



Convention on the Elimination of All Forms of Discrimination against Women

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Summary record of the 1865th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 16 February 2022, at 3 p.m.

Chair: Ms. Peláez Narváez (Vice-Chair)

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Ms. Peláez Narváez (Vice-Chair) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Ninth periodic report of Peru (continued) (CEDAW/C/PER/9; CEDAW/C/PER/Q/9; and CEDAW/C/PER/RQ/9)

1. *At the invitation of the Chair, the delegation of Peru joined the meeting.*
2. **The Chair** said that she wished to invite the delegation to respond to the questions posed under articles 7 and 8 during the first half of the interactive dialogue (CEDAW/C/SR.1863). The delegation was requested to submit its responses to the questions posed under articles 9, 15 and 16 in writing within 24 hours of the conclusion of the dialogue.

Articles 7–9 (continued)

3. **Ms. Molero Mesia** (Peru), speaking via video link, said that the National Elections Board had issued guidelines to assist political parties in drafting their platforms, which should include, *inter alia*, a human rights and gender equality perspective. During electoral processes, workshops were held for the technical staff of political parties responsible for drafting platforms. The National Elections Board, in cooperation with the Round Table to Promote and Guarantee Women's Political Participation, planned to hold online and in-person training sessions for female leaders and electoral candidates at both the national and regional levels. A media strategy to publicize the training sessions was being developed and individual invitations would be sent to female members of political parties.
4. Regarding electoral quotas for women in rural areas, under Act No. 31030, the lists of candidates for municipal elections must include equal numbers of men and women candidates, and they must be listed alternately. At least 20 per cent of candidates should be under 29 years of age and, where applicable, at least 15 per cent should be members of indigenous peoples. In Resolution No. 0942-2021-JNE, the National Elections Board had stipulated that gender parity and gender alternation in lists of candidates for the 2022 regional elections must be respected and had set quotas for the representation of young people and members of indigenous groups.
5. Act No. 31155, which prohibited and penalized harassment against women in political life, required regional and local governments to devise policies to prevent, identify, punish and remedy such conduct. An inter-institutional protocol to prevent, address and punish political harassment of women had also been developed to help create the conditions necessary for women to exercise their right to participate in politics fully and on an equal footing with men.

6. With regard to women human rights defenders, in addition to the intersectoral mechanism for the protection of human rights defenders, the National Action Plan on Business and Human Rights included a commitment to promote the protection of all human rights defenders in Peru.

Articles 10–14

7. **Ms. Haidar** said that the Committee was concerned that the intersectional discrimination suffered by women and girls from disadvantaged groups who lived in remote or rural areas often prevented them from gaining access to education, as evidenced by the high illiteracy rate among indigenous women and the large proportion of women of African descent who had never received an education. She wished to know what the State party was doing to tackle the root causes of that intersectional discrimination and, more specifically, to reduce illiteracy and improve access to education for those women and girls. How did the State party plan to address the high dropout rates among rural girls, girls with disabilities and girls from minority groups? Were there plans to develop an age-appropriate national sex education programme for children and adolescents? Were school textbooks readily available in indigenous languages such as Quechua and Aymara?

8. **Ms. Molero Mesia** (Peru) said that the inclusion of a gender equality perspective in the national curriculum went some way towards addressing the problem of structural discrimination against women, which was often reinforced by gender stereotypes reproduced in the education sphere. In 2019, the Supreme Court had issued a judgment in favour of the inclusion of a gender perspective in the national curriculum. In 2020, the updated national education project, which would run until 2036, had been adopted. The Government recognized the importance of delivering a comprehensive sex education programme to all children and adolescents in an informed and respectful manner. The Ministry of Education had adopted comprehensive sexuality education guidelines for basic education establishments in 2021.

9. **Ms. Díaz Vda. de Ojeda** (Peru), speaking via video link, said that the Ministry of Education had issued guidelines on managing relations in schools and on preventing and addressing violence against children and adolescents and had updated the protocols to be followed by schools in dealing with such violence.

10. **Mr. Vásquez Maza** (Peru), speaking via video link, said that several steps had been taken to reduce the intersectional discrimination experienced by female students in the education system. Handbooks had been developed to help students who were pregnant or had recently given birth to continue with their studies during the coronavirus disease (COVID-19) pandemic, and technical assistance had been provided to regional education authorities in that connection.

11. Some 2,900 learning materials had been adapted for students with disabilities. The online learning platform “Aprendo en casa” (I learn at home) included learning activities designed to foster gender equality by educating students about sexist and discriminatory language and gender stereotyping. Also available on the platform were learning activities to help promote women’s leadership and entrepreneurship and to prevent violence against students.

12. The comprehensive sexuality education guidelines adopted by the Ministry of the Education also addressed problems such as human trafficking for the purpose of sexual exploitation, sexual violence against children and adolescents and harassment for reasons of sexual orientation and gender identity, some of which disproportionately affected female students living in rural or indigenous areas. Protocols for delivering comprehensive sex education had been devised and were being implemented. To maintain momentum in promoting comprehensive sex education and in mainstreaming the gender equality perspective in the national curriculum, in 2022 the Ministry of Education, the Ministry for Women and Vulnerable Groups and the Ministry of Health intended to carry out specific actions under the National Gender Equality Policy, which addressed the intersectional discrimination experienced by certain groups of women and girls.

13. **Ms. Dettmeijer-Vermeulen** said that, despite significant growth of the agro-industry sector in Peru over the previous 20 years, working conditions for older women, pregnant women and young women in that sector often remained unsatisfactory. She would welcome information on the measures taken to implement the Policy on Gender Equality of the Food and Agriculture Organization of the United Nations and to ensure that lesbian, bisexual, transgender and intersex women enjoyed equal access to employment. She would also like to know whether the State party’s ratification of the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183) had led to a reduction in the number of pregnant and breastfeeding women being dismissed from their jobs, whether the State party might envisage introducing financial support measures specifically for women and what it was doing to help women to reconcile their work and family life. Was there, for example, an integrated childcare system in place in Peru? Lastly, she would be interested in hearing how many calls to the “Work without Harassment” hotline had been placed by domestic workers and how their complaints of sexual harassment had been followed up.

14. **Ms. Molero Mesia** (Peru) said that, to improve women’s access to employment and promote their economic independence, the Ministry of Labour and Employment Promotion gave at-risk women priority access to training for employment and self-employment and to job skills certification schemes. Unemployed women and women who were victims of domestic violence or terrorism had benefited from the Ministry’s “Peru, Moving Forward”

programme, which promoted formal employment, the accreditation of job skills and self-employment. A certain number of places in employment promotion programmes, job creation schemes and vocational training activities were reserved for women victims of violence. In 2020, an emergency decree had been issued to promote the recovery of the formal employment sector and to protect jobs in the context of the COVID-19 pandemic. Under the emergency decree, certain private sector workers, including women, had received financial assistance.

15. **Ms. Montellanos Carbajal** (Peru), speaking via video link, said that the National Policy on Decent Work set the target of ensuring that, by 2030, 1 out of every 5 Peruvians would have a decent job, that the informal employment rate would be below 60 per cent and that the unemployment rate would remain at 5 per cent. The policy, which was multisectoral in nature, included a gender equality perspective and was aligned with other relevant national policies and programmes.

16. A temporary multisectoral working group known as Wifnay Warmi (Crece Mujer) had been set up the previous year to devise a coordinated, intersectoral strategy to increase women's access to decent employment, including self-employment, and to increase their employability. The working group sought to identify and assist vulnerable women living in all regions of Peru and to meet their employment-related needs in a coordinated manner.

17. **Mr. Lira Loayza** (Peru), speaking via video link, said that Legislative Decree No. 1499, which had introduced measures to uphold and monitor the protection of social and labour rights during the pandemic, applied to all female workers. Act No. 31110, on the agrarian labour system, prohibited discrimination, violence and harassment against women working in the agricultural sector. The Act's implementing regulations addressed, *inter alia*, the need to protect pregnant and breastfeeding women in the workplace and ensure equal pay in the agricultural sector and made specific reference to the duty of the State to promote the participation and representation of women workers in collective bargaining processes in the sector.

18. The purpose of Act No. 31047 (the Domestic Workers Act) was to prevent and eliminate all forms of discrimination in the working and employment conditions of domestic workers and to guarantee their fundamental rights. The Act set the minimum age for performing domestic work at 18 years of age and aligned the working conditions, rights and entitlements of domestic workers with those enjoyed by the general labour force. Under Ministerial Resolution No. 208-2021-TR, a multisectoral standing working group known as the Round Table to Promote the Fulfilment of the Rights of Domestic Workers had been set up.

19. Several regulations had been adopted to enable women to better reconcile their work and family lives during the pandemic. For example, women could request special leave from work to care for a relative who had contracted COVID-19.

20. **Mr. Baldeón Vásquez** (Peru), speaking via video link, said that the protocols adopted to monitor compliance with social and labour obligations included a protocol on formalization that had led to the inclusion of around 410,000 workers, including 170,000 women, in the formal sector; a protocol on formalization and monitoring of compliance with social and labour obligations in the agricultural sector; a protocol on occupational safety and health in the agricultural sector that placed particular emphasis on women; a protocol on sexual harassment; and a protocol on gender-based wage discrimination that allowed for inspections and had led to the imposition of fines.

21. **Ms. Rana** said that, despite the State party's impressive range of legislative mechanisms to prevent pregnancy in adolescents, little progress had been made towards the goal of reducing rates by 20 per cent by 2021, and significant gaps in the coverage and quality of health-care services existed. She would like to know how the implementation of those mechanisms was followed up and monitored and how the State party would ensure that all victims of sexual violence would have access to sexual violence response kits. It would be useful to know whether girls who had become pregnant following sexual abuse had access to therapeutic abortion, which was legal in only limited circumstances. She wondered whether the State party planned to legalize abortion in cases of rape, incest, threat to the woman's life or health and severe fetal impairment and decriminalize it in all other cases.

22. Many women lacked access to sexual and reproductive health services and information, especially in rural areas. She would welcome information on steps to extend health-care services to remote regions, on the progress made on the Sectoral Policy on Intercultural Health and on the State party's strategy for ensuring adolescents' access to sexual and reproductive health counselling and contraception. Some women who had undergone forced sterilization between 1993 and 2000 had not received information on the procedure and might not be included on the Register of Victims of Forced Sterilizations in the Period from 1995 to 2001, and there were reports that the procedure continued to be undertaken. She would be interested to know how the State party would ensure the thorough and impartial investigation of forced sterilizations, what measures had been adopted to ensure that women and girls with disabilities were not subjected to forced sterilization and forced treatment and how women of all sexualities received respect and comprehensive information on their sexual and reproductive health. Lastly, she wished to know how the State party protected women living near mines from contamination by toxic metals.

23. **Ms. Molero Mesia** (Peru), outlining her Government's life-course approach to ensuring equal access to health care for all women, said that women on the Register of Victims of Forced Sterilizations could access health care at any health-care facility operated by the Ministry of Health or a regional government or at facilities that had signed agreements with the national health-care system. During the pandemic, a directive had been adopted that ensured access to sexual and reproductive health services, including contraception. Another directive had guaranteed health care for victims of sexual violence, and more than 2,500 victims had received care in 2021. A technical guide had been drawn up on comprehensive mental health care for children and adolescents who had suffered sexual violence, providing for prompt and ongoing medical and psychological care. There was active coordination among the agencies involved in the care of girls and adolescents who had suffered sexual violence, who were interviewed to determine their specific needs before any action was taken. Interviewers respected the principles of the best interests of the child, confidentiality and non-revictimization. Training on the use of sexual violence response kits had been given to more than 3,600 health-care professionals and some 5,200 police officers in 2020.

24. **Ms. Romero Borda** (Peru), speaking via video link, said that the Ministry of Health had approved a technical guide on standardization of comprehensive care for women undergoing therapeutic abortion, which was permitted, with informed consent, up to the twenty-second week of pregnancy if there was a risk to the woman's life or health. Under two supreme decrees, the age of the victim of sexual abuse constituted a risk factor for the purposes of evaluating whether therapeutic abortion was appropriate. The decrees also set out specific provisions for care in cases of rape involving young or adolescent girls, including the requirement that care must be prompt, appropriate and continuous and must be provided in accordance with the principles of due diligence and the best interests of the child. While health-care centres were required to inform parents or legal guardians and the authorities in cases of pregnancy in girls aged under 14, girls aged over 14 had the legal right to make their own decisions concerning their sexuality. Information on health procedures must be provided to children and adolescent victims of sexual violence, and they received differentiated and comprehensive health care without the need for parental consent if it was deemed to be in their best interests.

25. **Ms. Bonifaz Alfonzo** said that she would welcome information on the State party's approach to raising awareness of economic, social, cultural and environmental rights among women, particularly rural, indigenous and Afro-Peruvian women, and empowering women to exercise those rights fully. She would also like to hear about any initiatives to promote the economic empowerment of women, especially rural women. In addition, she wished to know what results the National Agricultural Policy, the National Action Plan on Business and Human Rights and the Gender and Climate Change Action Plan had yielded and how access to social security, credit and support was being improved for women in the informal sector. She wondered whether indigenous, rural and Afro-Peruvian women received clear, accurate and timely information in their native languages on extractive projects and whether their right to prior consultation was being upheld. Lastly, she would be grateful if the delegation would indicate whether measures were planned to support women in already precarious situations who had been particularly hard hit by the COVID-19 pandemic.

26. **Ms. Molero Mesia** (Peru), affirming that promoting women's economic autonomy was a priority for the State, said that 26 regional networks of women entrepreneurs had been established. The networks, which received support and technical assistance from the Ministry for Women and Vulnerable Groups, aimed, *inter alia*, to promote women's economic empowerment and create tools for their benefit. A national programme for women entrepreneurs had been launched to foster the economic, social and political empowerment of women and promote their employment through an intersectional approach. A platform had been developed that would provide information to women entrepreneurs on funding, training and networking opportunities in a variety of languages.

27. Measures to raise awareness of gender equality issues in economic life included a project for the economic empowerment of adolescent girls and a strategy for the socioeconomic empowerment of women victims of violence. The latter had included training and job placement services for women.

28. Work had been undertaken to create a support system that took a gender approach and lessened care burdens, thereby enabling women to achieve greater physical, social and economic autonomy. A conceptual framework had been drawn up that analysed existing regulations on care and explored its gendered dimensions. An exercise to gather information on the care needs of a range of groups, including carers themselves, had been undertaken with the participation of diverse stakeholders, including unpaid carers, most of whom had been women.

29. **Mr. Vásquez Medina** (Peru), speaking via video link, said that although progress had been made with regard to indigenous and Afro-Peruvian women and girls, much remained to be done, for example in relation to rates of pregnancy among indigenous adolescents, which had increased during the COVID-19 pandemic. An intercultural approach was required, along with greater coordination among the ministries involved in promoting the social inclusion and economic empowerment of indigenous and Afro-Peruvian women. Additional information would be submitted in writing.

30. **Mr. Rodríguez Gómez** (Peru), speaking via video link, said that the National Action Plan on Business and Human Rights prioritized interventions to address the high rate of informal employment. The Plan took an intersectional approach that considered the gender perspective and aimed to implement measures to bring micro- and small enterprises into the formal economy.

31. **The Chair** asked whether the impact of mining and other extractive industries on the environment and on the rights of rural women, particularly indigenous and Afro-Peruvian women, had been evaluated and what measures were planned to compensate rural women affected by those activities. She wished to know what measures the State party had taken to improve access to basic services by rural women, particularly indigenous and Afro-Peruvian women, and to improve sanitation infrastructure and access to drinking water and to the Internet. She wondered whether the State party had drawn up plans to increase literacy, including digital literacy, among rural women and how indigenous and Afro-Peruvian women in rural areas could access low-cost loans to develop their business initiatives.

32. The Committee was concerned at the apparent lack of measures to address the needs of vulnerable women deprived of their liberty, including pregnant women and those with HIV/AIDS, and at reports of discrimination in relation to prison visits. The Committee would welcome information on how those needs would be addressed. It would be interesting to know whether coordination existed between the National Penitentiary Institute and the Ministry for Women and Vulnerable Groups and whether community-based rehabilitation was planned for girls and adolescents in youth detention centres. Information on the steps taken to adopt a comprehensive approach to access to HIV/AIDS prevention, treatment, care and support services in urban and rural areas would also be appreciated, as would information on measures to combat stigma and discrimination against persons living with HIV/AIDS and related diseases.

33. She would like to know what measures had been adopted to raise awareness among Venezuelan women refugees, migrants and asylum seekers of their rights; how migration and asylum policies addressed the gender perspective; and what steps had been taken to regularize the status of Venezuelan women and grant them residence permits. It was not clear whether

forced sterilization, which was a form of sexual violence, was prohibited under the relevant legislation. She wondered whether the new legislation on reparations for victims of sexual violence covered victims of forced sterilization. Did the State party plan to make a public apology to those victims?

34. She would be grateful for information on what had been done to enable women with disabilities to take their own decisions since the adoption of Legislative Decree No. 1384, which recognized the legal capacity of persons with disabilities. Information on the number of women with disabilities who had recovered their legal capacity would also be appreciated. She would like to know whether the State party intended to amend article 162 of the Code of Criminal Procedure, which required anyone who was to give evidence in court to be physically and mentally qualified to do so, which could be an impediment to access to justice for women with disabilities. She wondered how many cases of violence against women with disabilities had been tried since the start of the pandemic. She would also like to know how free, prior informed consent was obtained from women with disabilities for medical treatment or hospitalization, how mental health institutions took account of their particular needs, how many women with disabilities were institutionalized and whether the State party had a deinstitutionalization strategy.

35. She would be interested to hear about any measures taken to protect lesbian, bisexual transgender women and intersex persons and to combat hate speech, violence and discrimination against them, particularly measures aimed at law enforcement, judicial and prison officials and health personnel. What steps had been taken to allow such persons to realize the rights to marriage and maternity? Had any affirmative action been taken on their behalf?

36. **Ms. Verástegui Salazar** (Peru), speaking via video link, said that, under the National Environmental Policy, the agency responsible for environmental certification for sustainable investment applied a gender perspective throughout its environmental impact studies for mining and other projects. Environmental studies carried out prior to project implementation were required to include women. The agency also applied an intercultural perspective through the use of interpreters and other tools.

37. **Ms. Vásquez Luque** (Peru), speaking via video link, said that, in the context of Act No. 31168, on the advancement and empowerment of rural and indigenous women, the Directorate for the Promotion of Women Agricultural Producers worked with rural women in areas such as competitiveness and compensation. To date, it had worked with 7,335 women and co-financed 568 business plans, prioritizing the areas with the highest levels of poverty. In 2021 the Directorate had worked with women entrepreneurs in the 24 departments of the country to strengthen their capacities in areas such as development of business plans and agricultural innovation, and funding had been allocated to assist rural and indigenous women entrepreneurs in formulating their business plans. The Directorate had also worked on promoting women's access to credit by creating credit unions in which women were majority participants. A growth fund had been created in 2021 to help bridge technical and funding gaps in order to facilitate rural and indigenous women's work.

38. With regard to access to land, 19,182 land titles had been registered to rural women between 2018 and 2021. Under the Second Agrarian Reform, participatory workshops had been held around the country to develop an agenda for rural and indigenous women. Women were also being encouraged to join local councils in rural communities.

39. **Ms. Arvildo Bardalez** (Peru), speaking via video link, said that, as international and domestic law viewed persons deprived of their liberty as a vulnerable group, they required protection in accordance with the principles of non-discrimination and equality. The policies of the National Penitentiary Institute, as the body responsible for prison administration, focused on the resocialization of persons deprived of their liberty. The National Prison Council applied a cross-cutting policy of gender mainstreaming in all its work. In application of the national policy on prisons to 2030, it had made efforts to improve conditions for women deprived of their liberty, including by transferring them to the new prison in Pacasmayo, which would ensure they had better access to basic services.

40. In order to address the issue of children living in prison with their mothers, the Institute was working with several relevant ministries such as those that dealt with health,

development and social inclusion, and women and vulnerable groups. Budget resources had been allocated to provide access to counselling, therapeutic and psychological support and childcare. The Institute was also working with the Office of the United Nations High Commissioner for Human Rights on a manual on human rights in prisons that incorporated a gender perspective and took due account of the needs of vulnerable groups. The Prison Registration Department had introduced a procedure to identify persons deprived of their liberty who were members of vulnerable groups. A major step forward had been the recognition of lesbian, gay, bisexual, transgender and intersex persons as a category of vulnerable persons. In addition, the National Prison Institute had proposed draft legislation to amend the Code of Penal Enforcement to give such persons the right to receive conjugal visits.

41. **Mr. Rodríguez Gómez** (Peru) said that forced sterilization was considered a crime under domestic law. Under the National Human Rights Plan, an intersectoral working group had been set up, with the participation of organizations representing the victims of forced sterilization, and an agenda had been agreed. The pandemic had prevented any meetings from taking place to date, but the aim was to produce a road map for upholding victims' rights.

42. **Ms. Ruiz** (Peru), speaking via video link, said that a multisectoral policy had been adopted in June 2021 on the elimination of structural discrimination against persons with disabilities. The policy incorporated a gender perspective and called for action to promote political participation and inclusive education and medical care and to raise awareness in order to eliminate stereotypes and prejudices and encourage positive perceptions of persons with disabilities.

43. With regard to women with disabilities who were victims of violence and their reception in police stations and the justice system, in 2021 the National Council for the Integration of Persons with Disabilities (CONADIS) had launched a training course for public officials aimed at providing an understanding of disability and of how to interact appropriately with persons with disabilities in order to respect their rights and dignity. One of the topics covered was legal capacity. The course also provided information on the various media and formats that persons with disabilities needed in order to communicate and on officials' duty to facilitate communication. CONADIS was currently developing a special course on the recognition in practice of the legal capacity of persons with disability.

44. The Ministry for Women and Vulnerable Groups had recently adopted a protocol to ensure that officials acted promptly to remove barriers to access or to communication where women with disabilities requested reasonable accommodation. CONADIS was working closely with other government bodies to bring to light cases in which persons with disabilities requesting reasonable accommodation had not received prompt attention. CONADIS was also working with the Ministry of Health on a programme for gradual deinstitutionalization to facilitate the return of persons with mental and psychosocial disabilities to life in the community.

Articles 15 and 16

45. **Ms. Reddock**, commending the State party on the legislative measures taken in the previous 10 years to improve equality within the family and marriage, said that those measures nevertheless gave rise to some concerns. For example, while Act 30550 provided that the value of unpaid domestic work must be taken into account in judicial decisions on maintenance payments and reinforced the idea that both parties must contribute to the care of their children, it was not clear who assessed each parent's respective contribution, in what way and by what mechanisms.

46. She would like to know whether any measures were in place to prevent the marriage of girls before the age of 18, a practice that limited their educational and employment prospects, especially in rural areas and indigenous communities. She also wondered what structures existed to make women and girls aware of their economic and property rights in marriage or in de facto unions, particularly in the event of dissolution. Was any State aid or advice available to them? The Committee had been informed that marriages of lesbian, bisexual, transgender and intersex couples performed abroad were not recognized in the State

party, with negative consequences for women in such couples and for their children. She would like to know whether the State party envisaged recognizing such marriages.

47. She understood that mediation had particular importance in Peru and had links to precolonial indigenous traditions of dispute settlement. She would appreciate receiving details on State-supported mediation programmes, their use in addressing family conflicts and their availability to women in urban and rural areas. Was public use of mediation encouraged in dispute settlement and, if so, was it freely available to all women, including low-income, Andean, Amazonian and Afrodescendent women?

48. **Ms. Molero Mesia** (Peru) said that her delegation was grateful for the opportunity to present the progress made in Peru and for the Committee's recommendations. She understood that challenges remained on the road to gender equality in her country. Her Government was committed to continued implementation of the provisions of the Convention.

49. **The Chair** said that the Committee was grateful to the delegation for the insight that it had provided into the situation of women in Peru. She encouraged the State party to take the measures necessary to give effect to the recommendations to be made in the Committee's concluding observations.

The meeting rose at 5 p.m.