



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Pre-sessional working group

23–27 May 2011

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues to be taken up in connection with the consideration of the combined second, third and fourth periodic reports of Peru concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/PER/2-4)

I. Issues relating to the general provisions of the Covenant (arts. 1-5)

1. Please provide information on cases in which the Covenant has been invoked before domestic courts.
2. Please inform the Committee whether the State party is considering ratifying the Optional Protocol to the Covenant.

Article 2 paragraph 2 - Non-discrimination

3. Please provide information on legislative and other steps taken by the State party to address discrimination against persons and groups based on ethnic origin and sexual orientation, including in employment, housing, and access to education and health care.

Article 3 - Equal rights of men and women

4. Please provide information on measures taken by the State party, as well as their impact, to increase the number of women in public positions, including the public administration, the judiciary and in local authorities. Please also provide information on the implementation and results of the Plan on Equal Opportunities.

II. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - The right to work

5. Please provide information on the implementation of the National Plan of Action for the Eradication of Forced Labour and on its impact measured since 2005, including in the logging sector in the Amazon region. Please clarify whether legislative amendments are foreseen to criminalize forced labour.

6. Please provide information on the impact of the measures taken to promote the employment of persons with disabilities. Please also provide information concerning the protection of persons with disabilities from discrimination in the workplace, including the denial of reasonable accommodation.

Article 7 - The right to just and favourable conditions of work

7. Please provide information on measures taken to ensure fair wages and equal remuneration for men and women for work of equal value, as well as the impact measured. Are there plans to rectify the lack of statistical data in this regard?

8. Please indicate which steps have been taken to improve the conditions of work, including addressing inadequate wages and long working hours, specifically in the agricultural exports sector. In this regard, please clarify whether amendments to Law No.27360 (Agricultural Promotion Law) are foreseen.

Article 8 - Trade union rights

9. Please provide information on legislation concerning the right to form or join trade unions in respect of temporary, foreign and migrant workers, as well as restrictions and limitations that exist in the exercise of this right.

Article 9 - The right to social security

10. Please provide information on the number of applications for determining pension entitlements that are awaiting a decision, as well as the number of cases challenging the decisions of the Office for Standards for Welfare (ONP) that are being considered by the courts. Please also indicate whether a minimum pension is scheduled to be introduced.

11. Please clarify which steps, legislative or otherwise, are envisaged to remedy the fact that only one third of wage-earners in the private sector have social security cover.

12. Please clarify which steps have been taken to ensure that women, in particular indigenous and rural women, who do not have any documentation registering their births, are able to access social benefits and welfare programmes.

Article 10 - Protection of the family, mothers and children

13. Please indicate which steps have been undertaken to raise public awareness of the problem of domestic violence, including sexual abuse. Please clarify whether incestual sexual abuse is defined as a crime in the Penal Code. Please also provide information on

the number of registered cases of domestic violence, including marital rape and sexual abuse of women and children, since 2005, and the sanctions imposed on perpetrators.

14. Please provide information on the extent of trafficking in women and girls, and describe the steps taken since 2005 to combat this phenomenon.

15. Please provide information on steps taken to enforce legislation protecting children from economic exploitation and exposure to hazardous or abusive work. Please also specify whether there are plans to eliminate the employment of children under the age of 14 in domestic work.

16. Please provide information on efforts to address the high number of street children, including through recovery and social reintegration services.

17. Please provide information on investigations carried out into reports submitted to the Office of the Attorney General on forced sterilizations between 1995 and 2000, and clarify how many cases are still pending investigation.

Article 11 - The right to an adequate standard of living

18. Please provide information on public expenditure and on the measures taken to fight poverty, in particular for the most marginalized and disadvantaged groups in society, including in certain suburbs of Lima, and indicate its effect on reducing the extent and depth of poverty.

19. Please provide updated information, since 2007, disaggregated by region, on chronic malnutrition in children under 5 years of age. What measures have been taken to remedy this persisting phenomenon?

20. Please provide information on the housing deficit, as well as steps taken to address the needs of the poorest, including through the upgrading of existing housing and the ensuring of security of tenure, especially in rural areas.

Article 12 - The right to physical and mental health

21. Please provide information on the percentage of the population that benefit from health-care coverage, disaggregated by economic sector and geographic region.

22. Please provide information on measures taken to address the high rate of teenage pregnancies. Please also describe family planning information and services that are in place and indicate steps taken to ensure the accessibility and availability of emergency contraceptives, particularly in rural areas, as well as to promote sexual and reproductive health education in the regular education curriculum targeted at adolescent girls and boys.

23. Please provide information on steps taken to improve access to and quality of health services, especially in rural and remote areas, including addressing economic, cultural and social barriers to such access. Please clarify whether the Maternal Mortality Multi-sectorial Plan will be made binding for local governments.

24. Please provide information on measures taken to ensure the provision of adequate sanitation and safe drinking water, as well as electricity, to the entire population, in particular those living in rural and remote areas, and disadvantaged urban areas.

25. Please provide information on whether independent impact assessments, including on the right to health aspect, are carried out prior to the setting up of mining or other industrial projects. Please indicate which measures have been taken to implement

immediate precautionary measures to protect the residents of La Oroya from toxic contamination by a multi-metal smelter operating within the city boundaries.

26. Please provide information on measures taken to ensure the protection of persons with mental disabilities in institutions (including ensuring informed consent), an adequate staffing level in psychiatric institutions, as well as the provision of community-based mental health and support services. Please also provide information on action taken on reports by the Ombudsman's Office of abuse of persons with disabilities in special and mainstream educational facilities, and to hold perpetrators accountable.

Articles 13 and 14 - The right to education

27. Please provide information on measures taken by the State party to guarantee free primary education, and to ensure that indirect costs of schooling, if any, do not deprive children from poor families from their right to primary education.

28. Please explain why the share of education in the budget declined since 2004. Please also indicate steps taken to address the disparities in quality of instruction and physical infrastructure between schools in urban and rural areas and public and private schools.

29. Please provide information on the implementation of the bilingual educational system. Please also provide disaggregated data, since 2005, on the levels of illiteracy, truancy and school dropouts, in particular among children of indigenous and Afro-Peruvian communities.

30. Please provide information on steps taken to guarantee an inclusive education for children and youth with disabilities, ensuring that mainstream schools provide a sufficiently supportive study environment and necessary training for teacher and non-teaching staff as well as physical and communicative accessibility.

Article 15 - Cultural rights

31. Please provide information on measures taken to guarantee the protection of the cultural heritage of the indigenous peoples.

32. Please indicate the extent to which indigenous peoples are duly consulted and their prior informed consent is sought in the decision-making processes relating to the exploitation of natural resources in their traditional territories.
