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Fifth periodic report submitted by Peru under articles 16 and 17 of the Covenant, due in 2017^{*}, ^{}**

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* The present document is being issued without formal editing.
** The annex to the present report is available on the Committee's web page.



Introduction

1. This report is being issued under the procedure established in Supreme Decree No. 010-2020-JUS and on the basis of the concluding observations on the combined second to fourth periodic reports of Peru (E/C.12/PER/CO/2-4) issued by the Committee on Economic, Social and Cultural Rights. In that document, the State of Peru was requested to submit its fifth periodic report pursuant to the revised reporting guidelines of the Committee adopted in 2008 (E/C.12/2008/2).
2. Prepared and adopted by the Ministry of Justice and Human Rights, this report incorporates contributions from various entities of the executive branch, the judiciary, the Public Prosecution Service and civil society, in line with the procedure established in the Intersectoral Protocol for the Participation of Peru in International Human Rights Protection Systems.¹ In addition, it was reviewed by the National Human Rights Council.
3. The report describes advances in compliance with the provisions of the International Covenant on Economic, Social and Cultural Rights achieved in the period from July 2011 to November 2021. In addition, the attached annex details the specific measures implemented in response to the coronavirus disease (COVID-19) pandemic.

I. Replies to the issues raised in paragraph 5

A. Discrimination on the grounds of sexual orientation

4. A first online survey of lesbian, gay, bisexual, transgender and intersex persons was conducted by the National Institute for Statistics and Data Processing in 2017. A total of 12,026 lesbian, gay, bisexual, transgender and intersex persons aged 18 or over responded, of whom 72 per cent were between the ages of 18 and 29 years. Of the total number of respondents, 47.8 per cent gave their sex at birth as male and 52.2 per cent as female; 69.1 per cent self-identified as being of mixed ethnic origin and 16.4 per cent identified themselves as being white. As regards sexual orientation, 35.2 per cent self-identified as gay, 27.4 per cent as bisexual and 21.4 per cent as lesbian.²
5. The Constitution enshrines the right to equality before the law for all persons and prohibits all forms of discrimination on grounds of origin, race, sex, language, religion, opinion, property or any other status.³ If the right to equality is violated, an effective judicial remedy is available through the constitutional procedure of *amparo*.⁴
6. Act No. 27279, promulgated in 2000, introduced the offence of discrimination to the Criminal Code (art. 323) and established prison terms of 2 to 4 years and disqualification from public service as penalties for the offence.⁵
7. In 2017, article (46) (2) (d) of the Criminal Code was amended to recognize discriminatory motivation as an aggravating factor in sentencing an offence, with sexual orientation and gender identity included among the possible discriminatory grounds.⁶
8. The Ministry for Women and Vulnerable Groups chairs two working groups, one focused on the rights of lesbian women⁷ and the other on the rights of lesbian, gay, bisexual,

¹ Ministry of Justice and Human Rights, Supreme Decree No. 010-2020-JUS, adopting the Intersectoral Protocol for the Participation of Peru in International Human Rights Protection Systems. Published on 21 August 2020.

² National Institute for Statistics and Data Processing, first online survey of lesbian, gay, bisexual, transgender and intersex persons, 2017 main findings. Available at <https://www.inei.gob.pe/media/MenuRecursivo/boletines/lgbti.pdf>.

³ Constitution, art. 22.

⁴ Constitution, art. 200 (2)

⁵ Congress, Act No. 27270. Published on 12 May 2020.

⁶ Executive branch, Decree Law No. 1323. Published on 6 January 2017. Art. 1.

⁷ Ministry for Women and Vulnerable Groups, Ministerial Decision No. 652-2016/MIMP. Published on 21 April 2016.

transgender and intersex persons.⁸ Both working groups develop ideas for awareness-raising initiatives designed to spotlight and eliminate situations of exclusion and discrimination. The working groups also engage in action to promote and protect the rights of these groups through inclusive public policies.⁹

9. The Ministry for Women and Vulnerable Groups has issued guidelines for assisting and supporting lesbian, gay, bisexual, transgender and intersex persons for staff providing services under the National Programme to Combat Domestic and Sexual Violence. It has also developed two training programmes that are designed to raise awareness of human rights and non-discrimination against lesbian, gay, bisexual, transgender and intersex persons and aimed at various sectors of the State administration and civil society. Both training programmes are being implemented as part of the 2018–2021 National Human Rights Plan.¹⁰

10. The Ministry for Women and Vulnerable Groups and the National Electoral Board have taken various actions to combat discrimination based on sexual orientation and gender identity. For example, they have established the “LGBTI-Empodera” political leadership training school, designed to provide leaders from the lesbian, gay, bisexual, transgender and intersex community in 15 cities across the country with the formative tools they need to strengthen their contributions to democratic sociopolitical processes at the national, regional and local levels. In addition, a book entitled “Equality for building democracy: an analysis of the candidacies of lesbian, gay, bisexual, transgender and intersex candidates for office in Peru 2006–2016” has been published.¹¹

11. In 2018, the Peruvian National Police added “discrimination on grounds of gender identity or sexual orientation” as a category under which complaints can be recorded in the police complaints system.¹²

12. The Handbook on Human Rights in Policing states that, in the planning and execution of police operations and services and in the educational activities and academic programmes of the National Police Training School, lesbian, gay, bisexual, transgender and intersex persons should be considered a vulnerable group whose rights to freely enjoy public space and to freedom of expression, association and assembly, without discrimination of any kind, must be protected by the police.¹³

13. In 2019, the Ministry of Justice and Human Rights amended the regulations of the Public Defence Service to recognize lesbian, gay, bisexual, transgender and intersex persons as a group entitled to special protection that must be guaranteed services free of charge when seeking to rectify a birth certificate and in the event of violations of their right to identity, violence of any form, sexual offences and acts of discrimination. This is by no means an exhaustive list of the situations in which services must be provided free of charge.¹⁴ Strategic guideline No. 3 of the National Human Rights Plan includes lesbian, gay, bisexual, transgender and intersex persons as a group entitled to special protection.

14. In 2017, the Public Prosecution Service Training School ran an online course on the legal framework underpinning the right to a life free from violence and discrimination for lesbian, gay, bisexual, transgender and intersex persons. Designed for prosecutors and

⁸ Ministry for Women and Vulnerable Groups, Ministerial Decision No. 294-2016/MIMP. Published on 3 November 2016.

⁹ Ministry for Women and Vulnerable Groups, Report No. 10-2018-MIMP/DGTEG. Date: 24 August 2018. pp. 3–4.

¹⁰ Information from the Chief Representative of the Ministry for Women and Vulnerable Groups before the National Human Rights Council. Date: 5 December 2019.

¹¹ Ministry for Women and Vulnerable Groups, Official Memorandum No. 029-2019-MIMP-DGIGND. Date: 16 June 2019.

¹² Information from the Deputy Representative of the Ministry of the Interior before the National Human Rights Council. Date: 5 December 2019.

¹³ Ministry of the Interior, Ministerial Decision No. 952-2018-IN. Date: 13 August 2018.

¹⁴ Ministry of Justice and Human Rights, Supreme Decree No. 009-2019-JUS. Published: 11 March 2019.

forensic and administrative staff throughout the country, the course had 191 participants nationwide.¹⁵

15. Between October 2011 and July 2018, 1,321 cases of discrimination or incitement to discrimination were registered nationwide with provincial prosecutors' offices with criminal or mixed jurisdiction (25 in 2011, 144 in 2012, 166 in 2013, 186 in 2014, 177 in 2015, 218 in 2016, 246 in 2017 and 159 in 2018). The highest incidence of these offences (458 cases) was recorded in the Department of Lima, which includes Lima Centro, Lima Norte and Lima Sur, followed by Arequipa (88 cases) and Huánuco (76 cases). The region with the lowest incidence was the central Amazon region (0 cases).¹⁶

16. In 2008–2019, 155 cases of discrimination were registered in the judiciary's integrated case reporting system (8 cases in 2008; 4 in 2009; 10 in 2010; 6 in 2011; 11 in 2012; 18 in 2013; 14 in 2014; 26 in 2015; 7 in 2016; 16 in 2017; 18 in 2018; and 17 in 2019).¹⁷

17. In 2020, the updated version of the Brasilia Regulations Regarding Access to Justice for Vulnerable People was adopted by Administrative Decision No. 002-2020-CE-PJ, with the exception of regulation 4, in which sexual orientation and gender identity are included as a cause of vulnerability. However, on 15 January 2020, by Administrative Decision 011-2020-CE-PJ, clarifications were issued regarding Brasilia regulations 3 and 4 which specify that the provisions of both are applicable, thereby recognizing lesbian, gay, bisexual, transgender and intersex persons as a vulnerable group.¹⁸

18. In 2021, the Second Constitutional Court of Lima ruled that the suit filed by *J.V.T.C. and D.Y.D.P.* was partially founded and ordered the National Registry Office to enter the names of both mothers on the national identity card of the child, D.A.D.T. (case No. 10819-2017-0-1801-JR-DC-02).

B. Awareness-raising to guarantee non-discrimination

19. In 2012, the percentage of the adult population that considered themselves to have been ill-treated or to have experienced attempts to discriminate against them in the past five years was 17.4 nationwide, 19.2 in urban areas, 12.5 in rural areas, 18.4 on the coast, 17.7 in the mountains and 12.6 in forest regions. In 2019, the percentage was 12.6 nationwide, 14.0 in urban areas, 7.4 in rural areas, 14.0 on the coast, 12.1 in the mountains, 7.0 in forest regions.¹⁹

20. The institution tasked with preventing discrimination in commercial matters,²⁰ including in consumer relations,²¹ is the National Anti-Discrimination Committee, which is a multisectoral standing committee created in 2013,²² attached to the Ministry of Justice and Human Rights and composed of representatives of nine ministries²³ and the National Institute for the Defence of Competition and Protection of Intellectual Property. It is responsible for ensuring equality and non-discrimination, monitoring and exercising oversight, issuing

¹⁵ Decision of the Attorney General's Office No. 4372-2017-MPFN. Date: 29 November 2019.

¹⁶ Public Prosecution Service, Attorney General's Office. Executive report on the preparation of the sixth periodic report of Peru submitted to the National Human Rights Council (Table 1). Date: 15 October 2018, p. 6.

¹⁷ Judicial authority, Official Memorandum No. 011187-2019-SG-CS-PJ. Date: 15 October 2018, pp. 4–14.

¹⁸ Judicial authority, Administrative Decision No. 002-2020-CE-PJ and Administrative Decision No. 011-2020-CE-PJ. Published on 17 July 2020.

¹⁹ National Institute for Statistics and Data Processing. Peru: Monitoring and Tracking System for Sustainable Development Goals Indicators. Available at: <http://ods.inei.gob.pe/ods/objetivos-de-desarrollo-sostenible/trabajo-decente-y-crecimiento-economico>.

²⁰ Congress, Act No. 29571. Published on 1 September 2010.

²¹ Executive branch, Decree Law No. 1033. Published on 25 June 2008.

²² Ministry of Justice and Human Rights, Supreme Decree No. 015-2013-JUS. Date: 6 December 2013.

²³ Ministry of Justice and Human Rights, Ministry of Culture, Ministry for Women and Vulnerable Groups, Ministry of Labour and Employment Promotion, Ministry of Transport and Communications, Ministry of Education, Ministry of Health, Ministry of the Interior and Ministry of Foreign Affairs.

opinions and providing expert advice on equality and non-discrimination to the executive branch.

21. In 2019, the National Anti-Discrimination Committee issued two reports on promoting equality and non-discrimination – one on discrimination in the Peruvian media, with a special emphasis on ethnic and racial discrimination,²⁴ and the other on the situation with regard to the gender identity of transgender persons in Peru.²⁵

22. The Ministry of Culture formulates, implements and oversees programmes that contribute to the elimination of ethnic and racial discrimination and promote intercultural citizenship. It has organized six consecutive editions of the “Diversity is Our Business: Intercultural Good Practices in Public Administration” awards and has received 366 nominations in total.²⁶ Some 180 intercultural good practices have been recognized, with 22 judged award-winning.²⁷ Three conferences on the topic of discrimination and human rights, attended by 384 persons, have been organized under the National Programme of Legal Education for Social Inclusion run by the Ministry of Justice and Human Rights.

23. Other public education initiatives include the Cultural Video Library (Videoteca de las Cultura), a programme designed to ensure that children and adolescents value, respect and learn about their own culture and other cultures that coexist in Peru through educational sessions built around audiovisual materials.²⁸

II. Replies to the issues raised in paragraph 6

A. Promoting the employment of persons with disabilities

24. According to the National Institute for Statistics and Data Processing, 3,051,612 persons, equivalent to 10.4 per cent of the total population, indicated in the census that they suffer from some form of disability. Of this total, 48.3 per cent have difficulty seeing; 15.1 per cent have difficulty moving or walking; 7.6 per cent have difficulty hearing; 4.2 per cent have difficulty learning or understanding; 3.2 per cent have problems relating to others; 3.1 per cent have difficulty speaking or communicating; and 18.5 per cent have two or more types of disability. Of the total number of persons with disabilities, 57 per cent, or 1,739,111 persons, are female and 43 per cent, or 1,312,433 persons, are male.²⁹

25. In 2018, the legislature recognized that persons with disabilities enjoy legal capacity on an equal basis with others.³⁰ This recognition led to various articles of the Civil Code being amended so as to ensure that persons with disabilities can exercise their rights fully, autonomously and on an equal footing.

26. Decree Law No. 1417,³¹ adopted by the executive branch, is designed to foster the inclusion of persons with disabilities on equal terms through specific measures that guarantee the exercise of their rights. The third additional provision of this Decree Law stipulates that

²⁴ Ministry of Justice and Human Rights, Thematic Report No. 1. Published on 29 January 2019. Available at: https://cdn.www.gob.pe/uploads/document/file/297520/Informe_CONACOD_Discriminaci%C3%B3n_Medios.pdf.

²⁵ Ministry of Justice and Human Rights, Thematic Report No. 2. Published on 29 January 2019. Available at: https://cdn.www.gob.pe/uploads/document/file/297521/Informe_CONACOD_Identidad_de_G%C3%A9nero.pdf.

²⁶ Ministry of Culture. Official Memorandum No. 900087-2018/DGCI/VMI/MC. Date: 29 October 2018, p. 6.

²⁷ Information from the Chief Representative of the Ministry of the Environment before the National Human Rights Council. Date: 5 December 2019.

²⁸ *Idem*.

²⁹ National Institute for Statistics and Data Processing. Peru: Sociodemographic Profile. p. 177.

³⁰ Executive branch, Decree Law No. 1384. Date: 4 October 2018. Regulations: Ministry for Women and Vulnerable Groups. Supreme Decree No. 016-2019-MIMP Date: 25 August 2019.

³¹ Executive branch, Decree Law No. 1417. Date: 13 September 2018.

reasonable accommodation must be made in recruitment processes and job positions in both the public and private sectors.

27. Regarding access to employment for persons with disabilities, the General Act on Persons with Disabilities (No. 29973)³² and its regulations³³ establish and regulate the actions required to guarantee inclusion in labour programmes and employment.

28. Guidelines for according reasonable accommodation to persons with disabilities in recruitment processes and the workplace and criteria for determining the existence of a disproportionate or undue burden that are applicable to the private sector have been adopted.³⁴ Guidelines for providing reasonable accommodation to persons with disabilities in recruitment processes and the workplace and criteria for determining the existence of a disproportionate or undue burden applicable to the public sector have also been adopted.³⁵

29. The National Competitiveness and Productivity Plan³⁶ adopted by the Ministry of Economic Affairs and Finance placed an emphasis on measures to strengthen human capital and the labour market and thus foster an increase in the employability and labour insertion of persons with disabilities. The National Financial Inclusion Policy³⁷ adopted by the Ministry of Economic Affairs and Finance will encourage the development of enterprises benefitting persons with disabilities.

30. The National Multisectoral Policy on Disability for Development to 2030 was adopted in 2021. Its priority objectives are: strengthening political and social participation; guaranteeing the participation of persons with disabilities of working age in economic activities, whether employment or self-employment; ensuring access to comprehensive health services and their coverage; ensuring that persons with disabilities have equal opportunities for skills development; fostering positive social attitudes; ensuring conditions of accessibility in the environment; and strengthening the public administration of disability-related matters.³⁸

B. Monitoring compliance with the employment quota established for persons with disabilities

31. The National Council for Persons with Disabilities penalizes public institutions that do not comply with the employment quota established for persons with disabilities³⁹ with the imposition of a fine equivalent to 15–20 tax units and removal from office or dismissal for the officials responsible (in very serious cases).⁴⁰ In 2019, 89 institutions, comprising the three levels of government, were audited for compliance with this quota: 43 audits were conducted in the field and 46 in offices (initiated in response to citizen complaints),⁴¹ and it

³² Congress, Act No. 29973. Date: December 2019.

³³ Ministry for Women and Vulnerable Groups, Supreme Decree No. 002-2014-MIMP. Date: 8 April 2014.

³⁴ Ministry of Labour and Employment Promotion, Ministerial Decision No. 171-2019-TR. Date: 3 July 2019.

³⁵ Ministry of Labour and Employment Promotion, Supreme Decree No. 001-2020-TR. Published on 4 January 2020.

³⁶ Ministry of Economic Affairs and Finance, Supreme Decree No. 237-2019-EF. Date: 28 June 2019.

³⁷ Ministry of Economic Affairs and Finance, Supreme Decree No. 255-2019-EF. Date: 25 August 2019.

³⁸ Ministry for Women and Vulnerable Groups, Supreme Decree No. 007-2021-MIMP. Published on 5 June 2021.

³⁹ Article 49 of Act No. 29973 stipulates that public institutions are under an obligation to ensure that persons with disabilities make up at least 5 per cent of their total staff, while private employers with more than fifty workers must ensure that persons with disabilities make up at least 3 per cent of their workforce.

⁴⁰ National Council for Persons with Disabilities. Public institutions are under an obligation to employ persons with disabilities, 2019, P. 2. Act No. 29973, art. 81 (4) (c).

⁴¹ National Council for Persons with Disabilities, Official Memorandum No. 001-2020-CONADIS/DPD. Date: 2 January 2020.

was recommended that administrative penalty proceedings be initiated against 20 public bodies.

32. Guidelines for the establishment and provision of employment services with a disability perspective⁴² have been adopted, as well as supplementary guidance for applying and monitoring the employment quota for persons with disabilities applicable to private employers,⁴³ and a technical standard for the design, implementation and exercise of reasonable accommodation for the employment of persons with disabilities in the private sector and a form for requesting reasonable accommodation.⁴⁴

33. A protocol for monitoring the employment quota for persons with disabilities applicable to private sector employers has also been adopted, thereby ensuring the availability of a regulatory text that clearly establishes the specific rules and criteria to be applied in order to ensure effective oversight.⁴⁵

III. Replies to the issues raised in paragraph 7

A. Increase in employment rate

34. The Government's General Policy to 2021⁴⁶ was built around five core objectives perceived as central to the country's comprehensive development. These include equitable, competitive and sustainable economic growth, social development and public well-being, and effective decentralization for development.

35. The priority objectives of the National Competitiveness and Productivity Plan for the period 2019–2030,⁴⁷ formulated by the National Council for Competitiveness and Formalization, include strengthening human capital and creating the conditions for a dynamic and competitive labour market able to generate decent employment.

36. In 2011, the percentage of young persons aged between 15–24 years old who were not in education, employment or training was 16.2 nationwide, 17.2 in urban areas, 13.3 in rural areas, 18.1 on the coast, 12.4 in the mountains and 18.0 in forest regions. In 2018, the percentage was 15.7 nationwide, 16.3 in urban areas, 13.6 in rural areas, 17.4 on the coast areas, 12.7 in the mountains and 15.9 in forest regions.⁴⁸

B. Development and implementation of employment policies

37. In 2018, 17,462.8 persons were economically active, 1.4 per cent more than in 2017, but the gap between the urban and rural populations was unchanged. In 2018, a total of 13,663.7 persons in urban areas were economically active, compared with 3,799.1 persons in rural areas. The total number of economically active persons in work was 16,776.5. As a percentage of gross domestic product, public spending on social protection and employment

⁴² Ministry of Labour and Employment Promotion, Ministerial Decision No. 105-2015-TR. Date: 13 May 2015.

⁴³ Ministry of Labour and Employment Promotion, Ministerial Decision No. 107-2015-TR. Date: 13 May 2015.

⁴⁴ Ministry of Labour and Employment Promotion, Ministerial Decision No. 127-2016-TR. Date: 29 July 2016.

⁴⁵ National Labour Inspection Authority, Ministerial Decision No. 141-2016-SUNAFIL. Date: 12 December 2016.

⁴⁶ Office of the President of the Council of Ministers, Supreme Decree No. 056-2018-PCM. Date: 24 May 2018.

⁴⁷ Ministry of Economic Affairs and Finance, Supreme Decree No. 237-2019-EF. Date: 28 July 2019.

⁴⁸ Op. cit. National Institute for Statistics and Data Processing. Sustainable Development Goals indicators.

programmes was 0.7 in 2011; 0.8 in 2012; 0.9 in 2013; 1.1 in 2014; 1.0 in 2015; and 0.9 in 2016, 2017, 2018 and 2019.⁴⁹

38. The Sectoral Plan for Equality and Non-Discrimination in Employment and Occupation adopted by the Ministry of Labour and Employment Promotion⁵⁰ for the period 2018–2021 is designed to ensure that women and groups meriting special protection are able to exercise their rights effectively, on an equal footing, on joining and leaving the labour market, in continuing employment and in the development of their productive potential. Furthermore, the National Policy for Decent Employment adopted by the Ministry is designed to foster the institutional, economic and social conditions necessary to ensure that persons forming part of the economically active population who do not have a legal employment contract, do not earn more than the minimum living wage, do not have access to social welfare and security systems, and work more than 48 hours each week, have access to decent and productive work on equal terms and conditions and free from discrimination of any form.⁵¹

IV. Replies to the issues raised in paragraph 8

Protection against forced labour

39. The National Committee against Forced Labour – a national and intersectoral standing committee responsible for coordinating policies and actions in this area that was established in 2007⁵² – has formulated three national plans for the prevention and eradication of forced labour. The third National Plan for Combating Forced Labour, covering the period 2019–2022, was adopted in 2019.⁵³

40. The promulgation of Decree Law No. 1323⁵⁴ introduced article 168 (b) to the Criminal Code. This new article defines the offence of forced labour as “any act in which persons are subjected to or forced to perform work or provide a service, whether paid or unpaid, by any means and against their will” and establishes a prison sentence of up to 25 years for the most aggravated form of the offence as well as disqualification from public service.

41. Act No. 30924⁵⁵ amended article 168 (b) to introduce fines of 100 to 200 days as a penalty for offences of forced labour. It also amended article 195, to establish receiving goods produced through forced labour as an aggravating factor in the offence of receiving stolen goods, punishable by prison sentences of 6 to 12 years. The offence of forced labour now carries three forms of penalty, applicable concurrently: imprisonment, disqualification and a fine.

42. The Intersectoral Protocol against Forced Labour,⁵⁶ adopted in 2014, establishes a comprehensive care system for victims rescued from forced labour that is designed to protect them against the risk of exposure to similar situations in the future. In 2018, the National Labour Inspection Authority established a group of specialized labour inspectors dedicated to forced labour and child labour.⁵⁷ In 2019, a second version of the intersectoral protocol, entitled “Protocol for the Activities of the National Labour Inspection Authority’s

⁴⁹ National Institute for Statistics and Data Processing, Official Memorandum No. 335-2019-INEI/DTDIS. Date: 31 July 2019.

⁵⁰ Ministry of Labour and Employment Promotion, Ministerial Decision No. 061-2018-TR. Date: 27 February 2018.

⁵¹ Ministry of Labour and Employment Promotion, Supreme Decree No. 013-2021-TR. Published on 13 June 2021.

⁵² Ministry of Labour and Employment Promotion, Supreme Decree No. 001-2007-TR. Date: 12 January 2007.

⁵³ Ministry of Labour and Employment Promotion, Supreme Decree No. 015-2019-TR. Date: September 2019.

⁵⁴ Executive branch, Decree Law No.1323. Date: 6 January 2017.

⁵⁵ Congress of Peru, Act. No. 30924. Date: 29 March 2019.

⁵⁶ Ministry of Labour and Employment Promotion, Supreme Decree No. 011-2014-TR. Date: 3 October 2014.

⁵⁷ National Labour Inspection Authority, Decision No. 05-2018-SUNAFIL. Date: 11 January 2018.

Specialized Group of Forced Labour and Child Labour Inspectors”, was adopted with a view to enhancing efficiency in the oversight that the Labour Inspection System exercises in the areas indicated by advocating an intersectoral and intergovernmental approach.⁵⁸

43. Peru has ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189)⁵⁹ and, in 2017, the Ministry of Labour and Employment Promotion concluded inter-institutional cooperation agreements with ILO and the National Institute for Statistics and Data Processing with a view to developing cooperation, information exchange and technical assistance for the prevention and eradication of forced labour. In 2019, the Ministry of Labour and Employment Promotion also concluded a framework agreement with the Attorney General’s Office and, in November 2019, the Institute launched the pilot stage of a survey on the prevalence of forced labour in one region of the country.⁶⁰

44. In collaboration with ILO, 31 training activities related to forced labour in which 2,690 persons nationwide participated have been carried out.⁶¹

V. Replies to the issues raised in paragraph 9

Equal remuneration for men and women

45. In the congressional period 2011–2016, women held 21.5 per cent of seats in the national parliament. In the period 2020–2021, the percentage had increased to 26.2. In 2011, women held 36.8 per cent of management positions; in 2019, this percentage had slipped to 33.5.⁶²

46. Act No. 30709⁶³ and its regulations,⁶⁴ adopted in 2017, prohibit wage discrimination between men and women. Dismissal on grounds of pregnancy and/or breastfeeding has also been prohibited, as required under the ILO Maternity Protection Convention, 2000 (No. 183).

47. Supreme Decree No. 068-2017-PCM,⁶⁵ issued in 2017, introduced an obligation for public institutions forming part of the executive branch to conduct an analysis of the wage gap between men and women in their agencies and identify the possible causes.

48. The Directorate for the Promotion and Development of Women’s Economic Autonomy, created within the Ministry for Women and Vulnerable Groups by Supreme Decree No. 002-2015-MIMP, has the task of formulating, executing, monitoring and evaluating policies, strategies and programmes related to the promotion and protection of the economic rights of women and the strengthening of their financial autonomy. The aim of the National Gender Equality Policy adopted by Supreme Decree No. 008-2019-MIMP is to guarantee the exercise of women’s economic and social rights.⁶⁶

49. The strategic objective of the National Plan against Gender-based Violence enacted for the period 2016–2021 is to alter sociocultural patterns that reproduce unequal power

⁵⁸ National Labour Inspection Authority, Decision No. 152-2019-SUNAFIL. Date: 7 May 2019.

⁵⁹ ILO Domestic Workers Convention, 2011 (No. 189).

⁶⁰ Information from the Deputy Representative of the Ministry of the Interior before the National Human Rights Council. Date: 5 December 2019.

⁶¹ *Idem*.

⁶² *Op. cit.*, National Institute for Statistics and Data Processing. Sustainable Development Goals indicators.

⁶³ Congress, Act No. 30709. Date: 27 December 2017.

⁶⁴ Ministry of Labour and Employment Promotion, Supreme Decree No. 002-2018-TR. Date: 8 March 2018.

⁶⁵ Office of the President of the Council of Ministers, Supreme Decree No. 068-2018-PCM. Date: 24 June 2017.

⁶⁶ *Ibid.* Ministry of Labour and Employment Promotion before the National Human Rights Council.

relations and hierarchical differences that affect all women but particularly indigenous women, women of African descent and women of mixed ethnicity, *inter alia*.⁶⁷

50. In 2018, the National Civil Service Authority published a report on the representation of women in the civil service in which it was noted that, since 2008, men working in the Peruvian civil service have on average earned 16 per cent more than women. Since 2008, the wage gap in the civil service has been reduced from 24 per cent to 18 per cent and significant progress has been made in closing the overall gender wage gap. In the period 2008–2016, the gender wage gap narrowed in all occupational groups.⁶⁸

VI. Replies to the issues raised in paragraph 10

Minimum wage for salaried workers

51. In 2018, the average monthly wage for a salaried job was S/. 1,400.1 (soles). In the period 2007–2018, labour income increased at an average annual rate of 5.1 per cent. In 2017–2018, income rose by 1.7 per cent, from S/. 1,376.8 soles to S/. 1,400.1. In urban areas, average monthly income was S/. 1,557.4 soles, twice the average in rural areas (S/. 711.4). In the period 2007–2018, the labour income of people living in urban areas increased by an average of 4.6 per cent each year while the average income of those living in rural areas rose by 6.4 per cent. As regards average income by natural region, workers living on the coast have higher average incomes (S/. 1,628.4) than those living in the mountains (S/. 1,065.3) and in forest regions (S/. 1,109.8). Growth in the labour income of workers living in the mountains, at 6.3 per cent, has been faster than growth in the income of those living on the coast (4.7 per cent) and in forest regions (5.0 per cent).⁶⁹

52. The minimum living wage is the minimum amount paid to a worker in a full-time job working eight hours a day or 48 hours a week. In 2011, this amount was S/. 580.00, but by 2021 it had increased to S/. 930.00.⁷⁰

53. In 2011, 67.4 per cent of those working in informal employment were working in the non-agricultural sector; by 2019, this percentage had slipped to 65.5 per cent. The forest area is the natural region with the highest percentage of informal employment. The unemployment rate in urban areas was 5.1 per cent in 2011, although by 2019 this percentage had slipped to 4.8. The Lima metropolitan area was the region with the highest unemployment.⁷¹

VII. Replies to the issues raised in paragraph 11

Amendment of Act No. 27360

54. In 2019, articles 3, 7 and 9 of Act No. 27360 were amended by Emergency Decree No. 043-2019⁷² with a view to fostering better conditions for the development of agricultural activity. However, Act No. 31087, passed in 2020, repealed Act No. 27360 and Emergency Decree No. 043-2019 so that new legislation governing this area could be introduced.

⁶⁷ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2016-MIMP Date: 26 July 2016.

⁶⁸ National Civil Service Authority, Women in the Peruvian civil service 2018. Date: 19 November 2019.

⁶⁹ National Institute for Statistics and Data Processing, 2019. Peru: changes in employment and income indicators by region 2007–2018, p. 151.

⁷⁰ Central Reserve Bank. Nominal minimum living wage (in soles). Available at <https://estadisticas.bcrp.gob.pe/estadisticas/series/mensuales/resultados/PN01208PM/html/2019-12/2020-1/>.

⁷¹ *Op. cit.* National Institute for Statistics and Data Processing. Sustainable Development Goals indicators.

⁷² Executive branch, Emergency Decree No. 043-2019. Date: 29 December 2019.

55. Act No. 29497 provides for claims related to any aspect of an employment relationship to be heard, including claims related to hours of work and the payment of wages and claims for reinstatement in a post or the payment of compensation for arbitrary dismissal.⁷³

56. Act No. 31110, enacted in 2020, fosters and strengthens the development of the agriculture, irrigation, agricultural exports and agro-industrial sectors and protects the labour rights of workers in these sectors.⁷⁴

VIII. Replies to the issues raised in paragraph 12

Right to join a trade union

57. The Constitution recognizes the rights to form and join trade unions, to collective bargaining and to strike, and guarantees freedom of association (art. 28.1).

58. The consolidated text of Decree Law No. 728, enacting the Labour Productivity and Competitiveness Act (Supreme Decree No. 003-97-TR), accords protection against certain acts as a means to safeguard the rights of workers engaged in certain activities or in specific circumstances, stipulating that dismissals in the circumstances mentioned in article 29 of the aforementioned Act⁷⁵ are null and void.

59. Compensation is payable in the event of arbitrary dismissal, in accordance with article 34 of the Labour Productivity and Competitiveness Act.⁷⁶ Furthermore, the Constitutional Court's interpretation of protection against arbitrary dismissal is based on fundamental rights and article 7 of the Protocol of San Salvador. Judgments Nos. 1124-2001-AA/TC,⁷⁷ 976-2001-AA/TC⁷⁸ and 206-2005-PA/TC⁷⁹ progressively established that, as protection against unjustified dismissal, aggrieved workers have the right to reinstatement or compensation and are free to choose either option.

IX. Replies to the issues raised in paragraph 13

Universal social security coverage

60. Act No. 27657 established the Comprehensive Health Insurance System as the public executive agency responsible for promoting universal health insurance. The Universal Health Insurance Framework Act (No. 29344) provides for all Peruvians to benefit from the Basic Health Insurance Plan.

61. According to the National Institute for Statistics and Data Processing, 22,173,663 persons (75.5 per cent of the population of Peru) are ensured and 7,208,221 are uninsured (24.5 per cent). Between 2007 and 2017, the number of people with health insurance rose by 10,574,965 (from 42.3 per cent of the population to 75.5 per cent).⁸⁰

62. According to the findings of the 2017 population and housing census, among the population with only one health insurance plan, more women (46.8 per cent) than men (41.9 per cent) are covered by the comprehensive health insurance scheme. Similarly, more women

⁷³ Congress, Act No. 29497. Date: 15 January 2010.

⁷⁴ Congress, Act No. 31110. Published on 31 December 2020.

⁷⁵ Ministry of Labour and Employment Promotion, Supreme Decree No. 003-97-TR. Date: 27 March 1997.

⁷⁶ Ministry of Labour and Employment Promotion, consolidated text of Decree Law No. 728. Supreme Decree No. 003-97-TR. Date: 27 March 2019.

⁷⁷ Constitutional Court, Case No. 1124-2001-AA/TC. Revised on 20 November 2019.

⁷⁸ Constitutional Court, Case No. 976.20001-AA/TC. Revised on 20 November 2019.

⁷⁹ Constitutional Court, Case No. 0206-2005-PA/TC. Revised on 20 November 2019.

⁸⁰ National Institute for Statistics and Data Processing. Population enrolled in a health insurance scheme based on the results of the national censuses conducted in 2017 (twelfth population census, seventh housing census and third census of indigenous communities), pp. 9–10, 2018.

(25.1 per cent) than men (24.6 per cent) are affiliated with EsSalud, the State social security scheme. However, more men (5.6 per cent) than women (4.7 per cent) are ensured elsewhere.⁸¹

63. Those who are covered by the general private business regime, regulated by the Labour Productivity and Competitiveness Act, are automatically insured under the Peruvian Pension Scheme but are free to choose to join the National Pension Scheme established by Decree Law No. 19990⁸² instead.

X. Replies to the issues raised in paragraph 14

64. Act No. 30364⁸³ and its regulations⁸⁴ establish comprehensive mechanisms and policies for preventing violence against women and family members and providing victims with support, protection and reparations. They also provide for the prosecution, punishment and rehabilitation of perpetrators of such violence with a view to ensuring that women and family members can live free from violence and fully enjoy their rights.⁸⁵ The regulations establish new protection and punishment procedures for cases of violence that cover forms of gender-based violence not previously recognized.⁸⁶

65. Decree Law No. 1323 ushered in various changes in the area of gender-based violence, including the introduction of a specific offence to punish violence against women and family members and the establishment of the new offences of sexual exploitation and other forms of sexual abuse and forced labour.⁸⁷

66. The specialized national system of justice for the protection of women and family members from violence and the punishment of perpetrators was established in 2018 through Decree Law No. 1368.⁸⁸

67. In addition, the following laws and policies have been adopted:

Public policies

- The National Plan against Gender-based Violence 2016–2021,⁸⁹ which improves inter-agency coordination in addressing gender-based violence
- The joint action plan to prevent violence against women and provide protection and support to victims of violence (Supreme Decree No. 008-2018-MIMP)⁹⁰
- The National Gender Equality Policy, which recognizes structural discrimination against women and the unequal distribution of power between men and women⁹¹

Violence against women and family members

- Strengthening of measures to prevent, eradicate and punish all forms of violence against women and family members by improving care and support mechanisms for victims, especially protection measures⁹²

⁸¹ Ibid., p. 11.

⁸² Executive branch, Decree Law No. 19990 of 24 April 1973.

⁸³ Congress, Act No. 30364 of 23 November 2015.

⁸⁴ Ministry for Women and Vulnerable Groups, Supreme Decree No. 009-2016-MIMP of 27 July 2016.

⁸⁵ Op. cit., Ministry for Women and Vulnerable Groups before the National Human Rights Council.

⁸⁶ Ibid.

⁸⁷ Ministry for Women and Vulnerable Groups, Report No. 002-2019-MIMP-DGCVG-DPVLV/CLCG, 14 January 2019, p. 4.

⁸⁸ Op. cit., Ministry for Women and Vulnerable Groups before the National Human Rights Council.

⁸⁹ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2016-MIMP of 26 July 2016.

⁹⁰ Op. cit., Ministry for Women and Vulnerable Groups before the National Human Rights Council.

⁹¹ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2019-MIMP of 4 April 2019.

⁹² Executive branch, Decree Law No. 1386 of 4 September 2018.

- Implementation, monitoring, assessment and institutionalization of specialized services with a view to strengthening support and preventing domestic violence⁹³
- Prohibition of the use of corporal punishment and other humiliating forms of punishment against children and adolescents⁹⁴
- Establishment of identification, diagnosis and treatment procedures to restore the mental health of women subjected to acts of violence by a partner or former partner who seek assistance from health-care facilities⁹⁵
- Strengthening of laws on the prevention, punishment and eradication of violence against women and family members⁹⁶
- Establishment of guidelines for incorporating an intercultural focus in prevention, assistance and protection measures in the area of sexual violence against children, teenagers and women belonging to indigenous or original peoples⁹⁷
- Amendment of the Criminal Code to strengthen prevention and punishment of offences against sexual freedom or integrity⁹⁸
- Amendment of Act No. 30364 to expand protection measures for victims of violence⁹⁹
- Strengthening protection against violence affecting women and family members, with a cross-cutting gender perspective¹⁰⁰
- Establishment of a results-focused budgetary programme to reduce violence against women¹⁰¹
- Establishment of permanent channels for reporting acts of violence and creation of a centralized digital reporting platform¹⁰²
- National strategy for the prevention of gender-based violence, entitled “Women Free From Violence”¹⁰³
- Establishment of strategic guidelines for the prevention of gender-based violence¹⁰⁴

Femicide

- Amendment of several articles of the Criminal Code in order to strengthen the fight against femicide, domestic violence and gender-based violence¹⁰⁵
- Introduction of the offence of femicide into the Criminal Code¹⁰⁶
- Decree Law No. 1296, which restricts the application of sentence reductions for persons convicted of femicide (one day for every six days of work or study) and precludes them from work or study release and from conditional release

⁹³ Executive branch, Decree Law No. 1408 of 12 September 2018.

⁹⁴ Congress, Act No. 30403 of 30 December 2015.

⁹⁵ Ministry of Health, Ministerial Decision No. 070-2017-MIMSA of 3 February 2017.

⁹⁶ Congress, Act No. 30862 of 25 October 2018.

⁹⁷ Ministry of Culture, Supreme Decree No. 009-2019-MC of 8 August 2019.

⁹⁸ Congress, Act No. 30838, published on 4 August 2018.

⁹⁹ Ministry for Women and Vulnerable Population Groups, Report No. 002-2019-MIMP-DGCVG-DPVLV/CLCG, 14 January 2019, p. 4.

¹⁰⁰ Decree Law No. 1368 of 29 July 2018.

¹⁰¹ Ministry of Economy and Finance, Ministerial Decision No. 024-2019-EF of 30 December 2019.

¹⁰² Congress, Act No. 31156 of 7 April 2021 and Ministry for Women and Vulnerable Population Groups, Supreme Decree No. 009-2016-MIMP of 27 July 2016.

¹⁰³ Ministry for Women and Vulnerable Population Groups, Supreme Decree No. 022-2021-MIMP of 16 July 2021.

¹⁰⁴ Ministry for Women and Vulnerable Population Groups, Ministerial Decision No. 058-2021-MIMP of 26 February 2021.

¹⁰⁵ Executive branch, Decree Law No. 1323 of 6 January 2017.

¹⁰⁶ Congress, Act No. 30068 of 18 July 2013.

- Inter-Institutional Protocol on Action against Femicide, Attempted Femicide and High-Risk Partner Violence¹⁰⁷
- An emergency decree on economic assistance for the social protection and holistic development of indirect victims of femicide¹⁰⁸

Sexual harassment

- Prevention and punishment of sexual harassment in relationships of authority or dependency, irrespective of the legal nature of the relationship in question¹⁰⁹
- Act No. 27942 regulations and amendments (Supreme Decree No. 021-2021-MIMP)¹¹⁰

Sexual harassment in public spaces

- Prevention and punishment of sexual harassment in public spaces that affects people's rights, especially those of women¹¹¹
- Amendment of Acts No. 27942 and No. 30057 to punish acts of harassment, including sexual harassment and sexual blackmail¹¹²

68. In 2011, the percentage of women aged from 15 to 49 years old who had experienced physical and/or sexual violence by a spouse or partner in the previous 12 months was 13.6 per cent nationally, 14.4 per cent in urban areas and 12.4 per cent in rural areas; in 2019, it was 10 per cent nationally, 9.8 per cent in urban areas and 10.7 per cent in rural areas.¹¹³

69. The Peruvian National Police, the judiciary and the Public Prosecution Service apply the risk assessment matrix established in Act No. 30364.¹¹⁴ The following coordination instruments and mechanisms containing guidelines on intersectoral coordination within the framework of Act No. 30364 have been adopted: the joint action plan to prevent violence against women and provide protection and care to victims of violence (Supreme Decree No. 008-2018-MIMP); the protocol for joint action by women's emergency centres and health-care facilities (Supreme Decree No. 008-2019-SA);¹¹⁵ the Public Prosecution Service protocol for the investigation of femicide from a gender perspective; and the protocol for joint action by women's emergency centres and police stations of the Peruvian National Police and/or police stations specialized in protection against domestic violence.¹¹⁶ A protocol for joint action by women's emergency centres and public defender services has also been adopted (Supreme Decree No. 008-2020-JUS).

70. The goal of the 2017–2021 work plan of the judiciary's Gender Justice Commission¹¹⁷ is to coordinate institutional and inter-institutional efforts aimed at building capacity among judges, court officials and administrative staff while incorporating a gender perspective. In 2018, there were 300 court cases concerning the offences of femicide and attempted femicide, sexual violence, domestic violence, trafficking in persons, other forms of violence, and sexual violence against children and adolescents.¹¹⁸

¹⁰⁷ Ministry for Women and Vulnerable Groups, Supreme Decree No. 004-2018-MIMP of 13 June 2018.

¹⁰⁸ Executive branch, Emergency Decree No. 8 January 2020.

¹⁰⁹ Congress, Act No. 27942 of 27 February 2003.

¹¹⁰ Ministry for Women and Vulnerable Groups, Supreme Decree No. 014-2019-MIMP, published on 22 July 2019.

¹¹¹ Congress, Act No. 30314 of 26 March 2015.

¹¹² Executive branch, Decree Law No. 1410 of 12 September 2018.

¹¹³ Op. cit., National Institute for Statistics and Data Processing, Sustainable Development Goals Indicators.

¹¹⁴ Peruvian National Police, Report No. 279-2019-DIRNOSP/DIRSECIU-DIVPCVF-SEC, 18 November 2019.

¹¹⁵ Information submitted by the representative of the Ministry for Women and Vulnerable Groups, 5 December 2019.

¹¹⁶ Ministry for Women and Population Groups, Report No. 002-2019-MIMP-DGCVG-DPVLV/CLCG, 14 January 2019, p. 9.

¹¹⁷ Judicial branch, Administrative Decision No. 123-2017-CE-PJ of 19 March 2017.

¹¹⁸ Judicial branch, Official Memorandum No. 30-2019-CJI-ST-PJ of 18 November 2019.

71. In 2019, the judiciary ran nine training activities focused on gender-based violence, trafficking in persons and femicide in which 1,166 judges and justice officials took part. In 2016, the Judicial Training School ran seven training activities on gender, interculturality and women's rights.¹¹⁹

72. The judiciary has also launched initiatives to incorporate a gender perspective in judicial agreements on discrimination and violence against women. In 2016, it adopted Judicial Agreement No. 001-2016/CJ-116 on the criteria for interpreting the offence of femicide and its scope, as well as Judicial Agreement No. 002-2016/CJ-116 on the juridical treatment of cases of injury, mental harm and psychological trauma. In 2016, the plenary chamber of the Supreme Court of Justice adopted Agreement No. 141-2016, which made the gender-based approach judicial policy and established the Gender Justice Commission. In 2017, district gender justice commissions were set up at the country's high courts (document No. 476111-2017) and technical guidelines for gender mainstreaming in the management of judicial institutions were adopted.¹²⁰

73. The Judicial Training School reports that, in 2017, 27 training activities were carried out involving 1,110 judges and court officials, of whom 63 per cent (704) were women. Some 117 Judicial Training School personnel received gender training. In addition, the School provided capacity-building support for 881 judges and court officials through 21 courses on violence against women and training in gender-based violence for a further 414 professionals, including criminal prosecutors and staff of the Institute of Forensic Medicine.¹²¹

74. The Judicial Training School has also run the following human rights education programmes focused specifically on domestic violence: 737 training sessions (74 class hours) under the trainee judge programme in 2018; 10 training sessions (26 class hours) under the qualification and onboarding programmes for judges appointed by the National Council of the Judiciary in 2017; and 700 training sessions (610 class hours) under the in-service skills development programme in 2018.¹²²

75. The Public Prosecution Service reports that a commission was established in 2018 to manage and monitor the implementation of the specialized subsystem for the protection of women and family members from violence and the punishment of perpetrators.¹²³ In addition, temporary special prosecutor's offices specializing in cases of violence against women and family members were set up in the judicial districts of Lima, Lima-Este, Lima-Norte and Callao (Board of Senior Government Prosecutors Decision No. 115-2018-MPFN-JFS).

76. The annual operating plan of the project to support effective gender mainstreaming in the investigative activities of the Public Prosecution Service in cases of gender-based violence and femicide in Peru¹²⁴ and the Public Prosecution Service protocol for the investigation of femicide offences from a gender perspective were both adopted in 2018.¹²⁵

77. The Central Register of Victims and Aggressors, which is a database of cases of violence set up under the responsibility of the Public Prosecution Service pursuant to Act No. 30364, systematizes information on victims and aggressors, the offences involved and their causes and consequences and facilitates intersectoral coordination. The National Observatory on Violence against Women and Family Members is also now operational.¹²⁶

78. From 2016 to 2018, the Public Prosecution Service Training School provided training to professionals including judges, forensic doctors, health-care practitioners and Public Prosecution Service staff in the following areas: domestic violence (302 participants);

¹¹⁹ Judicial Training School, Official Memorandum No. 061-2019-AMAG/DG of 16 January 2019.

¹²⁰ Judicial branch, Administrative Decision No. 007-2018-CE-PJ of 19 January 2018.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Public Prosecution Service, Decision No. 2888-2018-MPFN.

¹²⁴ Public Prosecution Service, Decision No. 2274-2018-MPFN.

¹²⁵ Public Prosecution Service, Decision No. 2765-2018-MPFN.

¹²⁶ Ministry for Women and Vulnerable Groups, Report No. 002-2019-MIMP-DGCVG-DPVLV/CLCG, 14 January 2019, p. 8.

gender-based violence (1,246 participants); human rights (174 participants); trafficking in persons (2,227 participants); and indigenous peoples (452 participants).¹²⁷

79. In 2019, the Peruvian National Police rolled out work plan No. 003-2019-DIRNOS-PNP/DIRSECIU-DIVPCVF-OFIPLA, which involved training for police officers to optimize skills in the provision of assistance and protection to victims of violence against women and family members, with a focus on high-risk cases.¹²⁸ In total, 6,823 police officers nationwide have received the training.¹²⁹

80. In 2016 and 2017, officers and non-commissioned officers in the weapons and services section of the Peruvian National Police and the section's civilian staff received training in women's rights and gender equality through 630 classes, 586 workshops, 2,520 awareness-raising activities and 106 presentations. The themes explored included: trafficking in persons and sexual exploitation; domestic violence in the new Code of Criminal Procedure; prevention of domestic violence, sexual abuse of children and discrimination; women's rights and gender equality; and prevention and punishment of sexual harassment in the context of the Peruvian National Police.

81. In 2015, the topic of assistance for victims of domestic violence or trafficking in persons was introduced in the study plans of Peruvian National Police training schools to strengthen training for cadets. The curriculum of the National Police Training School has also been modified.

82. The Ministry of Culture reports that, in 2018, a participatory dialogue programme was rolled out in Amazonas Department, in the provinces of Condorcanqui (Rio Santiago, Yutupis native community) and Bagua (Imaza, Kusu Chapi native community). As a result, 541 children, teenagers and leaders of the Awajún communities of Yutupis, Kusu Chapi and Temashnum participated in 14 intercultural dialogues on the issue of sexual violence. Six audio recordings and six leaflets in the Awajún language containing information on the prevention of sexual violence were created by Awajún women. The internal statutes and regulations on sexual violence of the Yutupis and Temashnum communities were revised through seven meetings of experts held in these communities and in the annexed community of Kusu Chapi, in which 494 indigenous men and women took part.¹³⁰

83. In 2018, capacity-building on violence against women was provided to 68 leaders of regional and local indigenous organizations with a view to promoting measures to prevent and address violence in coordination with these organizations. In the same year, 93 public servants from Amazonas and Lima, including in particular officers working for bodies that deal with the problem of violence, strengthened their intercultural skills. Guidelines have been developed to incorporate an intercultural focus into measures to prevent and provide assistance and protection in cases of sexual violence against children, teenagers and women belonging to indigenous or original peoples.¹³¹

84. In 2019, through training provided to indigenous organizations, 187 leaders of indigenous representative organizations strengthened their skills in the area of violence against women to promote prevention and assistance measures in conjunction with regional and local indigenous organizations. At the State level, 162 public servants from Junín, Amazonas, San Martín, Loreto and Cusco, in particular officers working in bodies that deal with the problem of violence, strengthened their intercultural skills.¹³²

85. The Ministry of Justice and Human Rights reports that the remit of the Directorate General of the Public Defender Service and Access to Justice¹³³ is to provide free legal assistance in the areas of family, civil and labour law to low-income individuals and legal

¹²⁷ Op. cit., Public Prosecution Service.

¹²⁸ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2018-MIMP of 26 August 2019.

¹²⁹ Peruvian National Police, Report No. 279-2019-DIRNOSP/DIRSECIU-DIVPCVF-SEC, 18 November 2019.

¹³⁰ Op. cit., Ministry of Labour and Employment Promotion before the National Human Rights Council.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ministry of Justice and Human Rights, Supreme Decree No. 011-2012-JUS of 20 April 2012.

defence services to victims of any type of rights violation. From 2013 to October 2019, 17,979 advisory sessions were held in relation to domestic violence and 119,186 in relation to violence against women and family members. As at November 2019, there were 387 public defenders for victims and 269 legal aid lawyers.¹³⁴

86. The penalty for the rape of a minor is 20 to 25 years' imprisonment when the victim is between the ages of 14 and 18 and life imprisonment when the victim is under the age of 14. Adjustments to these penalties have been considered for cases of rape resulting from deceit, non-consensual sexual touching and aggravated lascivious acts against a minor.¹³⁵

87. Being drunk or under the influence of a drug is now considered an aggravating circumstance of the offence of rape. Under article 170 of the Criminal Code, rape is considered to have been committed where consent was not freely given, rather than only when the act was accompanied by violence or serious threats. Under article 171, committing rape after rendering the victim unconscious or unable to resist carries a penalty of 20 to 26 years' imprisonment.¹³⁶

88. The competent civil authority processed 297,909 cases of domestic violence and violations of the Children's Code in 2015, 390,739 cases in 2016 and 49,336 cases as at April 2017. In the criminal sphere, 21,844 cases were processed from 2015 to 2017 in connection with articles 108-B, 121-A, 121-B and 122-B of the Criminal Code on violence against women and family members.¹³⁷ Prison privileges have been removed for perpetrators of rape and trafficking in persons.¹³⁸

89. The Ministry for Women and Vulnerable Groups has provided technical capacity-building assistance to the National Prison Institute through a course on the promotion of egalitarian forms of masculinity and the prevention of gender-based violence designed to re-educate men convicted of offences related to violence against women and family members. Twenty-seven public servants, including psychologists, social workers and lawyers, took part at the prisons of Ancon I (3), Ancon II (3), Lurigancho (8), Callao (5), Castro (4), Virgen de Fátima (1), Huaral (1) and the central prison (2).¹³⁹

90. In 2016, two temporary shelters were set up in Huancavelica, Carabayllo and Lima. The establishment of 10 temporary shelters, through agreements with regional and local governments, was added to the institutional operational plan in 2017.¹⁴⁰ A plan to establish shelters throughout the country was adopted under the National Plan on the Prevention and Eradication of Violence against Women and Family Members and, in 2018, two temporary shelters were set up in Paucarpata, Arequipa and Cusco. In 2021, there were 39 temporary shelters nationwide.¹⁴¹

91. The Ministry for Women and Vulnerable Groups conducted four national campaigns in 2016–2017. Forty-eight educational institutions and 18 universities took part in the "Express Your Love without Violence, Be the Difference" (Quiere sin violencia, marca la diferencia) communication strategy, which reached 27,814 pupils and students. The "Violence can come in the guise of love. Don't be fooled!" (La violencia se pinta de amor. Date cuenta) radio campaign, the fruit of a partnership with the private sector, involved five radio stations and was launched in 23 cities on 14 February 2017, reaching 8,346 persons, the authorities and the general public.

¹³⁴ Ministry of Justice and Human Rights/Directorate General of the Public Defence Service and Access to Justice, Official Memorandum No. 2848-2019/DGDPJ of 6 December 2019.

¹³⁵ Ministry for Women and Vulnerable Groups, Report No. 002-2019-MIMP-DGCVG-DPVLV/CLCG, 14 January 2019, p. 6.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ministry for Women and Vulnerable Groups, additional information, 22 November 2019.

¹⁴⁰ Ministry for Women and Vulnerable Groups, additional report on gender-based violence, 22 November 2019. Page 2.

¹⁴¹ Ministry for Women and Vulnerable Population Groups, Directorate for the Promotion and Protection of Women's Rights, Report No. D000014-2021-MIMP-DPPDM, 1 February 2020.

92. In order to address violence against women living in rural areas, especially those belonging to indigenous, original and Amazonian peoples, while respecting their culture and overcoming economic, linguistic, cultural, gender and geographical barriers, a strategy to prevent domestic and sexual violence and provide care and protection to victims, in cooperation with community actors, known as the Rural Strategy, was adopted by Ministerial Decision No. 273-2012-MIMP, designed to ensure a coordinated response in cases of domestic or sexual violence in their territories.¹⁴²

93. In 2017, the Ministry for Women and Vulnerable Groups provided training to 387 professionals through the following online courses: “Key facts about shelters and violence against women and family members”; “Peruvian women of African descent and ethnic and racial identity in cases of violence handled by women’s emergency centres”; “Sexual and gender diversity and violence”; and “Towards an end to violence: Children and adolescents and gender-based violence in the context of improving prevention and assistance services”. In addition, the Ministry provided training for 256 staff working in emergency women’s centres or involved in running the register of victims of forced sterilization or the Rural Strategy in various regions and provided technical assistance and supervisory support on 50 occasions to women’s emergency centres nationwide.

94. An emergency committee responsible for proposing measures to prevent violence against women and protect and assist victims¹⁴³ was established in 2018 with a remit to put forward a joint action plan for the implementation of public policies and tangible preventive measures.

95. The Ministry for Women and Vulnerable Groups awards the “Safe Business” seal for businesses that are free from violence and discrimination against women to businesses that promote non-violence and equality between men and women within their organization and in the community. In 2018, the “Safe Business” seal became a certification mark registered with the National Institute for the Defence of Competition and the Protection of Intellectual Property.¹⁴⁴ There have been lectures and talks of various magnitudes. In 2018, five campaigns were run, with 1,293 persons benefitting, and 104 talks, attended by 12,913. In 2020, technical assistance was provided to 99 workers at 61 of the 63 companies licenced to use the fourth edition of the certification mark under the theme “Stepping up actions to implement the Sexual Harassment Prevention and Punishment Act (No. 27942). In 2021, licence-holding companies continued to receive technical assistance in disseminating and implementing Acts No. 27942, No. 30364 and No. 31155.¹⁴⁵

96. The Centre for Advanced Studies on Violence against Women and Family Members, which was established pursuant to Act No. 30364, has the necessary inputs to begin operating. It launched in 2019 with a training and specialization programme for civil and public servants working in subnational mechanisms and court officials at the national level, in cooperation with the National School of Public Administration managed by the National Civil Service Authority.¹⁴⁶

97. In 2019, under the joint action plan, the National Observatory on Violence against Women and Family Members held 10 academic forums in Lima, drawing on data concerning various aspects of violence collected and managed under the National Plan for the Prevention and Eradication of Violence against Women and Family Members, in order to improve understanding of the issue and inform decision-making. Some 2,291 professionals representing a range of public and private institutions took part in the forums, including 453 academics.¹⁴⁷ In 2020, the online courses “Basic services for women and girls subjected to violence” and “Communicating from a gender perspective to prevent violence against women” – designed by the Ministry for Women and Vulnerable Groups, the Pontifical Catholic

¹⁴² Op. cit., Ministry for Women and Vulnerable Population Groups before the National Human Rights Council.

¹⁴³ Presidency of the Council of Ministers, Ministerial Decision No. 129-2018-PCM of 8 June 2018.

¹⁴⁴ Ibid.

¹⁴⁵ Ministry for Women and Vulnerable Groups, Official Memorandum No. D000250-2021.MIMP-DGCVG of 11 November 2021.

¹⁴⁶ Ministry for Women and Vulnerable Groups, additional information, 22 November 2019.

¹⁴⁷ Ibid.

University of Peru and the United Nations Educational, Scientific and Cultural Organization – were offered to academics via the Observatory’s platform.¹⁴⁸

98. The Aurora Programme (formerly the National Plan for the Prevention and Eradication of Violence against Women and Family Members) was established in 2019 to roll out and promote specialized services for the prevention of violence against women and family members and the care and protection of victims.¹⁴⁹

99. Emergency Decree No. 023-2020 on the establishment of mechanisms to prevent violence against women and family members on the basis of police records was adopted in 2020.¹⁵⁰

100. The following legal measures concerning the investigation and punishment of gender-based violence were adopted in 2021:

- Act No. 31156, amending article 15 of Act No. 30364 to establish permanent channels for reporting acts of violence
- Act No. 31153, promoting the labour market integration of women victims of any form of violence through public programmes, and its regulations
- The national strategy for the implementation of the national specialized justice system for the protection of victims of violence against women and family members and the punishment of perpetrators (Supreme Decree No. 011-2021-MIMP)
- The national “Women Free From Violence” strategy for the prevention of gender-based violence (Supreme Decree No. 022-2021-MIMP)
- The strategic guidelines for the prevention of gender-based violence (Ministerial Decision No. 058-2021-MIMP)¹⁵¹

XI. Replies to the issues raised in paragraph 15

Combating child labour

101. According to the 2018 national household census, 20.1 per cent of children and adolescents between 5 and 13 years of age work, and 7.2 per cent of teenagers between 14 and 17 years work in jobs considered hazardous because of the long hours.¹⁵² In 2012, 31.7 per cent of children and teenagers (5 to 17 years of age) nationwide were economically active, with the figure being 17.4 per cent in urban areas, 62.7 per cent in rural areas, 15.6 per cent on the coast, 50.5 per cent in the mountains and 38.5 per cent in forest regions. The corresponding figures for 2019 were 25.8 per cent nationwide, 14.0 per cent in urban areas, 57.8 per cent in rural areas, 11.6 per cent on the coast, 43.9 per cent in the mountains and 31.8 per cent in forest regions.¹⁵³

102. With regard to government policy, expected outcome No. 6 under the National Plan for Children and Adolescents 2012–2021¹⁵⁴ is for children and teenagers to be protected against child labour, while expected outcome No. 8 is for teenagers to be protected against hazardous work.

¹⁴⁸ Op. cit., Official Memorandum No. D000250-2021.MIMP-DGCVG.

¹⁴⁹ Ministry for Women and Vulnerable Groups, Supreme Decree No. 018-2019-MIMP of 12 December 2019.

¹⁵⁰ Emergency Decree No. 023-2020, published on 24 January 2020.

¹⁵¹ Op. cit., Official Memorandum No. D000250-2021.MIMP-DGCVG.

¹⁵² Ministry for Women and Vulnerable Groups, VII annual progress report on the outcomes of the National Plan for Children and Adolescents (*VII Informe Anual de avances de las metas del PNAIA*), 2018.

¹⁵³ Op. cit., National Institute for Statistics and Data Processing, Sustainable Development Goals indicators.

¹⁵⁴ Ministry for Women and Vulnerable Groups, Supreme Decree No. 001-2012-MIMP. Date: 20 April 2012.

103. The seventh progress report on the National Plan was released in 2018.¹⁵⁵ It was prepared by the multisectoral standing committee for the implementation of the National Plan, which is the Government's main policy tool for bringing together and linking national policies related to children and adolescents.

104. The 2012–2021 National Strategy for the Prevention and Elimination of Child Labour, which has now been adopted, interlinks and consolidates the efforts being made by various government entities to achieve the goal of preventing and eliminating child labour.¹⁵⁶

105. The National Strategy was structured around six strategic focus areas, namely, poverty, education and the use of free time, social tolerance, working conditions, protection, and information and knowledge. Each year, specific activities related to each of these focus areas are carried out,¹⁵⁷ and a “child labour-free” seal has been approved.¹⁵⁸

106. An inter-agency agreement to reverse the social and economic conditions that lead to child labour was signed by the Ministry for Women and Vulnerable Groups, the Ministry of Labour and Employment Promotion and the Ministry of Development and Social Inclusion within the framework of the National Plan for Children and Adolescents 2012–2021, the National Strategy for the Prevention and Elimination of Child Labour, the “Inclusion for Growth” Strategy and the Learning Outcomes Education Programme. An expert committee comprising representatives of the Ministries was set up under the agreement.¹⁵⁹

107. The “Let’s Move Forward 2x1” programme has been implemented in 32 centres in Pasco, Junín, Huancavelica and Ucayali under the umbrella of the Seed Project run as part of the basic education and secondary education programmes of the Rural Education Directorate of the Ministry of Education by the local education management units of the Regional Education Directorate and the communities, in order to contribute to efforts to prevent and eliminate child labour. Since 2013, it has reached 1,800 children and adolescents in regular basic education in 70 schools, with 80 per cent of them managing to make up two years of school in one school year.¹⁶⁰

108. The National Multisectoral Policy for Children and Adolescents to 2030 was adopted in 2021 and covers the system of prior authorization for teenagers intending to work as hired hands or employees. (Priority objective No. 3: “Reduce the risk of leaving children and adolescents defenceless”).¹⁶¹

109. The “child labour-free” seal was created in 2019 to recognize companies that do not use child labour in their production chains. Peru has also undertaken to be an Alliance 8.7 pathfinder country to help achieve target 8.7 of the Sustainable Development Goals. In addition, in 2020, the minimum age for domestic work was raised to 18 years by Decree Law No. 1499, confirmed in Act No. 31047.

¹⁵⁵ Ministry for Women and Vulnerable Groups, VII annual progress report on the outcomes of the National Plan for Children and Adolescents (*VII Informe Anual de avances de las metas del PNAIA*). 2018.

¹⁵⁶ Ministry of Labour and Employment Promotion, Supreme Decree No. 015-2012-TR. Date: 05 September 2012.

¹⁵⁷ Ministry for Women and Vulnerable Groups, Report No. 03-2019-MIMP/DGNNA/LBMP, p. 9. Date: 11 January 2019.

¹⁵⁸ Ministry of Labour and Employment Promotion, Ministerial Decision No. 204-2019-TR. Date: 16 August 2019.

¹⁵⁹ Ministry of Labour and Employment Promotion, Supreme Decree No. 005-2012-TR. Date: 05 September 2012.

¹⁶⁰ Ministry of Labour and Employment Promotion, Official Memorandum No. 937-2019-MTPE/2/15. Date: 13 December 2019.

¹⁶¹ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2021-MIMP. Date: 25 June 2021.

XII. Replies to the issues raised in paragraph 16

Street children

110. The decree law on the protection of children and teenagers lacking parental care or at risk of losing such care¹⁶² was adopted in 2016, and the regulations thereto were adopted in 2018. The Government thus took on a policy centred on deinstitutionalizing children and adolescents and working with families to enable them to assume their role as protectors.¹⁶³ To this end, a risk assessment matrix was adopted as a tool offering uniform criteria for analysing a child's situation, in which living in the street is one of the criteria for finding a child to be lacking family protection.¹⁶⁴

111. In 2017, the Yachay Programme assisted 7,051 children and adolescents nationwide, of whom 737 (10 per cent) stopped working in the street. In 2018, 6,963 children and adolescents were assisted nationwide, of whom 819 (12 per cent) stopped working. The number of hours worked in the street are reduced through the involvement of street educators, in three stages, before the goal of abandoning work in the street is achieved.¹⁶⁵

112. The street educators assisted 763 children and adolescents nationwide, who participated in various skill-building workshops in areas such as painting, music, dance and handicrafts. In 2018, they assisted 5,875 children and adolescents nationwide, who participated in various school activities. Lima was the region with the highest number of beneficiaries.¹⁶⁶

113. The Educational Training Service reports that street educators processed 423 cases in 2018, with Lima leading in terms of the number of applications processed (150 scholarship applications), which were primarily oriented towards technical and vocational education. The street educator service is run under the National Comprehensive Family Welfare Programme and is available in 22 of the country's regions.¹⁶⁷

XIII. Replies to the issues raised in paragraph 17

Combating poverty and extreme poverty in rural areas

114. In 2011, the monetary poverty rate was 27.8 per cent nationwide, 18.0 per cent in urban areas, 56.1 per cent in rural areas, 17.8 per cent on the coast, 41.5 per cent in the mountains and 35.2 in forest regions, while in 2019 it was 20.2 per cent nationwide, 14.6 per cent in urban areas, 40.8 per cent in rural areas, 13.8 per cent on the coast, 29.3 per cent in the mountains and 25.8 per cent in forest regions. In 2020, in the context of the pandemic caused by SARS-CoV-2, the virus responsible for the coronavirus disease (COVID-19), the monetary poverty rate was 30.1 per cent nationwide, 26.0 per cent in urban areas, 45.7 per cent in rural areas, 25.9 per cent on the coast, 37.4 per cent in the mountains and 31.0 per cent in forest regions.¹⁶⁸

115. Also in 2011, the rate of extreme poverty was 6.3 per cent nationwide, 1.4 per cent in urban areas, 20.5 per cent in rural areas, 1.2 per cent on the coast, 13.8 per cent in the mountains and 9.0 in forest regions, while in 2019 it was 2.9 per cent nationwide, 1.0 per cent in urban areas, 9.8 per cent in rural areas, 0.6 per cent on the coast, 6.5 per cent in the

¹⁶² Executive branch, Decree Law No. 1297. Date: 30 December 2016.

¹⁶³ Ministry for Women and Vulnerable Groups, Supreme Decree No. 001-2018-MIMP. Date: 10 February 2018.

¹⁶⁴ Ministry for Women and Vulnerable Groups, Ministerial Decision No. 065-2018-MIMP. Date: 9 March 2018.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Op. cit., National Institute for Statistics and Data Processing. Sustainable Development Goals indicators.

mountains and 3.9 per cent in forest areas. In 2020, owing to the COVID-19 pandemic, the rate of extreme poverty was 5.1 per cent nationwide, 2.9 per cent in urban areas, 13.7 per cent in rural areas, 2.3 per cent on the coast, 9.9 per cent in the mountains and 6.0 per cent in forest regions.¹⁶⁹

116. The annual real gross domestic product (GDP) per capita growth rate was 5.5 per cent in 2011, 5.4 per cent in 2012, 5.0 per cent in 2013, 1.04 per cent in 2014, 2.1 per cent in 2015, 2.4 per cent in 2016, 0.7 per cent in 2017, 2.0 per cent in 2018 and 0.3 per cent in 2019. The average hourly wage of employees in 2011 was 5.8 in urban areas and 3.0 in rural areas, a gap that has persisted, as, in 2019, the average hourly wage was 7.9 in rural areas and 4.1 in urban areas. In addition, the urban unemployment rate varied by region. In 2011, the rate was 5.4 per cent on the coast, 4.9 per cent in the mountains and 3.7 per cent in forest regions, and the difference has remained constant, with a rate of 5.4 per cent on the coast, 3.8 per cent in the mountains and 2.6 per cent in forest regions.¹⁷⁰

117. In 2011, the Government allocated 8.7 per cent of resources directly to programmes aimed at reducing poverty and extreme poverty and promoting social inclusion, with 0.3 per cent going specifically to education and 0.7 per cent to health, while in 2019 it allocated 9.5 per cent to such programmes, with 0.4 per cent going specifically to education and 1.8 per cent to health. Furthermore, while, in 2011, 1.3 per cent of State capital expenditure was allocated to sectors that help women, people living in poverty and vulnerable groups, in 2019 the figure was 3.3 per cent.¹⁷¹

118. The Economic Inclusion Guidelines of the Ministry of Development and Social Inclusion (Ministerial Decision No. 144-2021-MIDIS) set the direction for the process of generating sustainable outcomes in economic inclusion, especially forms of economic inclusion not addressed under the universal social policy, applying a territorial approach. The Ministry's Sustainable Social Action Strategy is aimed at the indigenous population of Amazonia. Its objective is to improve the living conditions and promote the development of the inhabitants of indigenous communities through coordinated, results-oriented intersectoral and intergovernmental efforts.¹⁷²

119. As at October 2019, the various public entities had provided 2.2 million services through the 449 *tambos*, or fixed platforms, of the "Platforms for Action for Social Inclusion" Programme, covering 13,593 population centres nationwide and benefiting persons living in poverty and extreme poverty in the Andean region and Amazonia.

120. Assistance was provided under the "Platforms for Action for Social Inclusion" Programme on more than 607,000 occasions through four social action campaigns using eight mobile platforms in 235 communities in eight river basins in Amazonia (Río Amazonas, Putumayo, Napo, Morona, Tigre, Ucayali and Yavarí) and Lago Titicaca, where more than 68,000 people live.¹⁷³ Five itinerant social action platforms and three Peruvian Navy vessels, operated under the coordination of the Ministry of Development and Social Inclusion by the Marina de Guerra del Perú, bring various government services to more than 68,000 inhabitants. Members of 235 indigenous communities have access to these public services.¹⁷⁴

121. In 2019, the National Direct Assistance Programme for the Very Poor (JUNTOS) carried out activities in 2,357 population centres in indigenous communities in Amazonia, in 140 districts and 37 provinces, serving 53,484 households.¹⁷⁵

122. The Pension 65 Programme provides bimonthly allocations of S/. 250 per person to help ensure that older persons are financially secure and valued and to give a boost to small

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ministry of Development and Social Inclusion, Report 014-2019-MIDIS/VMPE/DGPE/DDAP. Date: 17 January 2019.

¹⁷³ Ministry of Development and Social Inclusion, Report 349-2019-MIDIS/VMPS/DGACPS/DCPS, p. 5. Date: 19 November 2019.

¹⁷⁴ Ibid, p. 6.

¹⁷⁵ Ibid.

markets and local fairs. As at October 2019, there were 557,043 beneficiaries in the country's 1,847 districts.¹⁷⁶

123. The National Development Cooperation Fund implements three-year productive development projects referred to as Haku Wiñay or Noa Jayatai, meaning "Let's Grow". These projects offer training and technical assistance to strengthen the family production systems of rural households and promote small enterprises through competitive application processes open to small household associations, basic housing improvements with a view to achieving healthy housing, and financial literacy.

124. By 2019, the National Development Cooperation Fund was working in 469 population centres in Amazonia through Noa Jayatai projects, in the departments of Amazonas, Ayacucho, Cajamarca, Cuzco, Huánuco, Junín, Loreto, Madre de Dios, Pasco, Puno, San Martín and Ucayali, and its efforts were benefiting 62,961 households.¹⁷⁷

125. A prioritization exercise was carried out in 2017 to determine, based on certain eligibility criteria and the available budget, which population centres would benefit from assistance. Eligible communities were: population centres in districts with a poverty rate of at least 40 per cent; and population centres where at least 60 per cent of households had at least one unsatisfied basic need. Indigenous communities were served through Noa Jayatay projects, which benefited 13,484 households in 2016.

126. The "With You" Programme provides a non-contributory State-funded pension to persons with severe disabilities who are living in poverty. The amount of the non-contributory pension is S/. 300.00, paid bimonthly. As at October 2019, 19,833 persons with disabilities were receiving the pension. The programme is expected to reach an additional 20,000 beneficiaries through an expansion of coverage nationwide to include the regions of Ica, Tacna and Ucayali.¹⁷⁸

127. The Qali Warma National School Programme offers food services with an educational component to children and adolescents enrolled on a full-day basis in preschool, primary and secondary State schools that serve indigenous communities in Amazonia (Supreme Decree No. 006-2014-MIDIS) with a view to improving attention in class, school attendance and eating habits and encouraging involvement and shared responsibility within local communities.¹⁷⁹

XIV. Replies to the issues raised in paragraph 18

128. In 2011, the rate of acute undernutrition in children aged under 5 was 0.4 per cent nationwide, 0.2 per cent in urban areas, 0.7 per cent in rural areas, 0.2 per cent in metropolitan Lima, 0.4 per cent on the rest of the coast, 0.8 per cent in the mountains and 1.6 per cent in forest regions. In 2019, the rate was 0.4 per cent nationwide, 0.4 per cent in urban areas, 0.6 per cent in rural areas, 0.3 per cent in metropolitan Lima, 0.3 per cent on the rest of the coast, 0.4 per cent in the mountains and 0.8 per cent in forest areas.¹⁸⁰

129. The Ministry of Health reports increased use of iron and folic acid supplements among pregnant women, with usage rates remaining over 90 per cent. Pregnant women have also had greater access to the National Direct Assistance Programme for the Very Poor (JUNTOS), which encourages the use of health, nutrition and education services to improve preventive maternal and child health care and reduce school dropout rates in 1,178 districts in 159 provinces in 18 regions of the country.

130. The first priority objective of the National Multisectoral Policy for Children and Adolescents to 2030 is to provide children and teenagers with healthier living conditions. To

¹⁷⁶ Ministry of Development and Social Inclusion, Report 349-2019-MIDIS/VMPS/DGACPS/DCPS. Date: 19 November 2019.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Op. cit., National Institute for Statistics and Data Processing. Sustainable Development Goals indicators.

this end, a target of reducing the prevalence of anaemia in children between 6 and 35 months of age to 37.2 per cent by 2030 has been set.¹⁸¹

131. In 2016, support from the JUNTOS Programme enabled 11,750 pregnant women living in poverty – 3,842 in urban areas and 7,908 in rural areas – to comply with their shared responsibilities and attend a health facility for prenatal check-ups. In 2017, under the National Policy for Development and Social Inclusion and with support from the JUNTOS Programme, 10,951 pregnant women, from 10,947 households living in poverty, were able to comply with their shared responsibility and attend a health facility for prenatal check-ups.

132. The rate of chronic childhood undernutrition in children aged under 5 (World Health Organization national benchmark) was 14.4 per cent in 2015 (27.7 per cent in rural areas and 9.2 per cent in urban areas), representing a 0.2 percentage point reduction in chronic childhood undernutrition relative to 2014. The reduction was concentrated more in rural areas than in urban ones and more in mountainous and forest regions than on the coast. In 2021, the under-5 undernutrition rate decreased to 12.1 per cent overall, and was 24.8 per cent in rural areas and 7.2 per cent in urban areas.

133. The progress report on the National Plan for Children and Adolescents indicates that the most significant developments in the health sector were the increase in the budget of the Combined Strategic Nutritional Programme and the priority given nationally and regionally to reducing chronic childhood undernutrition. Communication strategies were developed with differentiated approaches in rural and urban areas under the child nutrition (“Nutriwawa”) component of the Programme, and timely growth and development checks, micronutrient consumption and hand-washing were encouraged.

134. Between October 2017 and November 2019, in implementation of the 2017–2021 National Plan to Reduce and Monitor Maternal and Childhood Anaemia and Chronic Childhood Undernutrition in Peru,¹⁸² training was provided to 3,887 doctors, nurses, obstetricians, nutritionists and medical technicians, covering 85 per cent of the regions as well as the Directorate of Integrated Health Networks of Metropolitan Lima. The training programme for regional tutors consisted of seven courses delivered nationwide on topics including the diagnosis of anaemia, the prevention and treatment of anaemia in children, teenagers and pregnant teenagers, and the prevention and treatment of anaemia during pregnancy and after childbirth.¹⁸³

135. The JUNTOS Programme provides an incentive payment of S/. 200 every two months on the condition that commitments assumed have been fulfilled in an effort to ensure that households in extreme poverty with members that are under 19 or pregnant have access to and can participate in health and educational services and encourage them to use such services by promoting the principle of shared responsibility.

136. A plan to prevent anaemia and chronic childhood undernutrition was implemented between March 2018 and September 2019 under the JUNTOS Programme with the aim of promoting behavioural change through healthy practices in selected households in the 53 targeted districts and thereby contributing to the prevention of anaemia and chronic childhood undernutrition. The plan benefited 8,313 pregnant women and children under 18 months of age, from 7,018 households, from within its target groups.¹⁸⁴ As at October 2019, the programme had succeeded in encouraging 117,485 pregnant women to have their haemoglobin tested, and also the haemoglobin of any children under 36 months old – a practice that had been established as a new shared responsibility in 2018. The tests showed that 80.8 per cent (94,951) did not have anaemia.¹⁸⁵

137. The national childcare programme known as Cuna Más runs two types of service. Its day-care service offers comprehensive care in day-care centres (in local, community and family centres and Comprehensive Childcare Centres) for children between 6 and 36 months

¹⁸¹ Op. cit., Supreme Decree No. 008-2021-MIMP.

¹⁸² Ministry of Health, Ministerial Decision No. 249-2017/MINSA. Date: 18 April 2017.

¹⁸³ Ministry of Health, Official Memorandum No. 65-2020-DGIESP/MINSA. Date: 13 January 2020.

¹⁸⁴ Ministry of Development and Social Inclusion, Report 349-2019-MIDIS/VMPS/DGACPS/DCPS. Date: 19 November 2019.

¹⁸⁵ Ibid.

of age who are living in poverty or extreme poverty, mainly in marginal urban areas, providing them with food and nutritional assistance, comprehensive health care and child learning services. Its family support service offers child development services for children under 36 months of age living in poverty or extreme poverty in rural areas of the country, including home visits and group sessions, that encourage good practices in childcare and childhood learning which help to strengthen emotional bonds between family members.

138. With respect to indigenous communities, as at September 2019, the day-care service was providing services for 58,822 children and adolescents in nine departments and the family support service was serving 24,360 families in 11 departments.¹⁸⁶

139. In 2019, the Qali Warma National School Programme was serving 3,986,168 schoolchildren, of whom 190,682 were in the full-day scheme and 22,888 were receiving other diversified forms of instruction. The food service meets up to 70 per cent (25 per cent at breakfast and 45 per cent at lunch) of daily energy requirements in urban areas and up to 85 per cent (35 per cent at breakfast and 50 per cent at lunch) in rural areas.¹⁸⁷

140. In terms of prioritizing efforts to address chronic childhood undernutrition, the Coordinating Body for the Fight against Poverty reports that since the Combined Strategic Nutritional Programme was implemented, significant progress has been made in reducing chronic childhood undernutrition. Between 2008 and 2017, the rate of chronic childhood nutrition in children under 5 years of age was reduced by more than half, from 28 per cent to 13 per cent. However, disparities continue to exist between rural and urban areas and with respect to poverty quintiles and regions with the highest prevalence of chronic childhood undernutrition, as there has been no movement in the indicator over the last three years.¹⁸⁸

141. In 2010, the Coordinating Body for the Fight against Poverty formed the “Anaemia No” sub-working group to monitor the results of health sector efforts to reduce anaemia in children under 3 years of age. Between 2010 and 2021, reports and alerts were prepared on nutrition and anaemia in children and adolescents. A report entitled “Anaemia and Malnutrition in the Child Population”, published in 2017, contained 35 recommendations to help improve the implementation of policies and programmes to fight poverty.¹⁸⁹

142. In 2018, the Multisectoral Plan to Combat Anaemia (Supreme Decree No. 068-2018-PCM) was adopted and the Technical Secretariat of the Interministerial Commission on Social Affairs was given responsibility for follow-up.¹⁹⁰ In its final report, the Secretariat recommends that measures that have proved effective in reducing anaemia be continued under the Results-oriented Budget Programme on Early Childhood Development, which sets out 30 outcome areas related to the promotion of childhood development that are to gradually be addressed. Anaemia in children aged between 6 and 35 months old decreased by 3.5 percentage points between 2018 and 2020 (from 43.5 per cent to 40.0 per cent).

143. The Coordinating Body for the Fight against Poverty has reported on the main measures implemented between 2016 and 2020 and the commitments assumed for the reduction of chronic childhood undernutrition and maternal and childhood anaemia:

- National goals for the period 2016–2021: Reduction in the rate of chronic childhood undernutrition in children under 5 years old to 6.4 per cent and reduction in the rate of anaemia in children under 3 years old of 19 per cent
- 2017–2021 National Plan to Reduce and Monitor Maternal and Childhood Anaemia and Chronic Childhood Undernutrition in Peru¹⁹¹

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Coordinating Body for the Fight against Poverty, Official Memorandum No. 343-2021-MCLCP-MN. Date: 12 November 2021.

¹⁸⁹ Ibid.

¹⁹⁰ Office of the President of the Council of Ministers, Supreme Decree No. 068-2018-PCM. Date: 3 July 2018.

¹⁹¹ Ministry of Health, Ministerial Decision No. 249-2017/MINSA. Date: 18 April 2017.

- 2017–2021 Sectoral Plan to Help Reduce Chronic Childhood Undernutrition and Anaemia in Children under 36 Months,¹⁹² which prioritizes 13 effective interventions (Early Childhood Guidelines) and 6 components
- Adoption of specific Ministry of Health and Ministry of Development and Social Inclusion standards to help reduce chronic childhood undernutrition and anaemia, in particular NTS 134-MINSA/2017/DGIESP,¹⁹³ the technical health standard for the treatment and prevention of anaemia
- Regulations to the Act to Promote Healthy Eating¹⁹⁴
- Adoption of the Multisectoral Plan to Combat Anaemia,¹⁹⁵ with responsibility for comprehensive follow-up assigned to the Interministerial Commission on Social Affairs, in coordination with the Office of the President of the Council of Ministers, and the National Centre for Strategic Planning providing support for the adaptation of regional and local plans
- Public Sector Budget Act for fiscal year 2019, which includes the Results-oriented Budget Programme on Early Childhood Development, outcome No. 3 of which is concerned with reducing chronic childhood undernutrition and anaemia, and additional funding for the fight against anaemia¹⁹⁶
- 2019 Incentive Programme to Improve Municipal Management, target No. 4 of which is action by municipalities to promote proper eating and the prevention and reduction of anaemia.¹⁹⁷
- Amendments to the regulations to Act No. 30021, requiring front-of-package labelling for all processed and ultra-processed products that are high in sugar, sodium or saturated fats and/or contain trans fats¹⁹⁸

XV. Replies to the issues raised in paragraph 19

A. Solution to the housing shortage

144. The National Sanitation Policy was adopted and implemented under the 2017–2021 Sanitation Plan.¹⁹⁹ There is also a National Policy on Housing and Urban Management that covers the period until 2030.²⁰⁰ Priority objective No. 3 under the latter policy is “to increase access to adequate housing in the country’s cities and population centres, with priority being given to people living in poverty or in situations of social vulnerability”.

145. The Sustainable Urban Development Act (No. 31313) has also been adopted. It provides direction on how to develop cities and population centres so that they are sustainable, accessible, inclusive, competitive, fair and diverse and generate opportunities for all citizens, thereby promoting integration and orderly growth and ensuring the creation of a safe and healthy environment that will improve the quality of life of their residents.

¹⁹² Ministry of Health, Ministerial Decision No. 112-2017-MIDIS. Date: 23 June 2017.

¹⁹³ Ministry of Health, Ministerial Decision No. 250-2017/MINSA. Date: 12 April 2017.

¹⁹⁴ Congress, Act No. 30021. Date: 17 May 2013.

¹⁹⁵ Office of the President of the Council of Ministers, Supreme Decree No. 068-2018-PCM. Date: 3 July 2018.

¹⁹⁶ Congress, Act No. 30879. Date: 6 December 2018.

¹⁹⁷ Ministry of Economic Affairs and Finance, Supreme Decree No. 296-2018-EF. Date: 15 December 2018.

¹⁹⁸ Ministry of Health, Supreme Decree No. 015-2019-SA. Date: 15 June 2019.

¹⁹⁹ Ministry of Housing, Construction and Sanitation, Supreme Decree No. 007-2017-VIVIENDA. Date: 30 March 2017.

²⁰⁰ Ministry of Housing, Construction and Sanitation, Supreme Decree No. 012-2021-VIVIENDA. Date: 15 July 2021.

B. Drinking water and sanitation

146. In 2013, 86.1 per cent of people nationwide had access to the mains water supply. The figure was 93.4 per cent in urban areas, 63.2 per cent in rural areas, 92.1 per cent on the coast, 81.6 per cent in the mountains and 71.3 per cent in forest regions. In 2019, the figures were 90.8 per cent nationwide, 94.9 per cent in urban areas, 75.6 per cent in rural areas, 95.01 per cent on the coast, 88.8 in the mountains and 76.9 per cent in forest regions. Likewise, in 2011, 74.4 per cent of the population nationwide was using safely managed drinking water services, 84.1 per cent in urban areas, 46.1 per cent in rural areas, 83.1 per cent on the coast, 68.9 per cent in the mountains and 51.7 per cent in forest regions, while in 2019, the figures were 82.7 per cent nationwide, 91.7 per cent in urban areas, 49.5 per cent in rural areas, 91.3 per cent on the coast, 76.8 per cent in the mountains and 59.3 per cent in forest regions.²⁰¹

147. The normative framework is provided by the National Sanitation Policy, the National Sanitation Plan²⁰² and the Framework Act on the Management and Provision of Sanitation Services.²⁰³

148. Ministerial Decision No. 155-2017 of the Ministry of Housing, Construction and Sanitation,²⁰⁴ adopted in 2017, sets out eligibility requirements and evaluation criteria for prioritizing how resources should be allocated to investments in the sector. As at 2018, 125 projects had been accepted and had received funding.

149. To monitor financial sustainability, a platform for registering, evaluating and following up on technical reports was created by Ministerial Decision No. 258-2017,²⁰⁵ and 2,692 projects were registered in it in 2017 and 2018.

150. Capacity-building for service providers has been addressed through two main efforts. Firstly, a data management platform known as “DATASS” has been developed for rural areas. It is accessed via a website through which detailed information can be entered and consolidated by population centre, service provider and system, and, as at 2019, contained information on 86,896 population centres. Secondly, strategic guidelines for the capacity-building system that should enhance the capacity of sanitation service providers were adopted by Ministerial Decision No. 435-2018.²⁰⁶

151. With a view to optimizing technical solutions, a technical design standard on technical options for sanitation systems in rural areas was adopted by Ministerial Decision No. 192-2018.²⁰⁷

152. To facilitate coordination among stakeholders, a road map for the preparation of integrated disaster risk management plans for sanitation service providers was adopted.²⁰⁸

153. Guidelines for preparing, adopting, monitoring and evaluating regional sanitation plan have also been adopted,²⁰⁹ and the Ministry of Housing, Construction and Sanitation has provided technical assistance to regional governments to help them with the preparation of

²⁰¹ Op. cit., National Institute for Statistics and Data Processing, Sustainable Development Goals indicators.

²⁰² Ministry of Housing, Construction and Sanitation, Supreme Decree No. 018-2017-VIVIENDA. Date: 25 June 2017.

²⁰³ Ministry of Housing, Construction and Sanitation, Decree Law No. 1280. Date: 29 December 2016.

²⁰⁴ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 155-2017-VIVIENDA. Date: 7 May 2017.

²⁰⁵ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 258.-2017/VIVIENDA. Date: 7 July 2017.

²⁰⁶ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 435-2018-VIVIENDA. Date: 29 December 2018.

²⁰⁷ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 192-2018-VIVIENDA. Date: 17 May 2018.

²⁰⁸ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 191-2018-VIVIENDA. Date: 17 May 2018.

²⁰⁹ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 384-2017-VIVIENDA. Date: 12 October 2017.

regional sanitation plans. By the second half of 2018, all regional sanitation plans had been adopted.

154. Citizen Support Centres staffed by employees of the National Programme for Urban Sanitation and the National Programme for Rural Sanitation have been established in all 24 of the country's regions and a platform for registering and evaluating technical reports and investments in sanitation has been set up.²¹⁰

155. The recently created Ayni Social Lab²¹¹ is a laboratory for social innovation that seeks to identify and implement innovative solutions aimed at improving the quality of life of people living in poverty or in situations of vulnerability, in accordance with the social policy priorities set by the Government.

156. Rural homes in areas at high and very high risk of frost can be refurbished under the "My Shelter" Programme, which encompasses 64 projects nationwide from which 3,290 homes benefited in 2017 and 2018. Of these 64 projects, as at 2018, 59 had been completed, 3 were still under way and 2 were about to start. In 2019, 91 homes benefited from assistance.²¹²

157. The National Programme for Urban Sanitation is at the forefront of efforts to ensure universal access to sustainable drinking water and sewage services in the country's urban areas. According to data available as at November 2019, the fruit of its efforts included, nationwide, 13,791 new drinking water connections benefiting 53,785 new users and 12,604 new sewage connections benefiting 49,156 new residents.²¹³

158. As at 2018, the National Programme for Rural Sanitation was serving 5.17 million residents of rural areas. There were still 1.8 million residents of rural areas (25.6 per cent) who lacked access to the mains water supply but it was estimated that 76.54 per cent would be served by the end of 2019.²¹⁴

159. The Office of the President of the Council of Ministers prepared a multisectoral plan to address frost and sudden cold weather for the period 2019–2021 that provided for investment in the affected areas to ensure that dwellings remain habitable and protect the population's livelihoods.²¹⁵

160. Work to address problems in the areas of environmental remediation, land titling, basic services and the treatment of drinking water has been carried out through the Committee for the Pastaza, Tigre, Corrientes and Marañón River Basins, with the participation of representatives of the Kichwa, Quechua, Achuar and Kukama Kukamiria indigenous peoples. Under the agreements concluded, plants were set up to produce water suitable for human consumption, benefiting 65 indigenous communities in the river basins.

C. Regulation of forced evictions

161. A centralized eviction process²¹⁶ was introduced under the Leased Housing Promotion Scheme, and a standardized lease form was created for property to be used as housing. The Administrative Register of Leased Housing, maintained by the "My Home" (Mi Vivienda) Fund, was created under this measure.

²¹⁰ Ministry of Housing, Construction and Sanitation, Report 010-2019-IVIENDA/VMCS-DGPRCS, p. 5. Date: 24 January 2019.

²¹¹ Ministry of Development and Social Inclusion, Ministerial Decision No. 248-2016-MIDIS. Date: 18 October 2016.

²¹² Ministry of Development and Social Inclusion, Report 014-2019-MIDIS/VMPEs/DGPE/DDAP, p. 4. Date: 17 January 2019.

²¹³ Ministry of Housing, Construction and Sanitation, Report without number. Date: 5 December 2019.

²¹⁴ Ibid.

²¹⁵ Office of the President of the Council of Ministers, Supreme Decree No. 015-2019-PCM. Date: 8 February 2019.

²¹⁶ Executive branch, Decree Law No. 1177. Date: 18 July 2015.

162. A special procedure for eviction through notarial intervention has been adopted that expedites the process and marks an improvement on the special eviction procedure requiring the participation of a notary and judicial enforcement.²¹⁷

XVI. Replies to the issues raised in paragraph 20

Universal health insurance

163. The adoption of Emergency Decree No. 017-2019 introduced emergency measures to safeguard the right to health by reducing the number of uninsured persons in the country, in accordance with Act No. 29344, through their enrolment in the Comprehensive Health Insurance System, the State health insurance fund administrator.²¹⁸

164. The following strategies are being carried out in connection with the Sectoral Policy on Intercultural Health: planning of the policy's implementation;²¹⁹ design and evaluation of strategic interventions affecting indigenous peoples and Peruvians of African descent; training of the local health workforce to provide culturally relevant care in indigenous settings; and knowledge management for intercultural health.

165. According to the national household survey, in the first quarter of 2018, 47.4 per cent of women and 41.4 per cent of men were covered by the Comprehensive Health Insurance System, rates that represented increases of 4.3 and 2.0 percentage points, respectively, over the same quarter in 2017. According to a report entitled "Statistics from a Gender Perspective", 25.2 per cent of women and 26.2 per cent of men were covered by EsSalud, the State social security scheme, in 2018, figures that were 3.7 and 2.1 percentage points lower than in the first quarter of 2017. In addition, 4.9 per cent of women and 5.4 per cent of men were covered by other types of insurance such as private insurance, military or police insurance or university insurance; these figures had decreased by 1.9 and 1.1 percentage points, respectively, from the same quarter in 2017.²²⁰

166. Administrative Directive No. 001-2015-SIS/GA-V.01 on the enrolment process for the System's Subsidized Financing Plan, adopted by the Comprehensive Health Insurance System, introduced universal coverage for all pregnant women without the need for a socioeconomic assessment under the Household Targeting System (Administrative Decision No. 126-2015/SIS).²²¹

167. Administrative Directive No. 240-2017-MINSA/INS of the Ministry of Health provides for the inclusion of the ethnicity variable in the registration form used in connection with the information system for outpatient consultations and offers guidance on types of questions and categories of answers for health personnel. This will make it possible to identify shortcomings in access to health services for Peruvians of African descent and in the quality of care they receive.²²²

168. Marking a step forward in decentralization, regional and local budgets have been increased, and, as a result, the health budget of regional governments has risen by 39 per cent since 2018 and that of local governments by 64 per cent.

169. Progress has also been made in the provision of funding for measures to increase iron consumption and reduce childhood anaemia, for the maintenance of hospital equipment and infrastructure, for community mental health centres, which are seen as hubs for mental health services under the 2018–2021 National Plan to Strengthen Community Mental Health Services, and for the implementation of the 2018–2020 Plan for the Prevention and Control

²¹⁷ Congress, Act No. 30933. Date: 24 April 2019.

²¹⁸ Information submitted: Date: 5 December 2019.

²¹⁹ Ministry of Health, Supreme Decree No. 016-2016-SA. Date: 2 April 2016.

²²⁰ National household survey. First quarter of 2018. "Cobertura del Seguro Integral de Salud".

²²¹ Comprehensive Health Insurance System. Administrative Decision No. 126-2015/SIS. Date: 16 June 2015.

²²² Op. cit., Ministry of Culture before the National Human Rights Council.

of Tuberculosis in Metropolitan Lima and the Priority Regions of Callao, Ica, La Libertad and Loreto.²²³

XVII. Replies to the issues raised in paragraph 21

A. Reducing the rate of teenage pregnancies

170. The Multisectoral Teenage Pregnancy Prevention Plan for 2013–2021 was adopted, and a multisectoral commission responsible for following up on and monitoring its implementation²²⁴ was established in order to gauge the impact of the measures implemented to prevent teenage pregnancy.²²⁵

171. The Government also adopted technical health standard No. 130 for the comprehensive and differentiated care of teenagers during pregnancy, childbirth and the postnatal period,²²⁶ the aim of which is to ensure comprehensive care for pregnant teenagers, through a risk-based approach.²²⁷

172. According to the national population and family health survey, the rate of teenage pregnancy in Peru fluctuated around 12 and 14 per cent between 2009 and 2018. The rate was 13.7 per cent in 2009, 13.5 per cent in 2010, 12.5 per cent in 2011, 13.2 per cent in 2012, 13.9 per cent in 2013, 14.6 per cent in 2014, 13.6 per cent in 2015, 12.7 per cent in 2016, 13.4 per cent in 2017 and 12.6 per cent in 2017–2018.²²⁸ The population and family health survey for 2020 also revealed that 8.2 per cent of all teenage girls aged between 15 and 19 years old had been pregnant at some point. Of these, 6.5 per cent were already mothers and 1.7 per cent were pregnant for the first time. The percentage of teenage girls who were mothers or pregnant with their first child was highest in forest regions (14.3 per cent) and among persons in the poorest quintile (13.6 per cent). At the other end of the scale were teenage girls living in mountain regions (7 per cent) and those in the wealthiest quintile (2.7 per cent).²²⁹

173. Between 2009 and 2017, the teenage pregnancy rate stood at an average of 23.2 per cent in rural areas and 10.7 per cent in urban areas. Between 2014 and 2017, there was a 0.5 per cent increase in the annual teenage pregnancy rate in rural areas. In urban areas, the rate fell by 1.2 per cent between 2015 and 2016 but rose by 10.7 per cent in 2017. In 2017 and 2018, the average rate was 22.7 per cent in rural areas and 10.1 per cent in urban areas. Between 2014 and 2018, there was a 0.7 per cent increase in the annual rate in rural areas. Between 2016 and 2017, the teenage pregnancy rate in urban areas increased by 0.9 per cent.²³⁰

174. In 2017, the region with the highest teenage pregnancy rate (for women and girls aged between 15 and 19 years) was Loreto (30.4 per cent), followed by Amazonas (23.8 per cent), Ucayali (23.1 per cent) and San Martín (20 per cent). The regions with the lowest rates were Arequipa (6.6 per cent), Moquegua (8.6 per cent) and Tacna (9 per cent). In 2017–2018, the region with the highest rate (for women and girls aged between 15 and 19 years) was Loreto (32 per cent), followed by San Martín (23 per cent), Amazonas (21.2 per cent) and Ucayali

²²³ Op. cit., Ministry of Health before the National Human Rights Council.

²²⁴ Ministry of Health, Supreme Decree No. 012-2013-SA. Date: 7 November 2013.

²²⁵ Ministry of Health, Official Memorandum No. 283-2018-DVMSP/MINSA. Date: 22 August 2018. p. 7.

²²⁶ Ministry of Health, Ministerial Decision No. 007-2017/MINSA. Date: 6 January 2017.

²²⁷ Ministry of Health, Official Memorandum No. 283-2018-DVMSP/MINSA. Date: 22 August 2018. p. 12.

²²⁸ Ministry of Health, Official Memorandum No. 283-2018-DVMSP/MINSA. Date: 22 August 2018. p. 3.

²²⁹ National Institute for Statistics and Data Processing. Peru: population and family health census 2020 – National and Departmental. chap. 3. pp. 98–99.

²³⁰ Idem.

(20.2 per cent). The regions with the lowest rates were Arequipa (6.9 per cent), Tacna and the Constitutional Province of Callao (both 7.6 per cent).²³¹

175. Between 2008 and 2018, 103 girls under 10 years of age gave birth nationwide, 14,000 girls aged between 11 and 14 years gave birth and 602,755 teenage girls aged between 15 and 19 years gave birth. The year with the most births among girls (aged 19 years and under) was 2015, with 68,171, while the year with the fewest births among girls was 2008, with 54,055.²³²

B. Accessibility and availability of sexual and reproductive health services

176. In 2010, the Government adopted Act No. 29600,²³³ which promotes continued schooling during and after pregnancy, and its regulations (Supreme Decree No. 002-2013-ED),²³⁴

177. It subsequently adopted a technical health standard on family planning,²³⁵ which provides for differentiated sexual and reproductive health care for teenagers, the distribution of information on the use of contraceptives in general, the use of emergency oral contraceptives (in cases involving unprotected sex, rape or sexually transmitted diseases) and intrauterine contraceptive devices (after advice and counselling) and the availability of guidance on family planning.²³⁶

178. Between 2016 and 2019, emergency contraceptives (levonorgestrel) were distributed continuously in all State health facilities. Contraceptives are also included in the emergency care kits used in cases of violence against women, which also contain rapid tests for HIV, syphilis and hepatitis B, treatment for sexually transmitted infections, antiretroviral drugs and vaccines against diphtheria and tetanus.²³⁷

179. In 2009, the Constitutional Court granted an application for the remedy of *amparo* filed against the Ministry of Health by Acción de Lucha Anticorrupción, a non-governmental organization. Among other requests, the application called on the Ministry of Health to cease implementing a national public health policy providing for the free distribution of the emergency oral contraceptive known as the “morning-after pill” (levonorgestrel).²³⁸ In 2019, however, invoking the rights to reproductive self-determination, access to information and the principle of equality and non-discrimination, Special Constitutional Court No. 1 of Lima overturned the Constitutional Court’s ruling, pursuant to which the application for *amparo* had been considered well-founded. Following this decision, an order for the availability of levonorgestrel²³⁹ to be publicized and for its distribution free of charge was issued.

180. In 2017, the National Comprehensive Family Welfare Programme provided comprehensive care for 102 teenage girls aged between 15 and 18 years, including teenage mothers and pregnant teenagers in the four specialized residential care centres for children and pregnant teenagers (the Vidas Loreto, Vidas Junín, Vidas Lima and Domi Lima centres). These centres admit women and girls who are in situations of social risk owing to sexual, physical and/or psychological violence and lacking family protection.

²³¹ Ministry of Health, Official Memorandum No. 283-2018-DVMSP/MINSA. Date: 22 August 2018. p. 4.

²³² Ministry of Health, Official Memorandum No. 283-2018-DVMSP/MINSA. Date: 22 August 2018. pp. 5–6.

²³³ Congress, Act No. 29600. Date: 15 October 2010.

²³⁴ Ministry of Education, Supreme Decree No. 002-2013-ED. Date: 27 March 2013.

²³⁵ Ministry of Health, Ministerial Decision No. 652-2016/MINSA. Date: 31 August 2016.

²³⁶ Ministry of Health, Official Memorandum No. 283-2018-DVMSP/MINSA. Date: 22 August 2018. pp. 12–13.

²³⁷ Idem.

²³⁸ Constitutional Court, JUDGMENT in case No. 02005-2009-PA/TC of 16 October 2009.

²³⁹ Judiciary. Judgment in case No. 30541-2014-0-1801-JR-CI-01. Date: 2 July 2019.

181. The Ministry of Health held 39 workshops at which 1,341 staff received training in the application of family planning regulations. These technical regulations provide for a capacity-building stage for service providers.²⁴⁰

182. Under the Yachay Programme, street educators hold talks and workshops for girls aged between 15 and 17 years on subjects including avoiding teenage pregnancy, social awareness training in how to avoid child sexual abuse, the challenges and risks faced by children and teenagers in street situations (psychoactive substances, risks to sexual health, life projects), sexual exploitation, trafficking in persons, sports with a focus on development, mediation, and conflict resolution.

183. Women's emergency centres have provided training in the prevention of teenage pregnancy, sexual violence and trafficking in persons to the teachers and students of educational establishments. In 2016, the sectoral budget earmarked for the implementation of the Multisectoral Teenage Pregnancy Prevention Plan was S/. 235,557 (initial institutional budget). The amended institutional budget was S/. 198,811 and the amount actually disbursed was S/. 144,482.

184. As regards access to health services, the percentage of teenagers covered by the Comprehensive Health Insurance System increased from 40 per cent in 2012 to over 60 per cent in 2015. The services provided include comprehensive care for the detection of risks in the areas of mental health, physical and nutritional health, and sexual and reproductive health care. Between 2014 and 2017, the percentage of teenagers covered by the Comprehensive Health Insurance System increased from 59.1 per cent to 65.3 per cent.

C. Decriminalization of consensual sex between teenagers

185. The Constitutional Court recognizes that teenagers between the ages of 14 and 18 years old have the right to freely develop their personalities (Decision No. 00008-2012-PI/TC) and the right to sexual freedom. For this reason, the Court declared article 173 (3) of the Criminal Code, which, pursuant to Act No. 28704, provided for expanded legal protection for the sexual integrity of minors, to be unconstitutional. Subsequently, Act No. 30076, amending articles 170 and 173 of the Criminal Code,²⁴¹ was adopted.

186. Two new technical standards have been adopted: the technical health standard on family planning;²⁴² and the technical health standard on the comprehensive and differentiated care of adolescents during pregnancy, childbirth and the postnatal period.²⁴³

D. Decriminalization of therapeutic abortion

187. Since the adoption of the national technical handbook on the standardization of comprehensive care procedures for women who, with their informed consent and within the framework of article 119 of the Criminal Code,²⁴⁴ are undergoing a voluntary therapeutic termination of pregnancy before the twenty-second week of pregnancy, training sessions have been held to publicize its content and ensure that it is used. Misoprostol, a medication used in abortion care, has been added to the national list of essential medicines.²⁴⁵

188. The Comprehensive and Intercultural Health Care Model for the Pastaza, Corriente, Tigre, Marañón and Chambira River Basins for 2017–2021²⁴⁶ is focused on promoting collaboration with midwives and health-care workers in order to coordinate activities at the

²⁴⁰ Ministry of Health. Official Memorandum No. 65-2020-DGIESP/MINSA. Date: 13 January 2020.

²⁴¹ Constitutional Court. Case No. 00008-2012-PI/TC. Legal reason No. 115.

²⁴² Ministry of Health. Ministerial Decision No. 652-2016/MINSA. Date: 2 September 2016.

²⁴³ Ministry of Health. Ministerial Decision No. 007-2017/MINSA. Date: 10 January 2017.

²⁴⁴ Ministry of Health, Ministerial Decision No. 486-2014/MINSA. Date: 27 June 2014.

²⁴⁵ Ministry of Health, Official Memorandum No. 034-2019-DVMSP/MINSA. Date: 24 January 2019, p. 7, 1.

²⁴⁶ Ministry of Health, Ministerial Decision No. 594-2017/MINSA. Date: 25 July 2017.

grass-roots level in the Loreto river basins. Capacity-building efforts are ongoing in a total of 55 health facilities in river basin areas.

189. The Maternal and Perinatal Institute performed 271 therapeutic abortions (0.68 per cent) between 2009 and August 2018. The year with the most therapeutic abortions was 2018, with 89.²⁴⁷

190. The Ministry of Health reports that 805 people nationwide underwent therapeutic abortions in State health facilities between 2015 and 2017. The year with the most abortions was 2015, with 453.²⁴⁸

XVIII. Replies to the issues raised in paragraph 22

A. Impact of extractive activities in mining projects

191. Congress has adopted Act No. 27446,²⁴⁹ establishing the National System for Environmental Impact Assessment, which covers national, regional and local policies, plans and programmes that may have significant environmental implications as well as public, private or jointly funded investment projects involving activities, construction, works and other commercial and service activities that may have a significant adverse impact on the environment.²⁵⁰

192. The regulations of the various sectoral authorities have been brought into line with the regulations governing the National System for Environmental Impact Assessment. Where mining activities are concerned, the Ministry of Energy and Mining has adopted environmental protection and management regulations for extraction, processing, general labour, transportation and storage activities (Supreme Decree No. 040-2014-EM).²⁵¹

193. The National Environmental Certification Service for Sustainable Investments, which is attached to the Ministry of Energy and Mining,²⁵² was established to review and approve national and multiregional public, private and jointly funded investment projects and services that may have a significant environmental impact.

194. The National Environmental Certification Service for Sustainable Investments has formulated a proposal entitled “Roadmap with the Indigenous Peoples 2018–2019”. This is an institutional initiative that has improved channels of communication and is helping to enhance the capacities of national and regional organizations of indigenous or original peoples and their federations and communities.²⁵³

195. The regulations implementing section II of Act No. 30327,²⁵⁴ which governs the comprehensive environmental certification process known as “IntegrAmbiente”, were adopted in order to streamline the process of environmentally certifying investment projects. This is achieved by incorporating the award of licences (which depend on the nature of the project) into the certification process and ensuring that comprehensive assessments are carried out in an orderly manner and on a progressive basis.

²⁴⁷ Ministry of Health, Official Memorandum No. 034-2019-DVMSP/MINSA. Date: 24 January 2019. p. 7.

²⁴⁸ Ministry of Health, Official Memorandum No. 034-2019-DVMSP/MINSA. Date: 24 January 2019. pp. 3–5.

²⁴⁹ Congress, Act No. 27446. Date: 23 April 2001.

²⁵⁰ Information from the Chief Representative of the Ministry of the Environment before the National Human Rights Council. Date: 5 December 2019.

²⁵¹ Ministry of Energy and Mining, Supreme Decree No. 040-2014-EM. Date: 12 November 2014.

²⁵² Congress, Act No. 29968. Date: 20 December 2012.

²⁵³ National Environmental Certification Service for Sustainable Investments, Institutional Report 2019, p. 91. Available at [https://cdn.www.gob.pe/uploads/document/file/1490257/Memoria %20institucional %202019.pdf](https://cdn.www.gob.pe/uploads/document/file/1490257/Memoria%20institucional%202019.pdf).

²⁵⁴ Ministry of the Environment, Supreme Decree No. 005-2016-MINAM. Date: 19 July 2016.

196. In accordance with Act No. 29325,²⁵⁵ the Environmental Assessment and Oversight Agency was established to ensure compliance with environmental legislation by all natural and legal persons and to oversee and guarantee the independent, impartial, streamlined and efficient exercise of environmental oversight functions.

197. Under Act No. 29325, the Environmental Assessment and Oversight Agency is authorized to carry out oversight, monitoring and other similar activities to ensure compliance with environmental regulations. It also carries out early environmental assessments to determine environmental quality and identify the causes or effects of changes in the area under study. These assessments have a preventive function – they are conducted when there is no knowledge of any possible impacts prior to the start of extractive operations – and are conducted in collaboration with the public. One early environmental assessment associated with mining activities was conducted in 2017, while 11 early assessments of mining activity projects were conducted in Cajamarca, Ayacucho, Apurímac, Cusco, Puno and Moquegua in 2018. In 2019, two early environmental assessments of mining projects were conducted in Apurímac and Cajamarca.²⁵⁶

198. The Environmental Assessment and Oversight Agency has set up mechanisms to enable citizens to participate in environmental oversight activities related to the environmental performance of extractive mining businesses active in the area around the Southern Road Corridor. In 2019, in the provinces of Chumbivilcas and Paruro in the department of Cusco, the Agency involved local authorities and civil society organizations in a series of measures with a view to building a consensus on an environmental monitoring plan, the exercise of field activities and the dissemination of the results.²⁵⁷

B. Impact of activities involving hydrocarbons

199. Act No. 30321 and its regulations²⁵⁸ were adopted in order to establish the Contingency Fund for Environmental Remediation. This fund is used to finance environmental remediation actions for sites affected by hydrocarbon activities that involve risks to health and the environment and require priority, exceptional intervention by the State.

200. Representatives of the indigenous peoples living in the Pastaza, Tigre, Corrientes and Marañón river basins in the Loreto region contributed to the formulation of guidelines for identifying sites affected by hydrocarbon activities monitored by the Environmental Assessment and Oversight Agency and an annex to the guidelines that sets out methods for assessing the risk to health and the environment in affected sites (Governing Board Decision No. 028-2017-OEFA/CD),²⁵⁹ in compliance with article 12 of the regulations implementing Act No. 30321.

201. The Ministry of Culture's database of indigenous peoples provides information on the native communities and population centres associated with the 12 prioritized affected sites in the Marañón river basin. This information is being used to prepare the terms of reference for the formulation of rehabilitation plans for 12 sites impacted by hydrocarbon activities in the basin,²⁶⁰ in compliance with article 12 of the regulations implementing Act No. 30321.

202. Between 2017 and October 2021, the Environmental Assessment and Oversight Agency issued 129 reports on environmental assessments to identify impacted sites. Of the total number of sites assessed, 109 were identified as affected and 20 were not. The reports were forwarded to the Administrative Board of the Contingency Fund so that the procedure

²⁵⁵ Congress. Act No. 29325. Date: 5 March 2009.

²⁵⁶ Environmental Assessment and Oversight Agency, Official Memorandum No. 00003-2019-OEFA/DEAM. Date: 7 January 2019. Correspondence from the Environmental Assessment and Oversight Agency. Date: 15 November 2021.

²⁵⁷ Op. cit., Ministry of the Environment before the National Human Rights Council.

²⁵⁸ Environmental Assessment and Oversight Agency. Unnamed report of 20 November 2019.

²⁵⁹ Ibid.

²⁶⁰ Op. cit., Ministry of Culture before the National Human Rights Council.

established under Act No. 30321 could be continued. The board prioritized 62 sites for further environmental remediation.²⁶¹

203. In 2020, the regulations implementing Act No. 29134 on environmental liabilities in the hydrocarbons sector were adopted. The Act establishes mechanisms for managing environmental liabilities in the sector and specifies that the Environmental Assessment and Oversight Agency is responsible for identifying such liabilities (Directive No. 001-2013-OEFA/CD and Governing Board Decision No. 022-2013-OEFA/CD). Between 2013 and October 2021, the Agency identified 4,027 such liabilities nationwide, mostly in Piura (3,890) and Tumbes (98). A total of 161 high-risk liabilities²⁶² have been identified.

204. A total of 443 inspections were carried out in response to environmental emergencies (oil spills and/or leaks) between June 2012 and October 2021 (28 in Amazonas, 18 in Cajamarca, 334 in Loreto, 31 in Ucayali, 26 in Cusco, 5 in Ayacucho and 1 in Huancavelica).²⁶³

XIX. Replies to the issues raised in paragraph 23

205. Within the framework of the General Environmental Act,²⁶⁴ the regulations on transparency, access to public information on the environment and citizen participation and consultation in environmental matters²⁶⁵ have been adopted and implemented at the three levels of government.

206. The Ministry of Culture monitors the implementation and enforcement of the agreements established as a result of prior consultation processes. Between 2013 and July 2019, 35 consultation processes were carried out that resulted in agreements being established at the end of the dialogue stage.²⁶⁶

207. More than 1,400 representatives of indigenous or original peoples participated in the six prior consultation processes carried out in connection with the adoption of Act No. 30754. Of these, 62.25 per cent were women. Interpreters working in the Quechua, Aymara, Shipibo-Conibo, Awajún and Asheninca languages participated in the process to ensure that gender and intercultural issues were taken into account. As a result of the prior consultation process, 152 agreements were reached, with only one disagreement.²⁶⁷

208. The National Environmental Policy has been updated to cover the period to 2030.²⁶⁸ The policy fosters the protection of nature and ecosystems, along with associated assets and services, by promoting actions to address climate change and reduce deforestation and pollution.²⁶⁹

209. Act No. 29785²⁷⁰ and its regulations²⁷¹ govern the protection of the collective rights of indigenous and original peoples. In compliance with the regulations, a prior consultation process is conducted before any administrative or legislative measure is taken that could directly affect the exercise of the indigenous or original peoples' collective rights or their legal status.

210. The Ministry of Culture reports that, as at 2021, 66 prior consultation processes, involving 967 sites in 109 districts belonging to 28 indigenous or original peoples, had been completed. Through intercultural dialogue, agreements were reached that enabled the

²⁶¹ Correspondence from the Environmental Assessment and Oversight Agency. Date: 15 November 2021.

²⁶² *Idem*.

²⁶³ *Idem*.

²⁶⁴ Ministry of the Environment, Supreme Decree No. 012-2009-MINAM. Date: 23 May 2009.

²⁶⁵ Ministry of the Environment, Supreme Decree No. 002-2009-MINAM. Date: 17 January 2009.

²⁶⁶ *Op. cit.*, Ministry of Culture before the National Human Rights Council.

²⁶⁷ *Op. cit.*, Ministry of the Environment before the National Human Rights Council.

²⁶⁸ Ministry of the Environment, Supreme Decree No. 023-2021. Published on 25 July 2021.

²⁶⁹ Ministry of the Environment, "Government approves the National Environmental Policy up to 2030". Date: 25 July 2021.

²⁷⁰ Congress, Act No. 29785. Date: 7 September 2011.

²⁷¹ Ministry of Culture, Supreme Decree No. 001-2012-MC. Date: 3 April 2012.

indigenous or original peoples to take part in the State's decision-making processes, making them participants in their own development. Nine consultation processes were initiated in connection with one declaration of national cultural heritage, one road infrastructure project, two electricity generation projects, one hydrocarbon block and four mining projects. The consultations were organized by the Ministry of Energy and Mining, the Ministry of Culture and the provincial municipality of Condorcanqui. A total of 45 localities belonging to 4 indigenous or original peoples were consulted, covering 14 districts in 9 provinces across 5 departments (Amazonas, Ayacucho, Cusco, Moquegua and Ucayali).²⁷²

XX. Replies to the issues raised in paragraph 24

211. With respect to the investigations into forced sterilizations that took place between 1995 and 2000, the Attorney General's Office has indicated that proceedings are under way in cases No. 26-2014 and No. 59-2019.²⁷³

- An opinion was issued in case No. 26-2014 on 27 September 2018, setting out a charge of endangerment of persons in a situation of dependence against S.L.C.R., for acts committed against M.M.M.C. and requesting the dismissal of the proceedings against E.O.M.O., E.Z.D. and E.C.C., who were facing identical charges, also for acts committed against M.M.M.C. The recommendation was sent by the transitory fourth division of the National High Court to the Supreme Prosecutor's Office for consideration in December 2020 and was returned on 30 April 2021. The trial of S.L.C.R. on a charge of endangerment of persons in a situation of dependence, for acts committed against M.M.M.C.,²⁷⁴ is now expected to begin.
- In case No. 59-2019, A.F.F. and others are alleged to have committed an offence against life, body and health, through the infliction of serious injuries leading to death, against M.M.M.C. and four other women, and an offence of serious injury against 1,310 victims. Both offences were committed in a context of serious human rights violations. The hearings on the charges began on 11 January 2021 before the Transitory Supranational Criminal Court for Organized Crime. Forty-three consecutive sessions were held – the last on 14 June 2021 – during which the Attorney General's Office orally substantiated its request for an indictment. The judge held two hearings, on 14 and 21 September 2021, at which he weighed the arguments for initiating the criminal proceedings against the suspects²⁷⁵ requested by the Attorney General's Office. At a hearing held on 11 December 2021, it was decided that a judicial investigation would be initiated against A.F.F. and others.

212. Another prosecution file, case file No. 14-2016, also addresses forced sterilizations. This file contains a total of 169 volumes (67,851 pages) and involves a total of 2,729 alleged victims nationwide, from 14 of the country's regions (Ancash, Apurímac, Ayacucho, Cajamarca, Cuzco, Huancavelica, Huánuco, Junín, Lima, Loreto, Moquegua, Piura, San Martín and Ucayali).²⁷⁶

213. In addition, a criminal investigation was opened on 12 November 2019 regarding an offence against life, body and health allegedly committed, through the infliction of serious injuries and in a context of serious human rights violations, against O.A.P. and other victims who were not identified as such in the request for an indictment described above (criminal investigation No. 96-2019). This investigation has been with that relating to case No. 14-2016, since the two files are closely related.²⁷⁷

214. The investigations under way relate to 4,044 alleged victims of forced sterilization.²⁷⁸

²⁷² Ministry of Culture. Official Memorandum No. 431-2021-DGCI/MINCU. Date: 19 November 2019.

²⁷³ Attorney General's Office. Official Memorandum No. 001132-2021-MPFN-FSC-FSPN-FPS. Date: 21 September 2021, pp. 1–2.

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*

215. Without prejudice to the foregoing, it should be noted that, pursuant to Supreme Decree No. 006-2015-JUS,²⁷⁹ the Register of Victims of Forced Sterilization was set up to register victims of forced sterilizations that took place between 1995 and 2001. Between January 2016 and August 2021, 7,769 procedures for including victims of forced sterilization²⁸⁰ in the Register were initiated.

216. Between January 2016 and July 2020, the Directorate General of the Public Defence Service and Access to Justice acted in 1,565 cases allegedly involving victims of forced sterilizations.²⁸¹ Between September 2020 and July 2021, representatives of the Directorate gave 57 online talks to publicize and raise awareness of the services provided within the framework of the Register of Victims of Forced Sterilization.²⁸²

217. A multisectoral working group was set up to analyse issues surrounding the persons affected by the forced sterilizations that took place between 1995 and 2001 and make proposals for mechanisms to address them (Ministerial Decision No. 0216-2020-JUS).

218. The National Programme for the Prevention and Eradication of Violence against Women and Family Members, also known as the Aurora Programme, reports that, between 2016 and June 2021, women's emergency centres provided 6,103 specialized, individualized services in 70,596 cases involving victims of forced sterilization.²⁸³

219. As at 19 June 2021, 6,131 of all persons appearing in the Register of Victims of Forced Sterilization were covered by the Comprehensive Health Insurance System.²⁸⁴ These persons can receive health-care services at their designated primary health-care facility and can be referred to facilities with more sophisticated resources. In emergencies, they can receive care at any health-care facility that is run by the Ministry of Health or a regional government and/or has signed an agreement with the System.²⁸⁵

220. Since 2016, the National Registry Office²⁸⁶ has processed, free of charge, first-time applications for national identity cards and applications to renew, correct or request copies of existing cards for persons around the country.

221. In 2020, the Constitutional Court found without merit the appeal for constitutional review filed by M.R.L.C.B., the Minister of Health during the Administration of A.F.F., who had been responsible for the implementation of the 1996–2000 National Programme for Reproductive Health and Family Planning (ruling handed down in case No. 02064-2018-PA/TC). In its decision, the Court noted that the lack of a response 20 years after the events was incompatible with the State's duty to investigate and punish serious human rights violations.²⁸⁷

XXI. Replies to the issues raised in paragraph 25

222. A technical document in the form of a single national list of essential medicines for the health sector has been adopted to improve public access to medicines identified as necessary for the prevention, treatment and control of diseases prevalent in the country.²⁸⁸

²⁷⁹ Ministry of Justice and Human Rights, Ministerial Decision No. 319-2015-JUS, approving the procedure for recording forced sterilizations that took place between 1995 and 2001 in the Register of Victims of Forced Sterilization and an annex to the Register containing a standardized form for collecting data for 1995–2001. Published on 7 December 2015.

²⁸⁰ Ministry of Justice and Human Rights, Directorate General of the Public Defence Service and Access to Justice, Report No. 643-2021-JUS/ DGDPAJ-DALDV Date: 9 September 2021.

²⁸¹ Op. cit., User report No. 209-2020-JUS-DGDPAJ/DALDV. p. 14.

²⁸² Directorate General of the Public Defence Service and Access to Justice, Official Memorandum No. 2983-2019-JUS/ DGDPAJ. Date: 26 December 2019. p. 6.

²⁸³ Idem.

²⁸⁴ Comprehensive Health Insurance System, Report No. 119-2021-SIS-GA/GADJ of 9 September 2021.

²⁸⁵ Ministry of Health, Briefing note No. 324-2019-SIS-GA of 20 November 2019.

²⁸⁶ National Registry Office, Administrative Decision No. 10-2016-JNAC-RENIEC. Date: 19 January 2016.

²⁸⁷ Constitutional Court, ruling in case No. 02064-2018-PA/TC. Date: 27 October 2020.

²⁸⁸ Ministry of Health, Ministerial Decision No. 1361-2018/MINSA. Date: 28 December 2018.

XXII. Replies to the issues raised in paragraph 26

Increased school attendance rates and lower dropout and repetition rates

223. In 2011, the attendance rate for higher education (both university and non-university) among persons aged between 17 and 24 years was 24.4 at the national level, 28.3 in urban areas, 11.5 in rural areas, 26.2 on the coast, 24.6 in the mountains and 16.3 in forest areas. In 2019, it was 28.7 at the national level, 31.5 in urban areas, 16.5 in rural areas, 30 on the coast, 29.2 in the mountains and 21.2 in forest areas. With regard to enrolment in early years education, the parity index among 3 to 5-year-olds in 2011 was 0.967 at the national level, 0.958 in urban areas, 1.012 in rural areas, 0.961 on the coast, 0.983 in the mountains and 1.039 in forest areas. In 2019, it was 1.014 nationwide, 1.008 in urban areas, 1.030 in rural areas, 0.988 in the coast, 1.036 in the mountains and 1.064 in forest areas. In 2013, the percentage of schools with access to electricity was 70.9 at the national level, 88.7 in urban areas and 63.0 in rural areas. In 2019, it was 83.9 nationwide, 93.3 in urban areas and 79.2 in rural areas.²⁸⁹

224. The National Development Plan for the Peruvian Population of African Descent²⁹⁰ now being implemented tackles the social disparities affecting this population. The Plan's strategic action No. 3.5 concerns the adoption of measures to ensure that members of the Peruvian population of African descent complete regular basic education, while strategic action No. 3.6 promotes affirmative actions to ensure that Peruvian women and men of African descent have equal opportunities to enrol in, remain in and complete courses of all kinds, at all stages of the education system.

225. According to the national population and housing census for 2017, 12 per cent of Peruvians of African descent enrol in non-university higher education, compared with a national average of 14.3 per cent. A total of 11.5 per cent of Peruvians of African descent attend a university, compared with a national average of 19.7 per cent. Furthermore, 14.1 per cent of Peruvians of African descent who are heads of household have completed university education, compared with a national average of 23.2 per cent. According to a specialized study of the Peruvian population of African descent conducted in 2015, 28 per cent of children aged between 3 and 5 years old do not attend school, compared with a national average of 12.7 per cent; 82 per cent of teenagers attend school, compared with a national average of 94 per cent; 33 per cent do not attend school because they "do not like it" while 14 per cent do not do so because they cannot afford it; 18 per cent have repeated a school year, compared with a national average of 4 per cent at the secondary level and 4.2 per cent at the primary level; and 43 per cent state that they have been subjected to discrimination, with 31 per cent indicating that the discrimination was based on race.²⁹¹

226. The Ministry of Culture, together with the Ministry of Education, the Ministry of Health, the Ministry of Justice and Human Rights and the Ministry for Women and Vulnerable Groups, have taken the following measures:

- (i) Included the ethnicity variable in the 2018 education census;
- (ii) Included the self-identification variable in application forms for scholarships and educational credits and allocated an additional score to Afrodescendent and indigenous applicants for awards under the Beca 18,²⁹² Beca Peru,²⁹³ and Beca

²⁸⁹ Op. cit., National Institute for Statistics and Data Processing. Sustainable Development Goal indicators.

²⁹⁰ Ministry of Culture, Supreme Decree No. 003-2016-MC. Date: 15 July 2016.

²⁹¹ Ministry of Culture. Consulted on 25 November 2019. Available at https://www.grade.org.pe/wp-content/uploads/LIBRO_EEPA_mincugrade.pdf.

²⁹² Ministry of Education, Directorate Decision No. 083-2018-MINEDU/VGMI-PRONABEC. Date: 28 March 2018.

²⁹³ Ministry of Education, Directorate Decision No. 965-2016-MINEDU/VMGI-PRONABEC. Date: 13 December 2016.

Presidente de la República²⁹⁴ grant programmes. A total of 30 undergraduate scholarships have been allocated to Peruvians of African descent participating in a national scholarship programme to promote continuation in education;²⁹⁵

(iii) Prepared Administrative Directive No. 240-2017-MINSA/INS (Ministerial Decision No. 975-2017/MINSA),²⁹⁶ which provides for the inclusion of the ethnicity variable in the registration form used in connection with the information system for outpatient consultations;

(iv) Included actions and indicators related to the Peruvian population of African descent in the National Human Rights Plan;

(v) Included the ethnicity variable in the information held by the centres for the comprehensive development of the family and developed guidelines on the use of the ethnicity variable in the services provided by the women's emergency centres.

227. It is not possible to establish the attendance rate in basic education for Peruvian children of African descent from the data obtained from the 2017 national census as the question concerning ethnic self-identification was asked only of children over 12 years of age. The census shows that 90 per cent of Peruvian teenagers of African descent (aged between 12 and 16 years) attend school compared with 91.3 per cent of the overall population of that age. A total of 35.3 per cent of young Peruvians of African descent (aged between 17 and 24 years) attend a higher education establishment, which is over 10 percentage points lower than the national rate of 46 per cent. Only 14 per cent of Peruvians of African descent who are heads of household have completed higher education, which is over 9 percentage points lower than the national average of 23.2 per cent.

228. The following actions have been taken to recognize and promote the contributions made by Peruvians of African descent:

- The month of June was declared Black Peruvian Culture Month, in accordance with Ministerial Decision No. 182-2014-MC.²⁹⁷
- State agencies, educational centres, cultural centres and media outlets, among other entities, organize events to commemorate Black Peruvian Culture Day on 4 June every year.
- The Ministry of Culture's Register of Representative Black Peruvian Organizations and its registration protocol were adopted, pursuant to Deputy Ministerial Decision No. 025-2016-VMI-MC.²⁹⁸ As at 2019, 47 groups had been entered on the register.
- The "We Are Family" (Somos Familia) National Meeting of Black Peruvian Organizations was held between 2016 and 2018 to strengthen inter-institutional coordination between Black Peruvian organizations around the country
- The second research seminar on the Black Peruvian population was held in 2018. At the seminar, 20 research papers were presented with a view to promoting and disseminating academic research on traditional knowledge associated with Peruvians of African descent.
- The Inter-American Network of High Authorities of the Afrodescendent Populations was established following the first Meeting of the Inter-American Network of High Authorities on Policies for the Afrodescendent Population.
- Awards were granted to distinguished Black Peruvians (the archaeologist José Luis Santa Cruz Alcalá, the plastic artist José Luis Palomino, the international Black Peruvian musician Manuel Bravo, and the founder of the group Cañete Negro, Román

²⁹⁴ Ministry of Education, Directorate Decision No. 235-2018-MINEDU-VGMI-PRONABEC. Date: 12 October 2018.

²⁹⁵ Ministry of Education, Directorate Decision No. 904-2017-MINEDU/VGMI/PRONABEC. Date: 19 July 2017.

²⁹⁶ Ministry of Health, Ministerial Decision No. 975-2017/MINSA. Date: 7 November 2017.

²⁹⁷ Ministry of Culture, Ministerial Decision No. 182-2014-MC. Date: 7 June 2014.

²⁹⁸ Ministry of Culture, Deputy Ministerial Decision No. 025-2016-VMI-MC. Date: 7 June 2014.

Fernández Adriano) at an awards ceremony held in 2018 for persons of renown in the culture sector.

229. In 2015, pursuant to Supreme Decree of the Ministry of Culture No. 004-2015-MC,²⁹⁹ it was declared that, in order to strengthen development and social inclusion during the International Decade for People of African Descent (2015–2024),³⁰⁰ the fundamental rights of Black Peruvians must be fully respected as a matter of national priority.

230. The National Development Plan for Peruvians of African Descent and the Sectoral Policy on Intercultural Bilingual Education were adopted in connection with the International Decade for People of African Descent (2015–2024), the theme of which is justice, recognition and development. The Sectoral Policy provides for a pedagogical plan for intercultural bilingual education, a national register of educational establishments offering intercultural bilingual education or intercultural education, and a national register of bilingual teachers of indigenous languages of Peru. In the area of communication, the current national curriculum covers native languages, Spanish as a second language and specific guidance on mainstreaming intercultural matters.³⁰¹ The national register of educational establishments offering intercultural bilingual education, adopted under Ministerial Decision No. 646-2018-MINEDU, contains entries for 26,862 such establishments (13,505 specializing in language strengthening, 11,048 specializing in language revival and 2,309 in urban areas), serving 1,238,329 students.³⁰²

231. There are 38 higher education establishments, of which 35 are public and 3 are private. A total of 13 universities offer degree courses in intercultural bilingual education.³⁰³ A total of 915 indigenous young persons, speaking 14 languages between them, received grants to study this degree course. Furthermore, 590 teachers of intercultural bilingual education received grants that enabled them to specialize in this area. In the context of the International Decade for People of African Descent, the Directorate General of Intercultural, Bilingual and Rural Education, with the participation of civil society, drafted a plan for meeting the educational needs of Peruvian children of African descent. Currently, the groundwork is being laid and a baseline survey is being conducted so that implementation can commence in 2017.³⁰⁴

232. As at 2019, there are 48 native languages with alphabets agreed by consensus. Of these, 43 have an official alphabet and 5 have an alphabet in the process of being approved and made official. Pursuant to Supreme Decree No. 011-2018-MINEDU, and in coordination with the Ministry of Culture and the National Institute for Statistics and Data Processing, an ethnolinguistic map of the languages of the indigenous or original peoples of Peru has been adopted. The map contains information on the native language or languages that predominate at the district, provincial and regional levels³⁰⁵ and therefore serves as a management tool for decision-making related to the linguistic rights of the indigenous or original peoples.

XXIII. Replies to the issues raised in paragraph 27

Preserving and promoting the use of indigenous languages

233. In 2015, pursuant to Supreme Decree No. 002-2015-MC,³⁰⁶ the Ministry of Culture established a national register of interpreters and translators of indigenous or original languages.

234. Since 2012, the Ministry of Culture has organized 14 training courses for interpreters and translators of indigenous or original languages. As a result, 525 people have been trained

²⁹⁹ Ministry of Culture, Supreme Decree No. 004-2015-MC. Date: 25 November 2015.

³⁰⁰ Op. cit., Ministry of Culture before the National Human Rights Council.

³⁰¹ Ministry of Culture, Supreme Decree No. 004-2015-MC. Date: 25 November 2015.

³⁰² Idem.

³⁰³ Op. cit., Ministry of Education before the National Human Rights Council.

³⁰⁴ Idem.

³⁰⁵ Idem.

³⁰⁶ Ministry of Culture, Supreme Decree No. 002-2015-MC. Date: 21 August 2015.

in techniques for interpreting and translating indigenous languages. Of these, 508 interpreters and translators, speaking 37 of the 48 indigenous languages of Peru, have been entered in the national register. A total of 81 of these interpreters and translators specialize in intercultural justice, having received training through a partnership established between the Ministry of Culture, the Ministry of Justice and Human Rights, the judiciary and the Public Prosecution Service.³⁰⁷

235. In 2016, the regulations implementing Act No. 29735³⁰⁸ which governs the use, preservation, development, recovery, promotion and dissemination of the native languages of Peru, were adopted pursuant to Supreme Decree No. 004-2016-MC.³⁰⁹ The Ministry of Culture carried out a prior consultation process in connection with the proposed regulations, consulting a total of 55 indigenous or original peoples identified in the database of indigenous or original peoples through seven representative organizations operating at the national level.

236. In 2017, a national policy on original languages, oral traditions and intercultural matters was adopted pursuant to Supreme Decree No. 005-2017-MC.³¹⁰ In this connection, the Ministry of Culture designed a strategy for strengthening institutional capacities and enabling institutions that provide essential public services to communicate in the original languages, thereby cementing their official status.³¹¹ As part of these measures, the process of certifying the skills of bilingual (Spanish/original language) employees was initiated to ensure that agencies have staff who can provide services in the languages spoken by service users.

237. In 2016, the National System for the Assessment, Accreditation and Certification of Educational Quality Standards adopted a competency standard for experts in communicating in indigenous or original languages in intercultural contexts. As at November 2021, the Ministry of Culture and the National System for the Assessment, Accreditation and Certification of Educational Quality Standards had certified 2,756 bilingual, Quechua-speaking civil servants, using a territorial approach.³¹²

238. The Ministry of Culture gives priority attention to indigenous or original languages that are in danger of dying out. As at 2021, work had been carried out on four inclusive actions to document indigenous languages in critical situations, namely, Taushiro, Resígaro, Chamicuro and Iñapari.³¹³

239. The Ministry of Culture is engaged in work to document extinct original languages, including the Uru language. Between 2015 and 2018, the Uro people, working with their local authorities and the Ministry of Culture, coordinated measures to document the lexis of the Uru language, which is linked to the traditional practices and knowledge of the Uro people.³¹⁴

240. The National Policy on Original Languages, Oral Traditions and Intercultural Matters to 2040, adopted in 2021, promotes the provision of public services in indigenous languages and is intended to reduce discrimination based on the use of indigenous languages, increase the intergenerational transmission of languages and enhance speakers' oral and written proficiency in them.

241. Under Directorate Resolution No. 190-2020-JUS, the Directorate General of the Public Defence Service and Access to Justice approved the establishment of teams of public defenders specializing in indigenous affairs in district-level offices in Amazonas, Ayacucho, Junín, Loreto, Puno, San Martín, Selva Central and Ucayali. In addition to carrying out their duties, these defenders will provide public defence services, defence services for victims, and legal assistance based on an intercultural and specialized approach to members of campesino

³⁰⁷ Op. cit., Ministry of Culture before the National Human Rights Council.

³⁰⁸ Congress, Act No. 29735. Date: 5 July 2011.

³⁰⁹ Ministry of Culture, Supreme Decree No. 004-2016-MC. Date: 22 July 2016.

³¹⁰ Op. cit., Ministry of Culture before the National Human Rights Council.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

³¹⁴ Ibid.

and native communities belonging to indigenous or original peoples within their jurisdictions.³¹⁵

XXIV. Replies to the issues raised in paragraph 28

Non-discrimination in relation to economic, social and cultural rights

242. The National Policy for Mainstreaming the Intercultural Approach³¹⁶ has been adopted and applied in State policy and management instruments, thereby ensuring the inclusion of intercultural content in 16 multisectoral plans, 8 protocols and 19 inter-institutional agreements. In coordination with the Ministry of Development and Social Inclusion, 35 local governments have been awarded the Municipal “Inclusion for Growth” Seal for having incorporated an intercultural perspective in municipal ordinances.

243. The geoethnic map of the Black Peruvian population shows that this community is present in 107 districts in 11 coastal regions (Tacna, Arequipa, Ica, Lima, Metropolitan Lima, Callao, Ancash, La Libertad, Lambayeque, Piura and Tumbes). Metropolitan Lima is the region with the highest density of Peruvians of African descent.

244. A total of 55 indigenous or original peoples are registered in the Ministry of Culture’s official database, which contains information on 2,535 Amazonian native communities, 2,938 campesino communities and 2,532 Amazonian indigenous population centres.³¹⁷

XXV. Replies to the issues raised in paragraph 29

Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

245. Strategic guideline No. 4 of the National Human Rights Plan provides for the strengthening of the domestic legal system through the implementation of international instruments for the promotion and protection of human rights while strategic action No. 2 prioritizes the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.³¹⁸

³¹⁵ Ministry of Justice and Human Rights, Report No. 3603-2021-JUS/DGDPAJ-DDP-FEVP. Date: 24 November 2021.

³¹⁶ Ministry of Culture, Supreme Decree No. 003-2015-MC. Date: 28 October 2015.

³¹⁷ Ministry of Culture. List of indigenous or original peoples.

³¹⁸ National Human Rights Plan 2018–2021, Supreme Decree No. 002-2018.JUS. Date: 1 February 2018.