

21. While welcoming the various measures taken by the State party to address child sex tourism, including the introduction of the criminal offence of child sex tourism and awareness-raising activities, the Committee is concerned that child sex tourism is increasing, as acknowledged by the State party in its periodic report (CRC/C/OPSC/PER/1, para. 58).

22. The Committee recommends that the State party continue enhancing its measures to prevent and eliminate child sex tourism. In particular, the State party should ensure effective implementation of its regulatory framework. The Committee further recommends that the State party strengthen advocacy with the tourism industry on the harmful effects of child sex tourism, widely disseminate the UNWTO Global Code of Ethics for Tourism among travel agents and tourism agencies, and continue to encourage these enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

31. The Committee notes the measures taken to protect the rights and interests of child victims of offences prohibited under the Optional Protocol, such as the establishment of 20 single interview rooms. Nevertheless, it is concerned that:

- (a) During investigations and legal proceedings, children are subjected to aggressive and frequent questioning, the privacy of child victims of offences under the Optional Protocol is not always adequately protected, and they are sometimes treated as offenders;
- (b) Despite the establishment of Legal Defence Service for Victims, child victims are not sufficiently provided with legal assistance or with the support of child psychologist and social workers during the criminal justice process, including owing to lack of sufficient capacity;
- (c) Information on access to complaint mechanisms and for damages from those legally responsible is lacking.

32. In the light of article 9, paragraphs 3 and 4, of the Optional Protocol, the Committee recommends that the State party ensure that:

- (a) **Child-sensitive procedures are established and followed and the best interests of the child are given primary consideration in the treatment afforded by the criminal justice system to child victims and witnesses, taking fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;**
- (b) **Child victims or witnesses of offences under the Optional Protocol are not re-victimized or treated as offenders in practice;**
- (c) **All relevant professionals receive training on child-sensitive interaction with child victims and witnesses at all stages of the criminal and judicial process;**
- (d) **All child victims are provided with free or subsidized legal aid and the support of child psychologists and social workers, including through providing adequate human, technical and financial resources;**
- (e) **All child victims have access to child- and gender-sensitive complaint mechanisms as well as adequate procedures to seek, without discrimination, compensation and redress.**

Recovery and reintegration of victims

33. The Committee is concerned at the limited availability of adequate services, including shelters, for the physical and psychosocial recovery and social reintegration of child victims under the Optional Protocol.

34. The Committee recommends that the State party ensure that child victims of the offences covered in the Optional Protocol are provided with appropriate assistance, including for their physical and psychological recovery and full social reintegration, and effective access to shelters and specialized care centres in accordance with the type of crime throughout the State party. The State party should also regularly monitor and evaluate as well as allocate adequate human, technical and financial resources for the effective implementation of programmes for the care, protection, physical and psychological recovery and the reintegration of child victims.

Committee on Migrant Workers

Concluding Observations, (13 May 2015), [CMW/C/PER/CO/1](#)

12. The Committee congratulates the State party on the fact that the National Human Rights Plan 2014-2016, adopted in July 2014, includes special protection for migrants, displaced persons, trafficking victims and their families and that it provides for specific actions for the protection and comprehensive promotion of the rights of migrants and the members of their families. However, the Committee is concerned about the lack of information about the plan's implementation.

13. The Committee recommends that the State party implement this plan immediately and ensure that legislation protects these groups, in accordance with the provisions of the Convention.

Data collection

18. The Committee takes note of the State party's efforts to improve the collection of data on migration flows, particularly as regards migrant workers in a regular situation in the State party. It regrets, however, that so little statistical and qualitative information is available on aspects related to the Convention, in particular in respect of migrant workers and members of their families in irregular situations and unaccompanied child migrants and child migrants separated from their parents, whether they are in Peru or are Peruvians abroad.

19. The Committee recommends that the State party step up its efforts to ensure that the migration statistics system takes into account all aspects of the Convention and includes detailed information on migrant workers in the State party, those in transit or in host countries, and emigrants. It encourages the State party to compile information and qualitative statistics broken down by sex, age and migration status, in connection with the rights enshrined in the Convention. Where it is not possible to obtain precise information (in the case of migrant workers in an irregular situation, for example), the Committee would appreciate receiving at a minimum information based on studies or estimates.

1. Human rights of all migrant workers and members of their families (arts. 8-35) 30.

The Committee notes the information provided on various forms of deprivation of liberty of migrant workers and the differences between holding and detention. However, the Committee is concerned by the lack of statistical information on the number of cases of detention and/or holding by reason of irregular migration, and on the places where such procedures are carried out and the conditions, and the measures taken to ensure consular assistance and access to justice and legal assistance for workers and members of their families in such circumstances. The Committee is also concerned by the lack of information on the existence of alternatives to deprivation of liberty in the context of migration control procedures. Furthermore, the State party has not provided information on the number of cases involving the detention or holding of migrant workers of Haitian origin and the relevant places, duration and conditions, prior to their obligatory departure.

31. The Committee recommends that the State party take the necessary measures to guarantee that detention of migrant workers in an irregular situation is a measure of last resort and that detention in all circumstances is conducted in accordance with article 16 and article 17, paragraph 2, of the Convention, and also with the Committee's general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families. It also recommends that the State party should provide detailed

information on this issue in its next periodic report, including the information mentioned in the previous paragraph.

54. The Committee welcomes the adoption of the National Plan of Action to Combat Trafficking in Persons 2011-2016 and Act No. 28950 on Trafficking in Persons and Smuggling of Migrants. However, the Committee is concerned by the lack of more detailed information on the implementation of these provisions and in particular on their impact.

55. The Committee recommends that the State party adopt measures to guarantee the practical implementation of these provisions to combat trafficking in persons and investigate, prosecute and punish persons, groups or bodies organizing or involved in such offences. It also recommends that information be obtained on the impact of the requirement for migrant workers of Haitian origin to hold a tourist visa, particularly its impact in reducing trafficking in persons, smuggling of migrants and irregular migration to the country. The Committee recommends that the State party continue its efforts to combat trafficking and smuggling of persons, particularly by:

(a) Further developing the application of the gender perspective;

(b) Developing effective mechanisms for identifying and protecting victims of trafficking, including the expansion of the shelter network and the guarantee of access to justice;

(c) Systematically compiling disaggregated data in order to better combat trafficking in persons and avoid the expulsion of affected groups from the State party;

(d) Intensifying campaigns for the prevention of trafficking in persons, especially in border areas with a high incidence of trafficking victims;

(e) Devising a strategy to ensure respect for victims' rights and avoid their re-victimization, taking account of the physical, psychological and social consequences suffered by trafficking victims.

Committee on the Elimination of Racial Discrimination

Concluding Observations, (25 September 2014), [CERD/C/PER/CO/18-21](#)

Discriminación estructural

8. El Comité nota con preocupación que los miembros de pueblos indígenas y los afroperuanos continúan siendo víctimas de una discriminación estructural, enfrentándose constantemente a la falta de oportunidades económicas, pobreza y exclusión social (arts. 1,2 y 5).

A la luz de su recomendación anterior (CERD/C/PER/CO/14-17, párrafo 10), el Comité recomienda que el Estado parte adopte una política nacional integral de lucha contra el racismo y la discriminación racial que promueva la inclusión social y reduzca los altos niveles de desigualdad y pobreza que afectan a los miembros de pueblos indígenas y los afroperuanos.

Datos estadísticos y Censo

11. El Comité continúa preocupado por la ausencia de datos desglosados sobre la composición de la población del Estado parte y en particular lamenta la ausencia de datos e indicadores sobre la población afroperuana lo que impide tener una visión clara y objetiva de las necesidades urgentes de este sector de la población (arts. 1 y 2).

El Comité recuerda al Estado parte la importancia sobre la recopilación y publicación de datos estadísticos desglosados sobre la composición de su población. Tomando en cuenta que en 2017 se llevará a cabo el próximo censo, el Comité exhorta al Estado parte a recopilar datos e indicadores sobre la población afroperuana e indígena desglosados por sexo, edad y discapacidad, así como a facilitar la participación activa de los pueblos indígenas y de la población afroperuana en la elaboración de la metodología a utilizarse y a asegurar que dicha metodología esté basada en el criterio de la auto-identificación.

Derecho a la identidad

19. A pesar de los esfuerzos realizados por el Estado parte mediante el Registro Nacional de Identificación y Estado Civil (RENIEC), preocupa al Comité que un significativo número de mujeres y niños indígenas siguen enfrentando dificultades para acceder al registro de nacimiento y obtener un documento de identidad, particularmente en las comunidades indígenas en las regiones Amazónica y Andina (art. 5, inc. d).

El Comité recomienda que el Estado parte redoble sus esfuerzos a fin de garantizar el acceso al registro de nacimiento a todas las poblaciones indígenas, así como la expedición de certificados de nacimiento y documentos de identidad particularmente a aquellas que se encuentran en áreas remotas en las regiones Amazónica y Andina.

Refugiados y solicitantes de asilo

21. A pesar de la información brindada por el Estado parte en cuanto al trato de los refugiados y solicitantes de asilo, preocupa al Comité que éstos sigan enfrentando discriminación racial, impidiéndoles el ejercicio efectivo de sus derechos económicos, sociales y culturales, en particular el acceso a la salud y al trabajo (art. 5, incs. d y e).

El Comité insta al Estado parte a tomar las medidas necesarias y efectivas para promover la integración de los refugiados y solicitantes de asilo, arantizándoles acceso a la educación, el empleo y servicios de salud sin discriminación. El Comité también recomienda que el Estado parte intensifique la capacitación y formación en derechos humanos ofrecida a los funcionarios públicos en relación a esta parte de la población.

Committee on the Elimination of Discrimination against Women

Concluding Observations, (24 July 2014), [CEDAW/C/PER/CO/7-8](#)

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's sixth periodic report (CEDAW/C/PER/CO/6) in undertaking legislative reforms, in particular the adoption of:

(e) Act. No. 28950 (2007) to Combat Trafficking in Persons and Smuggling of Migrants.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(c) 1954 Convention relating to the Status of Stateless Persons, in 2014.

C. Principle areas of concern and recommendations

Trafficking and exploitation of prostitution

23. The Committee notes the initiatives carried out by the State party to combat trafficking and sexual exploitation of women and girls. However, it is concerned at the low levels of budget allocations to implement existing programmes, the lack of preventive programmes to address the root causes of trafficking, in particular among girls and their families living in poverty, as well as the insufficient protection and rehabilitation measures for women and girl victims of trafficking. It is also concerned at the lack of information on prosecution of trafficking cases and of their monitoring and follow-up. The Committee is particularly concerned about trafficking in adolescent girls for sexual or labour exploitation, in particular in the mining and logging industries. The Committee regrets the insufficient information on the extent of internal trafficking and on exploitation of prostitution in the State party.

24. The Committee reiterates its previous recommendation (ibid., para. 31) and calls upon the State party:

(a) To fully enforce its legislation on trafficking and to increase the amount of resources allocated to the implementation of the national action plan and other measures to combat trafficking;

(b) To build the capacity of the judiciary, law enforcement and border officials and social workers on gender-sensitive ways to deal with victims of trafficking;

(c) To address the root causes of trafficking by stepping up efforts to improve educational and economic opportunities for girls, women and their families, thereby reducing their vulnerability to exploitation by traffickers;

(d) To take measures for the rehabilitation and social integration of women and girls who are victims of trafficking and to ensure that their protection includes the establishment of special shelters for victims;

(e) To provide in its next periodic report comprehensive information and data on trafficking in girls and women and on prosecutions and convictions of traffickers.

Nationality

27. The Committee notes the efforts by the State party to issue identity documents, in particular to rural and indigenous women and children, with a view to enabling them to claim nationality, citizenship and social benefits. The Committee is concerned, however, about the:

(a) Difficulties in registering women who have never possessed identity documents;

(b) Lack of birth registration and access to documentation of children in indigenous communities, especially in isolated communities in the Amazonian region;

(c) Fact that, the *jus soli* principle in national legislation notwithstanding, children born to foreign parents in the territory of the State party lack access to birth registration or to personal documentation.

28. The Committee encourages the State party to continue facilitating access to personal identity documents for undocumented women and girls, including those living in extreme poverty and/or in remote and isolated communities. The Committee also urges the State party to ensure universal birth registration and access to personal documentation for all children born in the State party.

Disadvantaged groups of women

39. The Committee regrets the lack of specific information on the measures to address the discrimination and violence faced by disadvantaged groups of women, such as , women living in economic duress, indigenous and Afro-Peruvian women, migrant women, older women, women with disabilities, women in prison, lesbian, bisexual and transgender women and other women facing multiple and intersecting forms of discrimination. The Committee reiterates its concern that, particularly, rural and indigenous women continue to face barriers in the exercise of their rights and in access to basic services, land tenure, and credit facilities.

40. The Committee recommends that the State party provide comprehensive information and statistical data in its next periodic report on the situation of disadvantaged groups of women and the implementation of the various existing policy instruments to address their specificities. It urges the State party to pay special attention to the needs of rural, indigenous and minority women, and to ensure that they participate in decision-making processes and have full access to justice, basic services, land tenure and credit facilities.

Human Rights Committee

Concluding Observations, (29 April 2013), [CCPR/C/PER/CO/5](#)

7. The Committee, while taking note of the measures adopted by the State Party to combat racial discrimination, is concerned at the fact that indigenous peoples and Afro- descendants continue to be the victims of discrimination (arts. 2, 26 and 27).

The State party should strengthen its efforts to prevent and eradicate discrimination against indigenous and Afro-descendent persons by, inter alia, carrying out broad education and awareness-raising campaigns that promote tolerance and respect for diversity. The State party should ensure the effective implementation of the legal provisions that reflect the State party's obligations under the Covenant with regard to the principle of non-discrimination. It should also take appropriate measures to ensure that such acts of discrimination are investigated, and that the victims receive reparation.

8. The Committee is concerned at reports of discrimination and acts of violence suffered by lesbian, gay, bisexual and transgender (LGBT) persons on the basis of their sexual orientation or gender identity (arts. 2, 3, 6, 7 and 26).

The State party should state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or discrimination or violence against persons because of their sexual orientation or gender identity. It should also amend its laws with a view to prohibiting discrimination on the basis of sexual orientation and gender identity. The State party should provide effective protection to LGBT individuals and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.

18. The Committee is concerned by the absence of a legal framework for protection of migrants who do not satisfy the international refugee definition but who face a real risk of death, torture, or ill-treatment if expelled from the territory of the State party (arts. 6 and 7).

The State party should adopt and implement laws guaranteeing respect for the principle of non-refoulement in cases involving risks of death, torture or ill-treatment not covered by the refugee definition, and should ensure appropriate training for officials engaged in migration control, especially in the Northern border region.

20. While taking note of the measures taken by the State party to combat trafficking in persons, forced labour and domestic servitude as well as the commitment expressed by the State party's delegation to comply with the recommendations made by the Special Rapporteur on contemporary forms of slavery, (A/HRC/18/30/Add.2), the Committee is concerned about the persistence of such practices in the State party (art. 8).

The State party should increase its efforts to prevent and eradicate trafficking in persons, forced labour and domestic servitude, including by ensuring the effective implementation of the existing relevant legal and policy frameworks. It should also take appropriate legislative measures to ensure that forced labour and domestic servitude are prohibited and punished in accordance with article 8 of the Covenant. The Committee further recommends the State party to ensure that allegations of these practises are thoroughly investigated, those responsible brought to justice, and that victims receive adequate care, free legal assistance and reparations, including rehabilitation.

Committee against Torture

Concluding Observations, (21 January 2013), [CAT/C/PER/CO/5-6](#)

B. Positive aspects

5. The Committee welcomes the State party's efforts to revise its legislation in areas of relevance to the Convention, including:

(e) Adoption of Refugee Law No. 27891 of 20 December 2002.

6. The Committee also welcomes the efforts of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including:

(e) Establishment on 7 December 2011 of a Vice-Ministry for Human Rights and Access to Justice within the Ministry of Justice;

(f) Establishment of the Special Commission on Refugees (CEPR);

(g) Adoption of the Second National Action Plan to Combat Violence against Women 2009-2015;

(h) Adoption of the National Action Plan to Combat Trafficking in Persons 2011-2016;

(i) Adoption of the National Human Rights Plan of Action 2012-2016.

C. Principal subjects of concern and recommendations

Violence against women

14. The Committee is concerned at reports on widespread violence against women and girls, including domestic and sexual violence and femicide, and at the low numbers of investigations and prosecutions in such cases, as well as the lack of statistics on sexual violence. While taking note of the adoption of the Second National Action Plan to Combat Violence Against Women 2009-2015, the Committee is concerned that domestic violence and forms of sexual violence and harassment, other than the crime of rape are not defined as offences in the Criminal Code and at the obstacles victims of violence face when accessing justice, combined with the insufficient number of shelters available to them (arts. 2, 12, 13 and 16).

The State party should intensify its efforts and urgently ensure implementation of effective protective measures to prevent and combat all forms of violence against women and girls and amend its legislation to include domestic violence and forms of sexual violence as offences under the Criminal Code, as is the case with rape, and develop a better overview on the prevalence of the offence. The State should further strengthen all efforts to prevent violence against women, enhance the access of victims to justice, ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, perpetrators brought to justice and victims provided with redress. The State party should set up not only an effective complaints mechanism for women and girls but also a monitoring mechanism to prevent all forms of violence against them. The Ministry of Health should provide specialized training to health personnel dealing with victims of violence and a single, consolidated system for keeping records on cases of violence against women should be established. Broad awareness-raising campaigns should be initiated and training on combating and preventing violence against women and girls for law enforcement officers, judges, lawyers, and social workers should be provided.

Impunity for acts of torture and ill-treatment during the internal armed conflict

16. The Committee is gravely concerned at the slow progress of establishing accountability for the estimated 70,000 deaths or enforced disappearances during the internal armed conflict from 1980 to 2000, and at the very small number of convictions and high rate of acquittals in cases prosecuted. It is further concerned at the slow pace of exhumations, identification of and return of bodies to their relatives and the scarcity of qualified personnel. It is also concerned at the requirement by the National Criminal Court that evidence be direct and documentary, and its unwillingness to credit the testimony of victims or their relatives. The Committee is seriously concerned at the absence of full cooperation of the Ministry of Defence to furnish information relevant for the investigations, including lists of army officers present in patrols and army bases in different regions affected by the conflict, and to inform on the aliases and code names frequently used by military officials. While taking note of the introduction of the Victim and Witness Assistance Programme and acknowledging the challenges and difficulties, the Committee is concerned that lack of effective implementation prevents courts from obtaining testimonies and that there are no special measures to protect victims of torture. It is concerned further at the under-reporting of cases of sexual violence against women and girls during the armed conflict, the limited number of investigations, the absence of sentences and the lack of effective redress to victims of sexual violence during the conflict. It is also concerned that rape is the only form of sexual violence that may give rise to individual economic compensation under Law No. 28592 and that all forms of sexual violence are not covered by the law on reparation. The Committee takes note that the State party ratified the Rome Statute in 2001, but is concerned that Bill No. 1707/2007/CR on rape as a crime against humanity, was submitted to Congress in 2007 but has not been passed to date (arts. 2, 12, 13, 14 and 16).

The State party should enhance its efforts to investigate, prosecute and bring to justice the perpetrators of human rights violations, including torture, during the internal armed conflict and ensure the access to truth, justice and compensation for victims. It should strengthen the capacity of the specialized judicial subsystem established for this purpose to conduct trials in an impartial, public and transparent manner, in accordance with international law. It also recommends that the Institute for Legal Medicine enhance its specialized forensic teams to accelerate the exhumations and analysis of human remains, their identification and handing over to relatives. The Committee urges the Ministry of Defence to cooperate with the prosecutors and judges and invites the National Criminal Court to reconsider its criteria for obtaining evidence in cases of human rights violations.

Witnesses and victims should be protected and provided with sufficient financial resources under the witness protection programme. The State party should enhance the investigation and prosecution of all cases of human rights violations committed during the armed conflict, including sexual violence, and provide redress to victims. All forms of sexual violence should be included in national legislation prohibiting torture and Law No. 28592 should be enacted in order to allow for individual economic compensation for such crimes. The Committee recommends that the State party expedite the implementation of the Rome Statute in national legislation.

Comprehensive Reparation Plan

17. While taking note of the introduction of the Comprehensive Reparation Plan and the establishment of the Central Register of Victims concerning reparation for victims of violence during the internal armed conflict from 1980 to 2000, the Committee is concerned that Supreme Decree No. 051-2011-PCM will be implemented to close the Central Register of Victims in spite of some 28,000 outstanding files requiring evaluation under the Economic Reparation Programme. The Committee is also concerned at the insufficient amount of economic reparation and at the slow pace of payments (art. 14).

The Committee recommends that:

(a) **The Reparation Council remains open and ensure that the Central Register of Victims continues the process for determining and identifying beneficiaries of the Economic Reparation Programme and amend article 41 of the regulations governing Act No. 28592 accordingly;**

(b) **Allocation is made for sufficient financial and human resources required for the full and timely implementation of the Comprehensive Reparation Plan and that an increase in the amount of economic reparation is made which should cover all the persons concerned.**

Contemporary forms of slavery, including forced labour and trafficking

21. The Committee is concerned at reports on forced labour practices amounting to slavery, debt bondage (*enganche*) and serfdom in such sectors as agriculture, stock-raising and forestry that particularly concern indigenous communities, and also at the situation of domestic workers living in conditions of domestic servitude. It is further gravely concerned at the increasing number of children affected by the worst forms of child labour in various sectors such as mining, brick-making and saw mills and that one third of persons in domestic servitude are children. The Committee is particularly concerned that the prohibition of slavery and forced labour is not adequately covered in the Penal Code. The Committee is further concerned at the trafficking in human beings for labour and sexual exploitation and in particular of women and young girls from impoverished rural regions in the Amazon who are recruited and coerced into prostitution in brothels located in mining shantytowns (arts. 2, 12, 13, 14 and 16).

The State party should strengthen its efforts to:

(a) **Adopt legislative measures to eradicate forced labour, serfdom and domestic servitude;**

(b) **Ensure in practice the elimination of such contemporary forms of slavery and in particular protect children;**

(c) **Carry out prompt investigation, prosecution and adequate punishment of perpetrators and provide protection, free legal aid, rehabilitation and compensation for victims of forced labour and trafficking;**

(d) **Raise awareness of and train law enforcement personnel, judges and prosecutors on trafficking in persons and to improve the identification of victims of trafficking;**

(e) **Amend the Penal Code and the Domestic Workers Act so that they are brought in line with international standards.**

Attacks against members of the LGBT community

22. The Committee is seriously concerned at reports of harassment and violent attacks, some of which have resulted in deaths, against the LGBT community by members of the national police, armed forces, municipal security patrols (*serenos*) and prison officials and at arbitrary detention and physical abuse in police stations with denial of fundamental legal safeguards (arts. 2, 11, 12, 13 and 16).

The State party should take effective measures to protect the LGBT community from attacks, abuse and arbitrary detention and ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, perpetrators brought to justice and victims provided with redress.

Data collection

23. The Committee regrets the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill treatment by law enforcement, military, security and prison personnel, as well as on trafficking, violence, against women, children and other vulnerable groups, including domestic and sexual violence, as well as means of redress (arts. 2, 11, 12, 13, 14 and 16).

The State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement and prison personnel, trafficking, violence, including domestic and sexual, against women, children and other vulnerable groups as well as on means of redress, including compensation and rehabilitation, provided to the victims.

Committee on Economic, Social and Cultural Rights

Concluding Observations, (30 May 2012), [E/C.12/PER/CO/2-4](#)

B. Positive aspects

4. The Committee welcomes in particular:

(a) The adoption of the Equal Opportunities for Men and Women Act (No.28983) on 16 March 2007;

(b) The adoption of the 2011-2016 National Action Plan to Combat Human Trafficking;

(c) The adoption of the Act on the Right of Indigenous or Aboriginal Peoples to Prior Consultation (No.29785) on 6 September 2011.

C. Principal subjects of concern and recommendations

5. The Committee notes with concern that there is no specific legislation prohibiting discrimination against persons based on sexual orientation, and that lesbian, gay, bisexual or

transgender persons have faced such discrimination in employment, housing, and access to education and health care. (art.2)

The Committee recommends that the State party expedite the adoption of specific legislation prohibiting discrimination against persons based on sexual orientation and take measures, in particular awareness-raising, to ensure that LGBT persons are not discriminated against on the basis of their sexual orientation and gender identity.

6. The Committee notes with concern that, despite legislative steps, persons with disabilities still face discrimination in accessing employment. (art.2)

The Committee recommends that the State party take steps to promote the employment of persons with disabilities, as well as to protect them from discrimination in the workplace. The Committee also recommends that the State party ensure effective compliance by public institutions with the 3 per cent quota accorded to persons with disabilities.

7. The Committee is concerned that, despite the strong increase in GDP in the State party, the rate of underemployment remains high, especially in rural areas. (art.6)

8. The Committee recommends that the State party take effective measures to increase the rate of employment, particularly in rural areas, and to overcome the difficulties in framing and implementing its employment policies. The Committee notes with concern the use of forced labor, in particular in the logging sector. (art.6)

15. The Committee is concerned that child labour in the State party remains extensive, in particular in the informal sector, and that children are exposed to dangerous and/or degrading work, in particular in mines, garbage dumps and battery recycling. The Committee is also concerned that the minimum age for admission to employment is set at 14 years, which is below the age of the end of compulsory education, set at 15 years. (art.10)

The Committee recommends that the State party take urgent steps to address child labour, including through ensuring effective enforcement of legislation protecting children from economic exploitation and exposure to hazardous or abusive work. The Committee also urges the State party to expedite the process of adoption of the Bill amending the Child and Young Persons Code, raising the minimum age for admission to employment to 15 years.

16. The Committee is concerned about the situation of street children in the State party, as well as their high numbers. (art.10)

The Committee recommends that the State party address the situation and the high number of street children, with the aim of protecting these children and preventing and reducing this phenomenon. The Committee also recommends that these efforts focus on recovery and social reintegration services, as well as ensuring adequate nutrition, housing, health care and educational opportunities.

19. The Committee is concerned about the serious housing deficit and the absence of legislation and policy to protect tenants living in poverty or to prevent forced evictions. The Committee

is also concerned about the insufficient provision of water and sanitation services, in particular in peripheral urban areas and rural regions. (art.11)

The Committee recommends that the State party take steps to address the housing deficit and take into special consideration the needs of the disadvantaged and marginalized individuals and groups, including through the upgrading of existing housing and the ensuring of security of tenure, especially in rural areas, in conformity with the Committee's General Comment No.4 (1991) on the right to adequate housing. The Committee recommends that the State party ensure the provision of safe and affordable drinking water and sanitation. It also recommends that the State party adopt measures, legislative or otherwise, governing forced evictions that are in line with the Committee's General Comment No.7 (1997) on forced evictions.

20. The Committee is concerned about the high percentage of the population that do not benefit from health-care coverage. It is also concerned about the inadequate access to and quality of health services, especially in rural and remote areas. (art.12)

The Committee recommends that the State party ensure the effective implementation of the 2009 Framework Law on Universal Health Care Insurance (Law No.29344). The Committee also recommends that the State party take steps to improve access to and quality of health care services, especially in rural and remote areas, including by addressing economic, cultural and social barriers to such access. The Committee requests the State party to include in its next periodic report data on the access to and quality of health services, disaggregated by region.

III. Special Procedures Mandate Holders

Report of the Working Group on the issue of discrimination against women in law and in practice

Addendum: Mission to Peru (26 June 2015) [A/HRC/29/40/Add.2](#)

A. Conclusions

83. In recent years, Peru has made considerable efforts and progress in terms of gender equality and the empowerment of women in areas such as the strengthening of the legal and institutional framework. However, the Working Group has identified a gap between the rhetoric and the reality. Although, in law, women have the right to equal treatment in public, political and economic life, there are no effective mechanisms in place to enable them to file complaints of discrimination.

84. Women in Peru have been oppressed and silenced by the prevailing culture of religious conservatism and machismo, which undermines their well-being and especially the full realization of their sexual and reproductive rights. Violence against women is a scourge that persists thanks to a high level of impunity and social acceptance. Furthermore, the huge gender gap affects in particular women and girls living in poverty, indigenous women living in rural areas in the highlands and in the Amazon region, women of African descent and women with disabilities. Racism and stereotypes deeply rooted in Peruvian society and disseminated through the media, targeting indigenous,

campesino and Afro-Peruvian communities in particular, are also major obstacles to the achievement of equality.

B. Recommendations

85. In a spirit of cooperation and collaboration, the Working Group makes the following recommendations to the Government of Peru with a view to strengthening measures designed to guarantee gender equality, and the protection and promotion of women's human rights.

86. With regard to legislation, the Working Group recommends that the Government should:

(a) Approve a comprehensive law on violence against women, including interculturally appropriate prevention, protection and rehabilitation mechanisms, and increased budgetary funding to tackle this scourge;

(b) Decriminalize abortion in cases of rape, incest or risk to the mental health of the mother and in cases of non-viable fetuses. Exceptions should also be made for pregnant girls under the age of 16 years, given the high risk to their health;

(c) Ensure distribution of free emergency contraception and free and systematic access to contraceptives;

(d) Include sexual orientation and gender identity as legally protected categories;

(e) Adopt bills to increase the scant participation of women in public life, including the bill amending quota requirements through the rotation of candidates on electoral lists on the basis of gender and the bill on the prevention and penalization of political harassment. Reconsider new bills on quotas for the membership of the Constitutional Court and the appointment of judges and magistrates;

(f) Adopt a comprehensive legal framework covering labour issues, including urgent measures to guarantee decent work for all women workers, enacting a law on equal employment opportunities accompanied by effective implementation mechanisms;

(g) Ratify the ILO Domestic Workers Convention, 2011 (No. 189) and adopt legislative reforms to protect domestic workers. Immediately implement the minimum wage and guarantee health insurance for all domestic workers;

(h) Ensure that laws and policies formulated at the national level that affect women and girls are systematically tailored to the actual needs of all groups of women, in particular those living in rural areas.

87. As to the institutional framework, the Working Group recommends that the Government should:

(a) Ensure appropriate budgetary funding and greater intersectoral coordination and joint monitoring, involving all the relevant ministries and bodies, in order effectively to implement laws and policies on the promotion and protection of women's rights and gender equality;

(b) Ensure that women's emergency centres have the human and financial resources required to provide the necessary services;

(c) Ensure that abortion services are made available and provide women with access to quality post-abortion care, in particular in cases involving complications arising from unsafe abortions;

(d) Implement all the measures requested as a part of the decisions of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee in the cases L.C. v. Peru and K.L. v. Peru.

88. As to access to justice, the Working Group recommends that the Government should:

(a) Ensure access to the formal justice system for all women on a non-discriminatory basis, by removing financial and linguistic barriers and providing appropriate and sustained funding for the training of members of the judiciary and ensuring that they are more gender-sensitive;

(b) Establish a centralized statistics system that makes it possible to build up an accurate picture of women's access to justice, in particular relating to the number of reported cases that are judged and the proportion that are discontinued;

(c) Increase the number of women in the police force and at the highest levels of the judicial system;

(d) Ensure the prosecution of and reparation for acts of sexual violence — in particular those committed during the internal conflict — revise and improve the system for the award of reparations, including collective reparations, and implement measures requested by the victims themselves, such as health, symbolic, collective and educational reparations.

89. As to policies, the Working Group recommends that the Government should:

(a) As a matter of urgency, create jobs for women in the formal sector;

(b) Ensure that policy initiatives result in lasting improvements;

(c) Develop essential services to encourage women's economic participation (such as adequate public childcare), taking into account women's specific needs in terms of schedules, distances to be travelled and languages used to deliver training;

(d) Extend the coverage of the social welfare system to include the right to family and child benefits, maternity, sickness and disability payments and an oldage pension;

(e) Ensure access to health-care services, including preventive services for all women, and in particular for women in precarious social and economic situations;

(f) Strengthen the adolescent pregnancy prevention strategy, ensuring that sex education is provided from primary school level onward and providing differentiated sexual and reproductive health services for adolescents in health centres accessible without parental consent;

(g) Invest heavily in education, in particular in remote areas, in order to ensure that girls remain in and complete secondary school education, and consider alternative measures, such as State-funded boarding schools for girls, in order to provide them with a safe environment and empower them;

(h) Develop and implement educational programmes in a sustainable manner, with the support of the media, in order to make possible an in-depth cultural transformation that will empower women and lead to the creation of a culture of equal opportunities for men and women, rather than simply carrying out awareness-raising campaigns on an occasional basis;

(i) Ensure that basic curricula at all levels of the education system cover the right of women to equal treatment, equal responsibility sharing between men and women relating to childrearing and domestic chores and the prohibition of all forms of violence against women;

(j) Ensure the participation of indigenous women in forums for the design, implementation and assessment of public policies through the setting up of mechanisms for dialogue with organizations of indigenous women, taking into account the persistence of discriminatory practices relating to the traditional way in which campesino and indigenous communities elect their representatives;

(k) Take into account indigenous women's needs and interests as a part of all social investment programmes under which benefits or compensatory payments for harm suffered as a result of the activities of the extractive industries are awarded, including solutions based on resettlement and training;

(l) Implement cross-cutting policies and programmes to tackle multiple discrimination affecting various groups of vulnerable women, in particular indigenous women, women in the Andean and Amazon regions, women of African descent, lesbians, women living in rural areas and women with disabilities;

(m) Overhaul the system for the collection of gender statistics.