



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
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**Consideration of reports submitted by States parties
under article 73 of the Convention**

**List of issues to be taken up in connection with the
consideration of the initial report of Peru**

Addendum

Replies of Peru to the list of issues*

[Date received: 2 April 2015]

* The present document is being issued without formal editing.



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Introduction

1. The Government of Peru submits the following information in response to the concerns raised by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (hereinafter “the Committee”), in compliance with article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter “the Convention”), which was ratified by Peru and came into force for the country on 1 January 2006.

2. This document is the result of a multisectoral consultation process led by the Ministry of Justice and Human Rights, in which several State bodies provided information; the Ministry of the Interior, the National Migration Authority, the Ministry of Labour and Job Creation, the Ministry of Foreign Affairs, the Ministry of Education, the Public Prosecution Service and the Ministry of Health participated directly in the process.

I. General information

Reply to paragraph 1 of the list of issues

3. First, it should be noted that, since Peru ratified the Convention, the Government has rolled out various sectoral initiatives to bring the country’s legislation and institutional framework into line with the Convention. In this connection, the efforts of the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Labour and Job Creation are of particular interest. Those ministries established the Multisectoral Standing Working Group on Trafficking in Persons, the Office of the Under-Secretary for Peruvian Communities Abroad, and the Directorate of Labour Migration, respectively. With the launch of these initiatives, all the programmes of the various Government institutions have pursued a cross-cutting approach to migration issues, setting up the Intersectoral Round Table for Migration Management, the aim of which is to design a policy on migration governance, applying a comprehensive and integrated approach.

4. Regarding the harmonization of laws, the Aliens Act of 1991¹ is the current relevant law, amendments to which were introduced through Decree No. 1043.²

5. The State has acknowledged that the national context has changed greatly since the aforementioned legislative framework was adopted and that there is an urgent need to adapt it and regulate matters relating to migration and to foreign nationals in accordance with the country’s current requirements. To that end, pursuant to Ministerial Resolution No. 123-2013-PCM of 15 May 2013, a multisectoral working group was set up to study, analyse and draft a proposed revision of the Aliens Act. The working group, which is made up of the Office of the President of the Council of Ministers, the Ministry of Foreign Affairs, the National Migration Authority, the Ministry of Labour and Job Creation, the Ministry of Justice and Human Rights and the Ministry of Foreign Trade and Tourism, has prepared a final report that includes a bill proposing a new Aliens Act.

6. The National Migration Authority has drafted the new Aliens Act bill, which incorporates the principles of the Convention, such as the best interests of the child.

¹ Executive branch. Promulgation of the Aliens Act, Legislative Decree No. 703 (*El Peruano*, 14 November 1991).

² Executive branch. Decree amending the Aliens Act, Legislative Decree No. 1043, (*El Peruano*, 26 June 2008).

7. These proposals are currently being refined with input from various sectors and will then be forwarded to the Vice-Ministerial Coordination Committee of the Office of the President of the Council of Ministers for final review.

8. The Intersectoral Round Table for Migration Management has approved a document containing general guidelines on a migration policy³ (see annex I). The guidelines set out criteria for the design and implementation of sectoral and multisectoral policies and policy instruments in the area of migration. The guidelines were formulated, discussed and agreed in an inter-institutional and interdisciplinary manner by all the members of the Intersectoral Round Table. Based on the guidelines, the Intersectoral Round Table will promote the design of a national policy that will go beyond sectoral approaches and time-specific actions to ensure that migration is managed comprehensively and coherently. To that end, it is coordinating with the Office of the President of the Council of Ministers on the necessary technical support.

9. The guidelines consist of focus areas, principles and the guidelines themselves. The focus areas include: human rights, gender, human security, multiculturalism and age. Ten principles are set forth which, taken together, are designed to update perceptions about and management of migration, making it a cross-cutting aspect of governance, in keeping with the view that migrants (beyond their migratory situation, status and role) are human beings who deserve comprehensive attention from the State. Lastly, there are seven guidelines on how to incorporate the issue of migration into seven key national policy areas, i.e. human rights, governance, development, regional integration, security, border administration and foreign policy.

10. The National Human Rights Plan 2014-2016⁴ is designed to enhance the effective enjoyment and exercise of human rights by promoting a culture of respect for human dignity in all sectors of society and by introducing a rights-based approach into public policy. To that end, the National Plan is divided into four lines of action:

- Line 1: Foster a human rights culture in the country;
- Line 2: Design and strengthen public policies on the promotion and protection of civil, political, economic, social, cultural and environmental rights;
- Line 3: Design and implement policies for groups requiring special protection;
- Line 4: Strengthen the domestic legal order by implementing international instruments for the promotion and protection of human rights.

11. The National Plan advances and guides the Government's policies based on its international responsibilities. It serves as an impetus for the alignment of migration laws with general human rights obligations and with specific obligations in respect of the human rights of migrant workers and their families. It also drives the alignment of policies regarding labour and housing, among other matters, with international standards, thereby also helping to enhance the protection of migrant workers. Lastly, it recognizes migrants, displaced persons, trafficking victims and their families as groups requiring special protection and defines specific protection measures for them.

Reply to paragraph 2 of the list of issues

12. The Ministry of the Interior plays a key part in protecting fundamental rights in Peru. The nature of its mandate, which in certain situations requires restricting the exercise of rights, is closely linked with the protection of life, liberty and the security of person and, broadly speaking, with ensuring that all persons, including migrant workers, are able to exercise their rights.

³ Approved at the twenty-fifth meeting of the Round Table, held on 24 February 2015.

⁴ Adopted through Supreme Decree No. 005-2014/JUS of 4 July 2014.

13. A human rights handbook for law enforcement personnel was adopted through Ministerial Decision No. 1452-2006-IN of 31 May 2006 with the aim of promoting and strengthening respect for and protection of human rights in the activities carried out by the National Police, including during states of emergency. The provisions of the handbook are in line with those of the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

14. The Directorate of Fundamental Rights for Governance was established pursuant to Supreme Decree No. 010-2013-IN of 29 June 2013 as a unit under the Directorate-General for Democratic Security with responsibility for proposing, leading and overseeing public policies on human rights within the sphere of competence of the internal affairs sector.

15. In keeping with its mandate in relation to implementation of public policies and compliance with the country's international human rights obligations, the Directorate of Fundamental Rights for Governance regularly conducts education and training programmes on human rights in police work, which are taught by police instructors and are focused on the use of force in keeping with relevant international standards, crowd control techniques and prevention of torture.

16. Training was provided to 3,031 national police officers across the country in 2013 and to 4,552 in 2014 by police instructors specializing in human rights and the use of force (see annex II).

17. A number of these activities are carried out under the following inter-institutional cooperation agreements with national and international organizations that defend and protect human rights and promote the dissemination of international standards on the use of force:

(a) The Inter-Institutional Cooperation Framework Agreement with the Human Rights Commission (COMISEDH), which will remain in force until 20 May 2015 and is designed to ensure coordination of institutional efforts to carry out human rights training activities and programmes for officers of the National Police;

(b) The International Inter-Institutional Cooperation Agreement with the International Committee of the Red Cross, which will remain in force until 20 May 2015; its aim is to facilitate coordination of actions and efforts to incorporate international standards regarding the use of force and the protection of persons into the regulatory framework, principles, education system and training of the national police.

18. In addition, the Centre for Justice and Human Rights Studies of the Ministry of Justice and Human Rights was established to conduct academic events relating to justice and human rights. Its main task is to provide legal training on various human rights matters to public servants of the Ministry, public defenders, public prosecutors, extrajudicial conciliators, notaries, public sector legal advisors, arbitrators and participants in the Ministry's internship programme, among others.

Reply to paragraph 4 of the list of issues

19. To date, the Government has not taken any concrete steps with a view to recognizing the Committee's competence to receive inter-State (art. 76) and individual (art. 77) communications.

20. However, the Intersectoral Round Table for Migration Management, whose presidency and technical secretariat are under the Ministry of Foreign Affairs, has put together, discussed and adopted, through an inter-institutional and interdisciplinary process, a series of general guidelines for a migration policy with a view to guiding

the decision-making, design, implementation and assessment process with regard to public policies on migration.

21. The first guideline is aimed at ensuring that the human rights of migrants and their family members are safeguarded in an effective and comprehensive manner, regardless of their migration status, and to promote their inclusion in host societies. To that end, emphasis is placed on fulfilling obligations under the various international human rights instruments, particularly the Convention, and implementing the relevant recommendations issued by the various committees and bodies of the United Nations and inter-American systems and by the Human Rights Council in the context of the universal periodic review, thus tacitly recognizing the Committee's competence. Hence, the Intersectoral Round Table coordinates the national position on the Committee's competence.

Reply to paragraph 5 of the list of issues

22. In 2014, the Intersectoral Round Table led consultations to gather the views of the various competent entities (Ministry of the Economy and Finance, the National Customs and Tax Authority, the Ministry of Health, the social health insurance system (ESSALUD) and the Ministry of Production) regarding the ratification of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

23. On 5 June 2014, the Intersectoral Round Table held its second special meeting in order to consider its position on the above-mentioned conventions. The plenary recommended that the submission process for ILO Convention No. 97 and No. 143 be launched. The topic has been submitted for consideration to employee and employer associations under the National Labour and Employment Promotion Council, in keeping with the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

24. The Directorate-General for Human Rights took part in meetings held by the Ministry of Labour and Job Creation to determine the executive branch's position on the advisability of acceding to ILO Domestic Workers Convention, 2011 (No. 189), which provides specific protection to domestic workers, setting forth basic rights and principles and requiring States to adopt a series of measures to ensure that access to decent work is a reality for such workers. The issue is currently before the technical working group on international instruments of the National Labour and Employment Promotion Council, awaiting the input of employers.

25. The topics under discussion have to do with the basic rights of domestic workers, information on terms and conditions of employment, working hours, remuneration, health and social security, private employment agencies and laws regarding child, live-in and migrant domestic workers.

26. The working group's discussions, in which the Ministry of Foreign Affairs has taken part, have looked at the guidelines contained in ILO Domestic Workers Recommendation, 2011 (No. 201), which defines a set of suggested legal and other measures to implement the rights and principles set forth in the Convention.

Reply to paragraph 6 of the list of issues

Coordination between the Intersectoral Round Table for Migration Management and the National Institute of Statistics and Information Technology

27. The National Institute of Statistics and Information Technology (INEI) is a full-fledged member of the Intersectoral Round Table for Migration Management, in which

its active participation is crucial because of its technical expertise in the processing and generation of statistical data — in this case on migration — which are used by all four working groups of the Intersectoral Round Table.

28. The National Institute has been involved in the Intersectoral Round Table since the formulation of its programme of work, having taken part in a number of interministerial coordination meetings in the lead-up to the establishment of the Intersectoral Round Table with a view to collecting information on migration and its impact on sending and receiving countries.

Measures to collect quantitative and qualitative data, disaggregated by sex, age, nationality and migration status for use in evaluating the implementation of the Convention, especially with regard to:

(a) Migrant workers and members of their families in an irregular situation;

(b) Unaccompanied and separated children; and

(c) Migration flows, including returns of migrant workers.

29. Since 2005, the National Institute of Statistics and Information Technology, in collaboration with other State institutions (e.g. the National Migration Authority and the Ministry of Foreign Affairs) and international organizations, has been publishing statistical yearbooks entitled “Statistics on Emigration of Peruvians and Immigration of Foreigners” (see annex III).

30. The main sources of information for these yearbooks are national censuses, household surveys and administrative records, especially in relation to the Andean Migration Card, which came into existence on 16 September 1996 pursuant to Decision No. 397 of the Andean Community. The card is a standardized migration control document and an effective tool for the collection of information for use in generating statistics on migration flows.

31. The yearbooks are the result of efforts to produce statistical data that are of great importance for decision-making in relation to migration issues and are a tool for the analysis of migration flows in Peru, with a focus on numbers, description of emigrants and immigrants, trends and returnee profiles. The latest issue of the yearbook was released in December 2013 in connection with events marking International Migrants Day.

Reply to paragraph 7 of the list of issues

32. The Intersectoral Round Table has a Special Support Committee for Coordination with Civil Society Organizations that consists of eight such organizations and meets twice a year with the plenary of the Intersectoral Round Table (in 2014, two extended meetings were held). The Committee’s purpose is to provide sustainability to the Intersectoral Round Table by supporting and coordinating civil society efforts with its programme of work and general objectives. Within this framework, civil society works with the State in implementing the Convention.

33. Migration Week took place for the first time in December 2014 with the theme “*Perú Contigo*” (Peru is with You). During the week, the members of the Intersectoral Round Table and the special support commissions held educational events (conferences, film screenings, and a service provider and community fair) designed to highlight the human rights of migrants and publicize the services that the State provides to protect their rights and improve access to health services, justice, housing and employment. Through the fair, some 3,000 people were informed of the various migration-related services.

34. In addition, civil society organizations play an important part in the Multisectoral Standing Working Group on Trafficking in Persons by providing constructive criticism of its work. For example, Capital Humano y Social Alternativo (Alternative Human and Social Capital), an NGO, produces an annual report on how each sector of Government implements Act No. 28950 and its accompanying regulations.

Reply to paragraph 8 of the list of issues

35. Under the Regulations on the Organization and Functions of the National Migration Authority, which were adopted through Supreme Decree No. 005-2013-IN, the Authority's basic structure includes the Ethics and Anti-Corruption Office. The Office is responsible for leading anti-corruption efforts with the Authority's other bodies and for oversight and internal affairs. Its functions include the following:

- Putting forward policies and strategies to encourage ethical behaviour and fight corruption;
- Conducting preliminary investigations into alleged professional misconduct and irregularities by public officials of the National Migration Authority;
- Conducting unannounced visits to the Authority's various administrative or operational facilities to ensure that they are performing their duties properly;
- Issuing reports on its investigations, identifying the alleged perpetrators and providing supporting evidence;
- Designing and implementing, in the area of preventive internal controls, actions to detect unjustified increases in wealth among the Authority's management, officials and employees resulting from acts of corruption reported by the Authority or third parties.

36. Thus, the State has specific rules regarding offences committed by public servants under which statutes of limitation are twice as long, penalties are harsher and there are no suspended sentences.

II. Information relating to the articles of the Convention

A. General principles

Reply to paragraph 9 of the list of issues

37. The Intersectoral Round Table for Migration Management is a multisectoral entity that was set up in 2009 following multisectoral consultations and meetings. Nine regular and three special meetings were held, together with workshops to validate the methodology for determining short-, medium- and long-term objectives and programmes, resulting in Supreme Decree No. 067-2011-PCM, which recognized the Intersectoral Round Table, and, subsequently, its implementing regulations.

38. The Intersectoral Round Table consists of four working groups and has an annual work plan. The working groups deal with the following topics: (a) Peruvians abroad and their family members; (b) Peruvians who wish to emigrate; (c) Peruvians returning or wishing to return; (d) foreigners in Peru. The Intersectoral Round Table's methodological approach includes these four areas in relation to which it identifies shared management priorities and translates them into a series of specific targets in the work plan. The plan is results-oriented: each priority relates to an objective with clearly defined targets, activities, outcomes, time frames and responsibilities.

39. The Intersectoral Round Table meets periodically in plenary, in regular (monthly) and special meetings. Extended meetings are also held with members, observer entities and two support committees (partner agencies and civil society) with the aim of ensuring the Round Table's sustainability. At these meetings, the participants discuss progress on the completion of the work plan, examine and provide feedback on outcomes and identify weaknesses and adopt strategies for action. Furthermore, each sector may bring new migration issues to the table for discussion. One of the features of this working method is that it enables gradual progress to be made on the management of a specific matter and ensures a true intersectoral approach to the various issues dealt with.

40. In 2014, the Intersectoral Round Table achieved agreement on almost 25 specific outcomes of its work plan, most of which were assessment and viability reports on migration-related programmes. It also ensured coordination between the members in dealing with cases of migrants in situations of vulnerability in Peru. The coordination of the members' efforts led to the first observance of Migration Week in December 2014. The week, whose theme was "*Perú Contigo*", featured academic, cultural and informative activities, which were attended by over 3,000 people. It was well received and had a significant impact on the target audience.

41. The Intersectoral Round Table does not have its own budget. Each sector is responsible for incorporating the work plan activities and outcomes that fall under its authority into its institutional budgets. The Intersectoral Round Table currently has representatives of 21 Government sectors as full members and three permanent observers, along with two support committees. Each member and observer appoints, via resolution of the relevant institution, a representative and an alternate. Every sector that works with the Intersectoral Round Table thus has a focal point who serves as a liaison between the Intersectoral Round Table and their specific sector. This means more efficient follow-up on the Intersectoral Round Table's work and ensures direct coordination with the relevant sector. With the support of cooperation entities, such as the International Labour Organization and the International Organization for Migration (IOM), dedicated consultants have been designated to follow up on and advance the Intersectoral Round Table's efforts. Such consultants provide their services directly to the Ministry of Foreign Affairs, as the entity that oversees the work of the Round Table.

42. Regarding the responsibilities of each sector, one the Government's guidelines in respect of migration management is to foster a comprehensive understanding of migration, focused on the migrant as a person and the protection of rights, and to ensure that public policies are coherent and complementary. The various sectors are involved in accordance with their respective general responsibilities and, in very specific contexts such as the Return Act, with the responsibilities assigned to them under specific migration management programmes.

43. Lastly, it is worth noting the organizational structure of the Intersectoral Round Table, which consists of the following entities (see annex IV):

(a) The plenary of the Intersectoral Round Table, which is made up of members and observers and has the following functions:

(i) General functions:

- Suggest policy guidelines for the management of migration in Peru, as well as relevant plans, programmes and projects;
- Promote the strengthening and updating of the regulatory framework governing the comprehensive management of migration in the light of, inter alia, relevant international treaties;

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- Encourage the forging and strengthening of public-private partnerships with a view to making the comprehensive management of migration more relevant and effective;
 - Coordinate and supervise the implementation of public policies for the comprehensive management of migration;
 - Design and promote mechanisms for the implementation of programmes and projects that benefit Peruvians abroad;
 - Promote the formulation of actions and strategies to encourage regular migration and enhance the fulfilment of migrant rights and obligations;
 - Draft proposals for optimizing the administrative procedures connected with the comprehensive management of migration;
 - Expand and foster the exchange of information on the situation of Peruvians abroad, returnees, Peruvians intending to migrate and foreigners in the country;
 - Promote the protection of migrant rights, such as access to education, employment and social security, in an inclusive and priority manner that ensures migrants receive the same treatment as Peruvian nationals;
 - Organize proposals and recommendations designed to improve the social development of Peruvian communities abroad;
 - Coordinate with the National Accord Forum regarding migration policy;
 - Encourage the signing, ratification and implementation of international migration treaties;
 - Conduct other activities as needed to fulfil its mandate;
- (ii) Specific functions:
- Assess the need and appropriateness of setting up working groups and subgroups composed of the sectors involved in each specific domain with a view to putting forward and implementing actions and planning, executing and monitoring intersectoral migration policies;
 - Coordinate with the relevant member institution and partner organizations efforts and projects related to funding of the Intersectoral Round Table;
 - Coordinate, follow-up and monitor the implementation of the recommendations contained in the final reports of the working groups;
 - Adopt the annual reports drafted by the Ministry of Foreign Affairs for submission to the Congressional Foreign Affairs Committee, the Office of the Ombudsman and other relevant Government bodies;
 - Authorize the incorporation of new entities as members of the special support committees in keeping with the procedure established under the relevant legislation;
 - Conduct other activities as needed to fulfil its mandate and objectives;
- (b) The Chair is held by the representative of the Ministry of Foreign Affairs whose duties are to:
- (i) Represent the Intersectoral Round Table;
 - (ii) Guide the Intersectoral Round Table's activities;

(iii) Ensure that meetings are held regularly and that the agreements reached at the meetings of the Round Table are implemented;

(iv) Take the appropriate measures to ensure that the technical secretariat functions well;

(v) Take part in the plenary and, where appropriate, in the meetings of the working groups and subgroups;

(c) The technical secretariat is the executive body is responsible for overseeing the fulfilment of the Intersectoral Round Table's functions, tasks and agreements; it comes under the responsibility of the Ministry of Foreign Affairs;

(d) The working groups: the Intersectoral Round Table may set up working groups to provide operational support to the public institutions on specific topics, in keeping with their respective domains, and to suggest, analyse, design and review draft public policies on migration. Each working group is led and coordinated by the representative of the entity with the greatest sectoral involvement in the matter in question, who is responsible for following up on and implementing the activities defined in the work plan and to that end is empowered to convene the members of the working group to any meetings considered necessary;

(e) The working subgroups: On the recommendation of the working groups, the plenary may set up as many subgroups as it considers necessary for the purposes of the Intersectoral Round Table. The composition and procedures of the subgroups are similar to those of the working groups. Each working group is led and coordinated by the representative of the entity with the greatest sectoral involvement in the matter in question, who is responsible for following up on and implementing the activities defined in the work plan and has the power to convene the members of the working subgroup to any meetings considered necessary;

(f) Special support committees provide support in order to ensure the sustainability of the Intersectoral Round Table through the contributions of partner agencies and the participation of civil society organizations.

Reply to paragraph 11 of the list of issues

44. Access to justice is enshrined as a universal right under the Constitution and is understood as the right of all persons to protection by the various authorities responsible for the administration of justice in the event that a public authority or an individual violates or threatens a right set forth in the Constitution, in human rights treaties or by law.

45. There are several organizations within the legal system that are involved in the administration of justice to which migrant workers and their families can have recourse, depending on the type of legal action they need to initiate. The judiciary consists of justices of the peace, magistrates, mixed court judges, criminal court judges, civil court judges, family court judges and justices of the superior and supreme courts.

46. The Constitutional Court is also responsible for upholding fundamental rights through the following constitutional procedures, depending on the type of right violated:

- Habeas corpus: procedure to safeguard a person's physical freedom and associated rights;
- *Amparo*: procedure to safeguard rights not covered under habeas corpus;

- Habeas data: procedure to safeguard rights regarding access to and protection of data;
- Writ of mandamus: procedure to ensure that the authorities abide by the law.

Article 7

Reply to paragraph 12 of the list of issues

47. In Peru, discrimination — and incitement thereof — is an offence under article 323 of the Criminal Code. Although this offence was introduced into the legal order for the first time in 2000 and constitutes an aggravating circumstance, there have been very few cases reported to the Public Prosecution Service. Article 37 of the Code of Constitutional Procedure defines which rights are subject to the *amparo* procedure and sets forth the right to equality and non-discrimination on the grounds of origin, sex, race, sexual orientation, religion, opinion, socioeconomic status, language or for any other reason.

48. Under strategic line of action 2 of the National Human Rights Plan — which calls for the design and strengthening of public policies for the promotion and protection of civil, political, economic, social, cultural and environmental rights — two specific objectives relating to anti-discrimination have been defined: (a) determine a baseline in order to identify the main causes of discrimination in the country (objective 1) and (b) develop a protection framework to ensure the enjoyment of the right to equality and non-discrimination (objective 2).

49. In addition, the Ministry of Justice designed the First National Study on the Perception of Human Rights in order to ascertain the population's views on the matter, with a particular focus on equality and non-discrimination. The study included nationality and race as grounds for discrimination. According to the findings, the main grounds for discrimination was economic status (52 per cent); other grounds included place of origin or residence (27 per cent) and race (25 per cent).

50. Lastly, the guidelines adopted by the Intersectoral Round Table for Migration Management demonstrate a strong commitment on the part of its member sectors to combat all forms of xenophobia, racism, intolerance and discrimination and to reduce the vulnerability of migrants.

III. Part III of the Convention

Article 11

Reply to paragraph 13 of the list of issues

51. It is the responsibility of the Public Prosecution Service to inform the National Migration Authority about any migrant worker in an irregular situation whose human rights have been violated.

52. Pursuant to the Convention, the provisions of Directive No. 005-2014-MIGRACIONES-AJ concerning minors are applied, and therefore if a migrant worker who has been the victim of a human rights violation asks to leave the country, he or she will be granted an exit permit without restriction on re-entry.

53. The migration authority has developed a procedural guide on the issuance of exit permits without restriction on re-entry for foreign citizens who have been the victims of trafficking in persons. In addition, in the period from 2006 to 2013, the Labour Inspection Policy Directorate of the Ministry of Labour and Job Creation issued 251,361 inspection orders, of which 35,137 resulted in reports of infringements. A

total of approximately 7,406 foreign workers, both men and women, were affected (see annex V). Of the infringements registered between 2007 and 2013, there was only one case of forced labour, in 2013 (see annex VI).

Article 14

Reply to paragraph 15 of the list of issues

54. The current Aliens Act does not provide for any exceptions in which the National Migration Authority may fail to enforce a penalty because the migrant has a Peruvian family or children; however, foreign citizens subject to such penalties may appeal to the courts, which may decide, through judicial review, on the feasibility of not enforcing the penalty imposed by the administrative body.

55. Under the new Aliens Act bill, a provision has been included, in the section on penalties, indicating that if a foreigner has family and children in Peru, the National Migration Authority may suspend enforcement of the penalty.

Articles 16 and 17

Reply to paragraph 16 of the list of issues

56. Migrants in Peru are never placed in detention because they are in an irregular situation.

Reply to paragraph 18 of the list of issues

57. Paragraph 63 of the initial report submitted by Peru (CMW/C/PER/1) contains information on free legal aid services provided by the Ministry of Justice and Human Rights.

58. In order to provide support in proceedings involving foreigners, the Executive Council of the Judiciary adopted Administrative Resolution No. 261-2013-P-PJ, published in the official gazette, *El Peruano*, on 24 August 2013, establishing a system of expert official court interpreters to provide assistance to non-nationals (including migrant workers) to enable them to follow proceedings in which they are involved in their own language.

Article 22

Reply to paragraph 20 of the list of issues

59. In accordance with the provisions of Supreme Decree No. 008-2014-IN, under which the National Migration Authority brings punitive proceedings against foreign nationals and international transport companies for violations of the regulations in force, the Aliens Commission has been merged with the Migration Services Department of the National Migration Authority, in a merger by absorption in which the latter is the incorporating entity.

60. The Sanctions Office comes under the Migratory Movement Unit, which in turn comes under the Migration Services Department, and has seven employees and a share of the overall budget of the Authority.

61. There were a total of 4,321 expulsions and compulsory departures between 2009 and 2014, with 1,903 cases in 2014, 965 in 2013, 579 in 2012, 360 in 2011, 258 in 2010 and 256 in 2009 (see annex VII, section A).

62. Of the total number of expulsions and compulsory departures, 1,578 involved Haitian citizens, 523 Colombian citizens, 263 Chinese citizens, 257 Bolivian citizens and 1,700 citizens of other countries (see annex VII, section B).

63. With regard to the foreign citizens who were ordered to leave or deported, 1,265 were women and 3,056 were men (see annex VII, section C).

64. As to the age of foreign citizens subject to compulsory departure and expulsion orders, 1,610 were between 20 and 29 years old, 1,544 were between 30 and 39, and 703 were between 40 and 49 (see annex VII, section D).

65. Deportation is not provided for under the Peruvian legal system, but Directive No. 005-2014-MIGRACIONES-AJ sets out the procedure to be followed in the event that any of the migration penalties established in the Aliens Act arises. The objective of the Directive in question is to expedite procedures for the application of the migration penalties of fines, compulsory departure, cancellation of stay or residence, and expulsion.

66. Article 2 of Supreme Decree No. 001-2015-IN, which establishes measures for the strengthening of immigration control, sets out the procedure to be followed if a foreign citizen is caught in the alleged commission of the offences provided for in articles 62, 63 and 64 of the Aliens Act. The following procedural guarantees are established in the Decree:

- If several foreigners are identified or questioned at the same time, their cases shall be examined separately, taking into account each individual's personal circumstances and background;
- During the investigation process, the National Police of Peru shall guarantee foreign citizens' right to communicate with their consular authorities. In addition, foreigners must receive copies of any statements they make in their defence, which will be included in the police report together with a record of all actions taken, and they must have access to a lawyer and, if necessary, an interpreter.

67. Any application for reconsideration of a decision must be submitted within 15 working days of notification and will be processed by the National Migration Authority within 30 working days. The deadline for submitting an appeal is 15 working days from notification, and appeals will be dealt with by the National Migration Authority within 30 working days.

68. Article 42, referenced in Supreme Decree No. 008-2014-IN, establishes that the functions of the Migratory Movements Unit include bringing punitive proceedings against foreign citizens and international transport companies for violations of the regulations in force, issuing the respective penalties, ordering the enforcement of such penalties, and ruling on applications for reconsideration submitted by foreign citizens and international transport companies.

69. The Ministry of Justice has drafted a protocol for the public defence service on access to justice for foreign youth and women deprived of their liberty, which aims to define the quality standards of the public defence service at the national level for foreign women in detention. The protocol identifies a series of steps, from arrest, enforcement of the sentence and transfer on completion of the sentence.

Article 23

Reply to paragraph 21 of the list of issues

70. One of the priorities in the foreign policy of Peru is the protection of the rights of Peruvians living abroad, especially those in a vulnerable situation, regardless of their migration status. Consular assistance and protection is provided by the embassies and consulates of Peru worldwide, which endeavour to ensure the protection of the fundamental rights of Peruvian citizens held in detention abroad, such as the rights to life, physical integrity and non-discrimination, due process, free legal defence and the services of an interpreter, if necessary.

71. In the event that the receiving State decides to expel a Peruvian national from its territory because he or she is considered to have violated domestic law, consular officials must ensure that the decision does not constitute an arbitrary measure.

72. Their protective duties include:

- Providing all necessary assistance to Peruvian nationals who have been detained arbitrarily or without justification and arranging with the authorities of the receiving State for the defence of Peruvian nationals, at no cost to the Peruvian State;
- Protecting the interests of Peruvian nationals who are minors or who lack full legal capacity;
- Notifying family members of the detention, if the detainee so wishes (article 36 of the Vienna Convention on Consular Relations); visiting the detainee regularly; and delivering and receiving messages and correspondence;
- Facilitating the transfer or submission of the documentation requested by the foreign authorities for the defence of Peruvian nationals;
- Ensuring that Peruvian nationals in detention are aware of and can access the prison benefits provided for under foreign legislation, to which end they must monitor the proceedings in coordination with the corresponding authorities and court-appointed lawyers.

73. In addition, the Andean Community of Nations has adopted Decision No. 548: Andean Cooperation Mechanism on Consular Assistance and Protection and Migratory Matters. This instrument, the implementing regulations for which were adopted in February 2013, regulates the procedure under which citizens of the Andean Community may turn to the consulate of any other Andean country and receive the same assistance as any national of that country in the event that they require consular assistance or protection in a third country in which their country of origin does not have diplomatic representation. Between October 2013 and October 2014, Peru held the presidency of the Andean Community of Nations. During that period, Peru organized consultations and coordination with the Office of the Secretary General of the Andean Community in order to evaluate the level of progress in implementing the decision in the region.

74. As a result of consultations among the network of Peruvian consulates worldwide⁵, the following steps have been identified as the strategies most commonly used by Peruvian consular representations abroad to ensure that legal assistance and consular services are guaranteed in practice in the event of detention or expulsion:

- Referral to court-appointed public defenders;

⁵ The consultations took place in February 2015 with the participation of 60 Peruvian consulates.

- Referral to free defence and legal advice services provided by NGOs, universities and other private services;
 - Establishment and strengthening of a network of contacts with the main authorities involved in migration and the justice system;
 - Provision of support to Peruvian lawyers practising in the consular jurisdiction;
 - Distribution of updated lists of lawyers and free legal services;
 - Conclusion of agreements on free legal assistance with public and private institutions;
 - Legal advice talks;
 - Regular exchange of information (reporting system) with local authorities.
75. Peruvian consulates have entered into the following agreements and initiatives:
- The Consulate of Peru in La Plata, Argentina, has signed a cooperation agreement with the bar association of La Plata for the provision of legal assistance. The same Consulate is currently negotiating an agreement with the National University of La Plata for the use of its legal advice programmes in the city's districts. The Peruvian Legal Network of La Plata is being established as a permanent rotating service for Peruvian lawyers in the jurisdiction to provide guidance and address various legal problems;
 - The Consulate of Peru in Santiago concluded agreements to ensure access to justice for Peruvian migrant workers with the following entities: the Jesuit Service for Migrants, on 15 May 2013; the municipality of Santiago, on 14 January 2014; the Alberto Hurtado University legal clinic, on 22 July 201; and the Catholic University legal clinic, on 5 September 2014;
 - The Peruvian Consulate in Tokyo signed a good faith agreement with Japanese lawyer Kotaro Tanaka in March 2012, under which he will provide legal advice on the course of action to be followed and, if a Peruvian national so requires, his services may be engaged permanently;
 - The Peruvian Consulate in Rome has set up a social support office to provide free advice on all areas of migration law.
76. Within Peru, the right of foreign nationals to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin has been recognized in the domestic legal framework, for example in article 70(e) of Legislative Decree No. 703, the Aliens Act.

Article 27

Reply to paragraph 25 of the list of issues

77. The Peruvian Government has been taking a range of measures to ensure access to social security schemes for Peruvian migrant workers abroad and foreign migrant workers in Peru, including the following coordination measures:

Encouragement and promotion

78. As part of the national protection policy, the Ministry of Foreign Affairs encourages and promotes the conclusion of social security agreements, working in cooperation with relevant national institutions, such as the Office for Standards for Welfare, the Superintendent of Banking and Insurance, the social health insurance system (ESSALUD), the Ministry of Labour and Job Creation and the Ministry of the Economy and Finance. Coordination takes place both in relation to negotiating

possible agreements and finalizing, at the national level, agreements that have already been concluded.

79. As part of efforts to strengthen the comprehensive and consistent migratory policy of Peru, and with a view to facilitating the circulation of persons, the Ministry of Foreign Affairs encourages the conclusion of social security agreements, taking account of the identification of priorities for the Peruvian diaspora and of opportunities that arise as a result of the strengthening of bilateral relations. Negotiations are currently under way with the Republic of Korea and Canada with a view to the prompt conclusion of agreements in this area.

80. Agreements that have already been concluded or are in the process of being finalized (see annex VIII) include those with the Republic of Argentina, the Republic of Chile, the Republic of Ecuador, the Eastern Republic of Uruguay and the Kingdom of Spain and the Ibero-American Multilateral Agreement on Social Security. Among those that have yielded the best results is the agreement with Spain, under which in 2014 there were 206 beneficiaries receiving a pension or requesting certification in the private system, 1,881 administrative requests and 95 pensions exported under the public system. Under the agreement with Chile, more than 200 persons are receiving pensions or have transferred their pension funds (funded benefit schemes) to the private system, and there have been 17 administrative requests and 12 pensions exported under the public pension system.

Dissemination

81. In order to ensure the full implementation of the social security agreements to which Peru is a party, the Ministry of Foreign Affairs coordinates the dissemination of information so that Peruvians living abroad are aware of the benefits provided under each agreement and, if they meet the requirements, can take advantage of the retirement, disability, survivor or health care benefits, as applicable.

82. As Peru has concluded social security agreements with the Republic of Argentina, the Republic of Chile, the Kingdom of Spain and the Eastern Republic of Uruguay, corresponding instructions have been given to the consular offices in Buenos Aires, Madrid, Montevideo and Santiago.

83. At the national level, the Ministry of Foreign Affairs, in coordination with other key sectors, is compiling and systematizing relevant information. The competent authorities are committed to disseminating information regularly on the application of these agreements. In addition, each of the competent sectors has prepared and made available informative leaflets and audiovisual material. This information will be disseminated through the website of the Intersectoral Round Table for Migration Management and a link to the website of the Ministry of Foreign Affairs.

Coordination and communication channels

84. In order to improve coordination and strengthen communication channels, the Ministry of Foreign Affairs, through its consulates, has collected up-to-date information and contact details of the representatives of the competent authorities, liaison agencies and, where applicable, managing bodies responsible for the application of the agreements.

85. At the domestic level, working meetings are organized among the national bodies responsible for social security in order, inter alia, to share statistical information, identify effective dissemination channels and strategies, and identify training needs of civil servants.

Article 28

Reply to paragraph 26 of the list of issues

86. In the legal sphere, the Framework Act on Universal Health Insurance (Act No. 29344) and Act No. 26842, which requires health facilities to provide medical attention in emergencies and childbirth, have been enacted.

87. In practice, Comprehensive Health Insurance provides access to health services for migrant workers and their families through independent and subsidized insurance schemes; subsidized coverage is available to those who meet the target requirements set by the Comprehensive Health Insurance and present their foreign resident card. Emergency cases are covered in accordance with the Emergency Act.

88. The means for informing migrant workers and the general public about health services are information fairs, health campaigns, guidance sessions and talks in health facilities, and dissemination in the media and social networks.

89. With regard to the right of children of migrant workers in Peru to access education, under the General Education Act (Act No. 28044) and its regulations, which specify, in accordance with the principle of inclusion, that vulnerable persons and groups should be included in education processes, the Ministry of Education has introduced the following specific institutional rules and procedures to ensure access to that right, as provided in the Convention on the Protection of the Rights of Migrant Workers and Members of their Families:

- Under Directive No. 004-VMGP-2005, the Office of the Deputy Minister for Pedagogical Management has established specific rules for the process of validating studies completed abroad. The validation process consists of automatic recognition, by equivalence, of courses that have been passed and can be accredited with the corresponding certificates. If the student is from a country that is a party to the Andrés Bello Agreement or any other bilateral agreement, the equivalency tables and conditions contained therein apply. If the student is from a country with which Peru does not have an agreement, the validation is undertaken on a grade-by-grade basis, comparing the grades at primary or secondary level with the certificates submitted by the student. In any event, the validation process is carried out upon request to the director of the educational establishment in which the student wishes to enrol. The request must be accompanied by the corresponding certificates, duly authenticated by the Ministries of Education and Foreign Affairs of the country of origin. If the certificates are in a language other than Spanish, a translation approved by the consulate or embassy of the country in which they were issued must be attached. The director of the educational establishment authorizes the conditional enrolment of the student, which is formalized once the process has been completed;
- As it is the responsibility of the Ministry of Education to establish the processes and mechanisms for the recognition of studies completed abroad through simplified administrative procedures, the General Secretariat of the Ministry of Education, through Resolution No. 0320-2008-ED, adopted the procedural manual “Validation of Studies Completed Abroad”;
- In order to establish rules and procedures for the enrolment process in public educational establishments, the Ministry of Education issued Ministerial Resolution No. 0516-2007-ED “Guidelines on the enrolment process for public schools at primary level”. In article 5 of this document, it is specified that enrolment may take place only once at the start of the Peruvian education

system, at the preschool level of regular basic education, and that the enrolment process for children begins with the presentation of a child's national identity card or passport, but it specifies that the absence of these documents is not an impediment to enrolment, as they may be replaced by an affidavit together with the required regularization within a maximum of 60 calendar days of the enrolment.

Article 31

Reply to paragraph 28 of the list of issues

90. Steps taken by the Ministry of Foreign Affairs to foster Peruvian migrant workers' cultural and national links with Peru include:

Recognition of 18 October as the day for Peruvians living abroad

91. Under the provisions of Supreme Decree No. 060-2006-RE and the Directive on the Recognition of Peruvians Living Abroad, adopted through Ministerial Resolution No. 1180/RE of 29 September 2006, the "Day for Peruvians Living Abroad" is celebrated every year on 18 October. The celebration of this day reflects the importance that the Ministry of Foreign Affairs attaches to recognizing and paying tribute each year to Peruvians living abroad who have made a special contribution by taking social action to benefit their compatriots and recognizing the effort made by Peruvians to overcome difficulties of adapting to the values of the society and culture of the destination country and the restrictions they face in some cases because of their status as migrants.

92. As a demonstration of the strong links between Peru and the Peruvian community abroad and the level of partnership with the consular offices, advisory councils and associations representing nationals abroad are invited to nominate Peruvians who have distinguished themselves by their contributions for the benefit of the Peruvian community living abroad; the nominations are evaluated by the Special Committee, made up of the Deputy Minister for Foreign Affairs and the Secretary General and Director General for Peruvian Communities Abroad and Consular Affairs, which selects a maximum of 10 representatives to receive awards in a special ceremony.

93. Among the selected Peruvians living abroad, there is a high level of social commitment, humanitarian assistance and professionalism, and their selection represents not only recognition by the public sector, but also by the community, which identifies with these Peruvians.

94. Since the awards were introduced in 2006, a total of 62 Peruvians have received awards for the work they have undertaken with great effort, affection and identification for their country, which has earned them respect and recognition in their country of residence and has made them role models for their community and those around them.

Advisory councils

95. The Ministry of Foreign Affairs recognizes the importance of creating opportunities for dialogue, interaction, coordination and support between Peruvian citizens and the consular offices. To that end, advisory councils of Peruvian communities living abroad were set up, as provided for under Act No. 29495 and regulated by Supreme Decree No. 057-2010-RE. These councils are intended to serve as forums for dialogue and cooperation between the Peruvian community living abroad and the consular offices in each consular district, with the aim of providing

guidance and helping find solutions to problems faced by Peruvians living in a particular consular district.

96. The primary objectives of the advisory councils are:

(a) To serve as a forum for participation and cooperation with the consular offices in the area of consular, administrative, notarial, registration and protection services for Peruvians living abroad;

(b) To facilitate dialogue between Peruvians and the consular offices;

(c) To promote Peruvian culture and the successful integration of Peruvians in the host country;

(d) To strengthen ties between Peruvians living abroad;

(e) To foster the social participation of Peruvian immigrants and the bodies working to promote their integration;

(f) To promote greater understanding and awareness among Peruvian immigrants concerning the new social, economic and cultural context in which they are living.

97. The main duties of the advisory councils are to:

(a) Cooperate with the consular office on the activities it carries out for the Peruvian community and on humanitarian work conducted in Peru;

(b) Support the work and efforts of the head of the consular office, assisting with initiatives to deal with the problems of, and provide consular protection to, Peruvian migrants living abroad;

(c) Collaborate with the head of the consular office in promoting the exercise of citizenship and electoral participation by Peruvians living in the consular district;

(d) Promote the image of Peru and of the Peruvian community living in the consular district;

(e) Reject and report any expressions of intolerance, discrimination, racism or xenophobia;

(f) Support the provision of legal protection and assistance to Peruvians living abroad.

98. Elections to the advisory councils take place annually. In 2014, the elections were held in 107 consular offices in the month of September. Advisory councils have been set up in 22 of the 107 consular offices (only 20 per cent of the total).

99. As the number of advisory councils in existence thus far is not as high as had been hoped, the Ministry of Foreign Affairs is sparing no effort in encouraging the democratic participation of groups of Peruvians living abroad in processes aimed at strengthening their links with Peru; accordingly, a model based on the concept of community involvement is being designed, which in the long term could replace the advisory councils and ensure the necessary synergy between the consular offices and the Peruvian institutions abroad. Thus, an innovative new structure, the “forum of presidents of Peruvian institutions”, is being developed, and has yielded positive experiences in Santiago, Madrid, Buenos Aires and Japan. In the case of Argentina, the forum brings together approximately 100 institutions and has met three times since its establishment.

100. These forums have the following characteristics:

- Community involvement requires a focus on working with legally established associations and/or organizations;
- As the proposed model is not an organization, it does not require a management structure;
- The participation of associations is voluntary and an institution may offer to collaborate on only one issue or in a particular area;
- The consul performs a coordinating role in this participatory body;
- No regulatory body is being established;
- A key objective of this scheme is to facilitate the integration of Peruvian migrants in their destination countries, and it is therefore crucial to gain the support of NGOs and local and/or central government in the host country;
- As part of this scheme, there will also be a focus on the democratic participation of groups of Peruvians abroad in processes to strengthen their links with Peru.

101. These forums foster dialogue for greater mutual understanding, interaction and cooperation between the various associations, groups, clubs and institutions in order to promote greater integration of Peruvian migrants in the host country.

102. The Peruvian Government, through the Ministry of Foreign Affairs, has developed a cultural policy plan for Peru abroad, the objective of which is to establish guidelines for the promotion and dissemination abroad of the country's ancestral values, traditions and knowledge as well as its contemporary creative and cultural industries. The plan identifies the following objectives of Peruvian cultural policy in relation to Peruvian communities living abroad:

- (a) Reaffirming feelings of identity and belonging to Peru;
- (b) Facilitating the integration of Peruvians through promotion of the cultural values of Peru;
- (c) Strengthening the role of Peruvians as promoters of Peru abroad and engaging them in the protection of national heritage.

103. With these objectives in mind, the plan sets out the following lines of action:

(a) In the context of scientific promotion, it fosters the establishment of contacts with Peruvian scientists living abroad in order to facilitate their links with Peru and channel their potential contributions to national development and likewise with scientists from other countries who are interested in Peru;

(b) With respect to the strategies for educational outreach, it promotes the design and implementation of the "*La Escuela Peruana*" (the Peruvian School) programme, aimed at the children of Peruvians living abroad. This programme seeks to make use of virtual support and of the Peruvian bibliography units of the missions, produce basic history and geography texts for beginner and intermediate levels and a higher-level general text on Peruvian culture and organize motivational talks, involving the consulates and the advisory councils of Peruvians living abroad. There is also coordination with the relevant bodies concerned with the policy of scholarships in Peru for Peruvians living abroad and other scholarships that might be available.

Article 33

Reply to paragraph 29 of the list of issues

104. In Peru, a number of platforms and sectors take measures to inform pre-departure Peruvian migrant workers and migrant workers in, or in transit through, the country, as

well as members of their families, of their rights and obligations in the country of employment.

105. For example, in addition to the INFOMIGRA virtual platform developed by the Ministry of Labour and Job Creation (paras. 110 and 111 of the initial report), there is the “*Perú Contigo*” (Peru With You) web portal of the Intersectoral Round Table for Migration Management (www.perucontigo.gob.pe). In addition, the Ministry of Foreign Affairs is implementing a single consular web portal, which will become the main source of information on consular services for Peruvians abroad, accessible from any technological device (smartphone, tablet, laptop, etc.). The National Migration Authority has also modernized its website to make it more user-friendly and it now contains more information resources for both Peruvians and foreigners.

106. In addition to the *Guía del Inmigrante Peruano en el Exterior* (Guide for Peruvian Immigrants Abroad), the Ministry of Labour and Job Creation has developed specific guides for Peruvian workers in the United States of America, Spain, Italy, Argentina, Chile and Canada. There are also basic guides for migrant workers and returning Peruvian emigrants.

107. The Ministry of Labour and Job Creation has a migrant guidance office, whose main function is to provide accurate and reliable information and guidance on the labour migration and return processes in order to facilitate conscious and informed decision-making.

108. The coordinators of the Migration and Border Control Posts can provide personalized advice to resolve any doubts foreign citizens might have on arrival in the country; leaflets and brochures are also regularly distributed (some of these information materials are provided by the Ministry of Labour and Job Creation).

Part IV of the Convention

Articles 41 and 42

Reply to paragraph 30 of the list of issues

109. Article 31 of the Constitution of Peru states that citizens have the right to participate in public matters through referendums, legislative proposals, the removal or recall of authorities and demands for accountability. They also have the right to be elected and to freely elect their representatives in accordance with the conditions and procedures determined by organic law. The Constitution also provides that all citizens with legal capacity have the right to vote. Voting is personal, equal, free, secret and mandatory up to the age of 70. After that age it is optional. Any act that prohibits or limits citizens’ exercise of their rights is null and punishable.

110. Peruvian citizens residing abroad may exercise their right to vote through the consular offices of Peru according to the provisions of the fifth general and transitional provision, paragraph 7, of the 1979 Constitution of Peru, implemented during the 1980 general elections.

111. According to article 187 of the 1993 Constitution of Peru, special provisions allowing Peruvians residing abroad to vote are to be established by legislation. Additionally, article 224 of the Organization of Elections Act No. 26859 provides that Peruvian citizens living abroad have the right to vote in general elections and referendums, to which end they are required to register with the National Identity and Civil Status Registry (RENIEC).

112. The President and Vice-Presidents of the Republic and Congressional representatives are elected in general elections, which are held every five years. The last general election was held in 2011.

113. Pursuant to Act No. 26859, Peruvians living abroad vote on the same date on which the election is held in Peru and cast their votes at the Peruvian consular office in the country of residence or where indicated by consular officials if the capacity of those premises is insufficient.

114. The electoral roll is drawn up by RENIEC and forms the basis for the list of voters communicated to Peruvian consular offices by the National Elections Office in coordination with the Ministry of Foreign Affairs.

115. Voters residing abroad are included in the Lima electoral district in accordance with article 21 of Act No. 26859, as amended by Act No. 27387.

116. The right to vote abroad may be exercised only on presentation of a National Identity Document, in accordance with article 88 of Supreme Decree No. 015-98-PCM, which adopted the regulations for registration in RENIEC.

117. For the 2011 elections, the electoral roll comprised a total of 754,154 citizens able to exercise their right to vote. However, only 402,563 citizens voted in the first round and 378,792 in the second, representing 53.38 per cent and 50.23 per cent of voters, respectively. As of 31 December 2014, 847,851 citizens were registered and entitled to vote abroad.

118. Domestic legislation allows foreigners residing in Peru to participate in municipal, but not national, elections. Under article 7 of the Municipal Elections Act, foreigners aged over 18 residing in an electoral district continuously for more than two years prior to an election are permitted to vote and to be elected there, with the exception of the border municipalities, provided that they are duly registered on the corresponding electoral roll. The Regional Elections Act No. 27683 allows naturalized foreigners to participate in regional elections, although candidates in the border districts must be Peruvian by birth (art. 13).

119. There is no charge for registration on the Electoral Roll for Foreigners Residing in Peru. Once foreigners have registered at any of the country's RENIEC offices, they receive an Electoral Certificate for Foreigners, also free of charge, with which they may exercise their right to vote in municipal elections. This certificate contains general information about them, validated by their alien identity card and passport, as well as a photograph, and is valid only for voting in the respective elections.

120. The latest regional and municipal elections were held on 5 October 2014. According to information from the Electoral Roll for Foreigners Residing in Peru, based on the electoral roll submitted by RENIEC and approved by the National Elections Board in plenary session, 24 foreign citizens who had been residing continuously in the country since 5 October 2012 were included on that roll and were therefore able to participate in the municipal elections.

Article 44

Reply to paragraph 31 of the list of issues

121. Article 4 of the Constitution of Peru provides for special protection by the community and the State for children and adolescents.

122. Within that framework, according to Directive 005-2014-MIGRACIONES-AJ, minors are not subject to criminal proceedings or administrative sanctions for

infringements of migration law, and their parents or guardians are responsible for payment of any fines levied if they overstay their residence permit.

123. The Peruvian National Police communicates with the competent administrative or judicial authority and refers to it any minors suspected of having committed an administrative infraction, so that the necessary protection measures may be taken.

124. In the case of infringement of the Aliens Act by a minor, once the file containing the record, statement or police report relating to the irregular migration situation has been received, a ruling is made and an exit permit without restriction on re-entry is issued.

125. The principle of the best interests of the child has been included in the new Aliens Act bill, which stipulates that minors are not subject to sanctions.

Reply to paragraph 32 of the list of issues

126. With regard to family reunification procedures, there are specific procedures and requirements for each category of family member of migrant workers and general requirements for all dependent family members:

General requirements:

- Form F1-004 (free of charge; obtained through the www.migraciones.gob.pe website);
- Receipt demonstrating that the processing fee has been paid at the National Bank;
- Photocopy of passport, which must have at least one year's validity remaining, a valid alien identity card or, for diplomats, consuls and officials, a diplomat card, as appropriate, or, for temporary workers only, an Andean migration card;
- International INTERPOL record for all foreigners requesting residence, with the exception of minors.

Specific requirements:

For spouses of foreigners residing in the country:

- Original marriage record or certificate registered with the respective RENIEC civil registry if the marriage took place in Peru, or marriage record or certificate from the country of origin, legalized by a Peruvian consulate and certified by the Ministry of Foreign Affairs or bearing an apostille certificate, if the marriage took place abroad;
- Legible copy of the valid and up-to-date alien identity card of the resident spouse;
- Notarized letter of financial guarantee for the resident spouse.

For minor children:

- Original birth record or certificate duly legalized by a Peruvian consulate and the Ministry of Foreign Affairs or bearing an apostille certificate;
- Copy of the national identity document or up-to-date and valid alien identity card of the resident family member;
- Notarized letter of financial guarantee for the Peruvian or resident parent.

For children over 18 with disabilities:

- Original birth record or certificate from the country of origin, legalized by a Peruvian consulate and certified by the Ministry of Foreign Affairs, or bearing an apostille certificate;
- Duly legalized document confirming the permanent disability causing the child to be unable to support him or herself;
- Legible copy of the national identity document or up-to-date and valid alien identity card of the resident family member;
- Notarized letter providing a financial guarantee for the resident family member.

For unmarried daughters aged over 18:

- Original birth record or certificate from the country of origin, legalized by a Peruvian consulate and certified by the Ministry of Foreign Affairs or bearing an apostille certificate;
- Certificate of single status or similar document from the country of origin, legalized by a Peruvian consulate and certified by the Ministry of Foreign Affairs or bearing an apostille certificate;
- Copy of the national identity document or up-to-date and valid alien identity card of the resident family member;
- Notarized letter of financial guarantee for the resident family member.

127. The current Consolidated Text of Administrative Procedures does not include measures to recognize de facto unions as sufficient grounds for granting a visa. Administrative reports are evaluated according to the requirements set out in that regulation. The new Consolidated Text bill recognizes de facto unions in proceedings, and the new Aliens Act bill also provides for recognition of such unions.

Article 52

Reply to paragraph 34 of the list of issues

128. The conditions for acquiring a work permit are indicated in the requirements for work permits for migrants contained in the Consolidated Text of Administrative Procedures relating to migration, which grants residency for one year, extended annually. Prior to acquiring residency, migrants must register with the Alien Registration Office.

129. The requirements are as follows:

General requirements:

- Form F1-004 (free of charge; obtained through the www.migraciones.gob.pe website);
- Receipt demonstrating that the processing fee has been paid at the National Bank;
- Photocopy of passport, which must have at least one year's validity remaining, a valid alien identity card or, for diplomats, consuls and officials, a diplomat card, as appropriate, or for temporary workers only, an Andean migration card;
- International INTERPOL record for all foreigners requesting residence, with the exception of minors;

Specific requirements for work permits:

- Photocopy of the employment contract, which must have been approved by the administrative labour authority, notarized or authenticated by a notary public of the Immigration and Naturalization Department (now the National Migration Authority), except in the cases set out in articles 3 and 6 of Legislative Decree No. 689, its implementing regulations as contained in Supreme Decree No. 023-2001-TR and its amendments;
- The employing company's tax registration document must be valid and its domicile for tax purposes must be registered;
- A certified, up-to-date copy of the power of attorney of the employing company's legal representative, issued by a registry office and notarized or authenticated by the notary public of the Immigration and Naturalization Department (now the National Migration Authority);
- Employing Peruvian companies must register their workers with the National Tax Office.

Notes:

- If a contract is signed in Peru, the employee should possess the appropriate work permit or have special permission to sign contracts;
- If the contract was signed abroad, it must be legalized by a Peruvian consulate and the Ministry of Foreign Affairs or bear an apostille certificate;
- The contract must be submitted no more than 15 days after being approved by the labour authority;
- If a contract includes a trial period, a temporary visa will be granted until that period is completed; the employee may then request a change of visa status and apply for a resident visa.

130. Under the new Consolidated Text of Administrative Procedures bill, some of the current requirements would be removed, including the following:

- The requirement that photocopied passports must remain valid for at least one year;
- The requirement that contracts must be submitted within 15 days of being approved by the labour authority;
- In cases where the contract includes a trial period, the requirement for a temporary visa until the end of that period will be removed; employees will be able to apply to change their visa to a resident visa;
- A total of 17,884 migrants have submitted applications for work permits, of which 16,706 were approved, 464 were rejected and 714 were denied (see annex IX); permits were denied when the applicant did not meet the requirements set out in the Consolidated Text of Administrative Procedures.

V. Part V of the Convention

Reply to paragraph 36 of the list of issues

Change of migrant status to worker

131. Between 2010 and 2015, a total of 35,197 foreigners received work permits; 30,253 were resident workers and 4,944 were temporary workers (see annex X, section A).

Change of migrant status to worker by nationality

132. Of the migrants who obtained resident worker status, 7,541 were Colombian, 3,893 were Spanish, 3,462 were Argentine, 2,162 were Ecuadorian, 2,135 were Chilean, 1,484 were Brazilian, 1,285 were Bolivian and 8,291 were of other nationalities.

133. Of those who obtained temporary worker status, 1,065 were Colombian, 729 were Spanish, 454 were from the United States of America, 358 were Chilean, 274 were Venezuelan, 267 were Bolivian, 234 were Canadian and 1,563 were of other nationalities (see annex X, section B).

Change of migrant status to worker by sex

134. Of a total of 30,253 foreigners who obtained resident worker status, 9,436 were women and 20,817 were men.

135. Of a total of 4,944 foreigners who obtained temporary worker status, 575 were women and 4,369 were men (see annex X, section C).

Change of migrant status to worker by age range

136. Of the foreigners who obtained resident worker status, 10,796 were aged between 30 and 39, 7,152 between 20 and 29, 7,000 between 40 and 49, 3,741 between 50 and 59, 1,347 between 60 and 69, 175 between 70 and 79, and 42 were over 80.

137. Of the foreigners who obtained temporary worker status, 1,621 were aged between 30 and 39, 1,298 between 40 and 49, 976 between 50 and 59, 617 between 20 and 29, 399 between 60 and 69 and 33 between 70 and 79 (see annex X, section D).

Applications for work visas

138. Between 2010 and 2015, a total of 5,383 foreigners applied for work visas, of whom 1,452 were resident workers and 3,931 were temporary workers (see annex X, section E).

Applications for work visas by nationality

139. Of those applying for resident work visas, 195 were Spanish, 191 were Colombian, 163 were from the United States of America, 163 were Chilean, 93 were Venezuelan, 84 were Argentine, 69 were Ecuadorian and 494 were of other nationalities.

140. Of those applying for temporary work visas, 778 were from the United States of America, 569 were Chilean, 495 were Colombian, 301 were Argentine, 234 were Mexican, 228 were Venezuelan, 182 were Ecuadorian and 1,144 were of other nationalities (see annex X, section F).

Applications for work visas by sex

141. Of a total of 1,452 foreigners applying for resident work visas, 290 were women and 1,162 were men.

142. Of a total of 3,931 foreigners applying for temporary work visas, 196 were women and 3,735 were men (see annex X, section G).

Applications for work visas by age range

143. Of those applying for resident work visas, 514 were aged between 30 and 39, 431 between 40 and 49, 248 between 50 and 59, 159 between 20 and 29, 101 between 60 and 69, 8 between 70 and 79, and 1 was over 80.

144. Of those applying for temporary work visas, 1,382 were aged between 30 and 39, 1,114 between 40 and 49, 763 between 50 and 59, 396 between 20 and 29, 254 between 60 and 69, and 22 between 70 and 79 (see annex X, section H).

VI. Part VI of the Convention

Article 65

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145. In order to standardize criteria and facilitate student migration and the validation of studies and recognition of degrees, professional qualifications and certificates, Peru has participated in various projects aimed at identifying difficulties in the qualification equivalency system. The ALFA Tuning Latin America Project, which promoted the development of a Latin American credit benchmark, defined various criteria for quantifying student credits. The Academic Mobility Programme of the Pacific Alliance found that there is a regional gap hindering the implementation of a comprehensive qualification equivalency system.

146. In 2014, the then National Assembly of Rectors, now known as the National University Education Authority, together with university associations from the Plurinational State of Bolivia (Executive Council of the University of Bolivia), Chile (Council of Rectors of Chilean Universities), Argentina (National Inter-University Council of Argentina), and Colombia (Colombian University Association) participated in drawing up the ANDES mobility programme, with the aim of creating a free mobility area that would eliminate the need for universities to negotiate and enter into exchange agreements, facilitating a general agreement to which they could adhere and that would ensure general recognition of the qualifications of all students within the mobility area.

147. In addition, on 10 June 2014 a specific agreement was signed between the former National Assembly of Rectors and the Coimbra Group of Brazilian Universities relating to the exchange of undergraduate students between universities belonging to the two associations that wish to participate in the programme.

Article 67

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148. The provisions for returning migrants under Act No. 30001 on the Economic and Social Reintegration of Returned Migrants with regard to the socioeconomic benefit for professional reintegration are set out in articles 13 to 19 of Supreme Decree No. 035-2013-RE. The Ministry of Labour and Job Creation, through the One-Stop Job

Centre, offers employment and self-employment promotion services, such as professional or job training, training in entrepreneurship or self-employment, certification of occupational skills and guidance for migrants, among other services. It should be noted that the Migration Incentives Act No. 28182 was abrogated by Act No. 30001 on the Economic and Social Reintegration of Returned Migrants.

149. The Ministry of Labour and Job Creation reports that between August and December 2013, the One-Stop Job Centre served a total of 53 returning Peruvians; the number rose to a total of 548 between January and December 2014. Furthermore, 10,063 citizens completed pre-registration (Form R-1) through the electronic platform for returning migrant registration (PIREMIR). Additionally, 2,492 returned migrant cards have been issued, mainly in Lima and in nine cities abroad.

150. As of 2014, a total of 4,960 Peruvians had received information from Peruvian consulates and the advice and information unit located within the Ministry of Foreign Affairs (337 Ucayali St., Lima). Information on the Return Act is also provided through an internet portal (<http://leydelretorno.rree.gob.pe>), social network accounts and other sources as part of a communication strategy called “*Inforetorno*”. These communication channels, all of which are managed by the Ministry of Foreign Affairs, have logged the following activities:

- The Internet portal has received more than 153,490 visits;
- A Facebook page on the application of the Returned Act has garnered more than 1,600 followers, and approximately 1,900 enquiries have been dealt with through the page’s wall and inbox;
- A dedicated telephone line dealing with enquiries and providing information on the scope of the Act has received 5,100 telephone calls;
- An official e-mail address (leydelretorno@rree.gob.pe) has dealt with 520 enquiries.

Article 68

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151. Peru ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), by means of Supreme Decree No. 088-2001-RE of 19 November 2001. In 2007 Peru also enacted the Trafficking in Persons and Smuggling of Migrants Act, No. 28950 which incorporates the international standards set out in the Protocol and broadens the description of the offence of trafficking, making it a crime against personal liberty. By means of Supreme Decree No. 007-2008-IN, the Government subsequently enacted the implementing regulations for Act No. 28950, establishing the responsibilities of relevant sectors in accordance with their mandates in the areas of prevention, prosecution, protection and support for victims, relatives, collaborators, witnesses and experts on human trafficking.

152. The National Plan of Action to Combat Trafficking in Persons (2011-2016) has been in place since 18 October 2011. This important management tool is based on a series of guiding human rights principles and sets out cross-cutting themes such as decentralized implementation, participation of society, private enterprise and coordination with other related national plans. The national plan focuses on three fundamental strategic lines of action, namely, prevention of trafficking, prosecution of traffickers and protection of victims, with 10 strategic objectives and 30 targets. The plan also lays out coordinated activities between the sectors involved in combatting

trafficking and promotes a commitment to implementing its objectives and actions across sectors within the executive, legislative and judicial branches; regional and local government; and autonomous constitutional bodies.

153. The Congress of the Republic (2012) has designated 23 September of each year as the National Day against Human Trafficking in Peru with a view to raising awareness of the offence at all levels and in all official bodies within the State, the private sector and among the general population. It also established the requirement that the executive branch must report to the Congress of the Republic on the measures being implemented to ensure that the targets and objectives of the National Plan of Action to Combat Trafficking in Persons, the National Plan of Action for Children and Adolescents 2012-2021 and other subsequently established plans or programmes are met.

154. On 21 October 2014, Act No. 30251 was adopted, amending the description of the offence of human trafficking established in article 153 of the Criminal Code. The amendment proposal was developed by the Multisectoral Standing Working Group on Trafficking in Persons with the support of the Ombudsman's Office. Its aim is to make the description more effective, as the preceding one was overly complex and was similar to that of other offences.

155. In the context of this Plan, the various members of the multisectoral working group have strengthened their respective capacities. The Ministry of the Interior, through its Directorate of Fundamental Rights for Governance, has held 51 workshops on the concept of human trafficking for personnel from the criminal investigation division of the National Police and from police stations in Libertad, Cajamarca, Cerro de Pasco, Huánuco, Ayacucho, San Martín, Lambayeque, Apurímac, Ucayali, Lima, Tumbes, Ancash, Loreto, Ica, Amazonas, Piura, Junin, Tacna, Moquegua, Puno, Madre de Dios and Arequipa. A total of 2,536 police officers from the National Police participated. In addition, a training workshop for 58 officials from the regional headquarters in Tacna was held, focusing on the concept of human trafficking, the national legal and policy frameworks and strategies for intervention and support for victims of the crime.

156. The sectoral working group for the implementation of the National Plan of Action to Combat Trafficking in Persons has highlighted the need to include human trafficking as a subject in the training programmes offered at academies for officers and deputy officers of the National Police. It was agreed that police instructors would be trained and equipped with the technical and educational tools necessary to teach on the subject. The first and second courses on human trafficking were offered in May and October 2014 and training was provided to 94 instructors in the police regions of Lima, Tacna, Ayacucho, Loreto, Huancavelica, Chiclayo, Arequipa, Moquegua, Pasco, Callao, Cajamarca, Madre de Dios, Junín, Ica, Huánuco and Trujillo.

157. The technical secretariat of the National Council for Public Security has also offered training sessions for officials of the National Public Security System, including regional government authorities, majors, local authorities, governors, National Police officers, technical secretaries, neighbourhood associations, municipal security services and other authorities and the general public in Amazonas, Ancash, Apurímac, Arequipa, Ayacucho, Cajamarca, Callao, Cusco, Huancavelica, Huánuco, Ica, Junín, La Libertad, Lambayeque, Lima Province, Cañete, Huarochirí, Lima metropolitan area, Loreto, Madre de Dios, Moquegua, Pasco, Piura, Puno, San Martín, Tumbes, Ucayali and Tacna. The aim of this training was to instil in participants a commitment to implement the provisions of the National Public Security System Act (No. 27933) and to improve their knowledge of how to deal with the offence of human trafficking. In 2014, training sessions were conducted nationwide for officials of the national public security systems, including regional and local government authorities,

governors, National Police officers, municipal security services and neighbourhood associations. A total of 1,560 persons were trained.

158. The National Police's Executive Directorate for Education and Training held five training sessions in different parts of the country for 459 National Police trainees in Tarapoto, 177 police officers and trainees in Yungay, 280 police officers and trainees in Trujillo, 156 National Police trainees in Pasco and 173 National Police trainees in Ayacucho.

159. The Ministry of Foreign Affairs provided training to National Police officials on how human trafficking is dealt with under international law. These training modules were offered as part of a second course on international cooperation for officials responsible for domestic law and order.

160. Under the Victim and Witness Protection and Assistance Programme, the Public Prosecution Service has trained 2,584 officials in the system of justice nationwide, 438 of whom were prosecutors in criminal and family courts. The aim of the training was to standardize guidelines and train officials on how to deal with cases of human trafficking and prevent secondary victimisation. A project to strengthen the capacities of prosecutors with respect to human trafficking cases, which is coordinated by the school of the Public Prosecution Service, held 13 training events during which approximately 1,182 justice system officials were trained, including 712 prosecutors, 100 judges and more than 200 police officers, in addition to administrative personnel and professionals working in the programme for the protection and support of victims and witnesses.

161. The Ministry of Justice and Human Rights and the Directorate-General of the Public Defence Service and Access to Justice held 10 training sessions on human trafficking and related crimes during which 171 public defenders were trained nationwide.

162. The National Centre for Judicial Investigation regularly holds academic events on human trafficking as part of its plan of work. In 2014, it organized six events in which members of the judiciary participated.

163. As part of a project entitled "Consolidating and Disseminating Efforts to Combat Forced Labour in Brazil and Peru", the ILO, in collaboration with the Ministry of Labour and Job Creation, held workshops on forced labour and related crimes in Peru on 22 October 2014 in Madre de Dios and 23 September 2014 in Lima.

164. The following events also took place:

- Lecture on human trafficking as a critical problem in Peruvian society on 14 de August 2013;
- International seminar-workshop on assessing evidence of sexual violence on 19 and 20 March 2013;
- Seminar-workshop on sexual violence against children and adolescents on 15 November 2012;
- Conference on trafficking in minors, forms of sexual abuse and violence against children and its effects on 24 September 2009.

165. With regard to victim assistance and protection, the Ministry for Women and Vulnerable Groups, by means of Ministerial Decision No. 203-2014-MIMP of 20 June 2014, approved an intersectoral protocol for the provision of assistance to victims of human trafficking. The aim of this protocol is to provide guidance for actions and procedures to be followed by the line agencies and national programmes charged with providing timely, effective and efficient service to victims of human trafficking.

166. A range of services are available that offer specialized multidisciplinary care free of charge and support protection, recovery and access to justice for victims of domestic and sexual violence. For instance, there are 222 women's emergency centres, a telephone helpline (100) and an urgent care service. Under the Comprehensive Family Welfare Programme, the GRACIA residential care centre, which houses adolescent victims of all forms of human trafficking, was established on 14 May 2014. Currently, it has 10 adolescent girls between 13 and 17 years of age in its care. Comprehensive care is also provided at a residential care centre for adolescent victims of sexual exploitation in Santa Rosa.

167. Additionally, the regional government of Madre de Dios is involved in providing services in a centre constructed by the regional authorities as part of a public investment project valued at 366,091,000.00 nuevos soles. The centre opened on 14 November, when 58 female victims of sexual exploitation were moved there following an operation conducted by the National Police of Peru in La Pampa. Furthermore, as part of the National Comprehensive Family Welfare Programme and National Programme to Combat Domestic and Sexual Violence, the Ministry of Women and Vulnerable Populations plans to enter into a mutual cooperation agreement with the Huarayo Association for the operation of a residential care centre for child and adolescent victims of trafficking and a shelter for women victims of trafficking. To that end, the Huarayo Association will make available a property with two separate spaces. One of these will be overseen by the National Comprehensive Family Welfare Programme and will offer care to children and adolescents. The other will be operated by the Huarayo Association in coordination with the National Programme to Combat Domestic and Sexual Violence/Ministry of Women and Vulnerable Populations and will offer assistance to women.

168. Within this context, the Comprehensive Family Welfare Programme will commit to employing qualified staff and providing food, medicine, clothing and toiletries to residents of the residential care centre and the temporary shelter in the Huarayo Association facilities. Technical assistance will be provided under the National Programme to Combat Domestic and Sexual Violence by three specialists at the shelter: a psychologist, a social worker and a lawyer. The necessary measures will be taken to meet the basic needs of the victims in the immediate term, identify or restore support networks and coordinate the efforts of different public agencies to improve protection for and recovery of victims through education, health care, employment, housing and civil registration.

169. The Ministry of Women and Vulnerable Populations has also begun coordinating with the provincial municipality of Maynas-Iquitos in order to set up a temporary shelter for victims of trafficking. Through the National Programme to Combat Domestic and Sexual Violence the Ministry will provide technical assistance to develop a public investment project. The Ministry will support the running and maintenance of the shelter by employing three specialists, a psychologist, a social worker and a lawyer. It will also put together a support network to ensure the protection of victims' human rights in relation to health, education, employment, identity and recovery.

170. In May, the Ministry of Women and Vulnerable Populations asked the 25 regional governments to provide information on the care centres, shelters and temporary housing that they intend to set up for victims of human trafficking in the current year. Twelve regions have responded to this request: Piura, Ayacucho, Huancavelica, Pasco, Amazonas, Lima, Loreto, Ica, Ucayali, Lambayeque, Moquegua and Tacna. Four of these regions are currently putting together public investment projects to set up shelters for victims of domestic or sexual violence, two regions plan to draw up a project within the next year and the remaining six have no shelters. Using

this information, the Ministry will provide technical assistance to encourage the establishment of shelters.

171. The Department for Children and Adolescents within the Child Protection Investigation Directorate reported that of 48 children and adolescents who entered the country, 29 were victims of trafficking for purposes of labour and 19 of sexual trafficking. Out of these, 31 were female and 17 were male. The majority were aged between 12 and 17.

172. With regard to capacity-building, as part of the National Programme to Combat Domestic and Sexual Violence, a one-day training session was conducted for personnel from women's emergency centres, in which 210 men and women were trained. In addition, in keeping with the commitments of the Peru-Chile Committee for Border Integration and Development, the Directorate-General for Prevention of Gender Violence organized a binational Peru-Chile training workshop in Tacna on human trafficking and smuggling of migrants, during which 150 Peruvian and Chilean professionals received training. In the same context, a binational manual for Peru and Chile was put together in which the subject of human trafficking was included. In coordination with the Interjuris Association, a seminar entitled "Supporting Victims of Sexual Violence and Trafficking: A Comparative Analysis of the Peruvian and Spanish Models" was held in Arequipa, San Martín, Piura and Ayacucho. A total of 445 professionals took part.

173. An international seminar entitled "Policies on Human Trafficking for Sexual Exploitation: Critical Issues and Challenges" was also held. This event was organized by the Ministry of the Interior and its aim was to strengthen the capacities of experts involved in designing and implementing public policies on human trafficking. A total of 130 persons participated, including representatives of government sectors, civil society, academia and international cooperation agencies. Moreover, within the framework of a project entitled "Sharing Experiences in Prevention and Care in Connection with Human Trafficking", the Department for Children and Adolescents, with the support of the Argentine Fund for South-South and Triangular Cooperation, held training workshops in October and November 2014 that were aimed at officials responsible for services for child and adolescent victims of human trafficking in the departments of Cusco (25 participants) and Puno (30 participants).

174. In the framework of the National Police protocol for the provision of assistance and protection to human trafficking victims and witnesses, the Ministry of the Interior conducted a total of 12 training workshops in Lima (6), Tingo María (1), San Martín (1), Tacna (3) and Ayacucho (1), in which 351 police officers were trained on how to deal appropriately with human trafficking victims and witnesses. In addition, the Multisectoral Standing Working Group on Trafficking in Persons is helping to coordinate the development of an intersectoral protocol on trafficking in persons. This is a framework technical instrument intended to facilitate the establishment of operational guidelines for preventing human trafficking and ensuring that cases are prosecuted and that assistance, protection and reintegration services are offered to both Peruvian victims of human trafficking in and outside the country and foreign victims in Peru. The protocol will also facilitate the establishment of guidelines for multisectoral and intergovernmental action with regard to the four areas of intervention for combating human trafficking and for the identification of lines of action for coordinating the competencies of sector officials, the ultimate goal being to ensure that care and protection are provided to victims and that traffickers are prosecuted and punished.

175. The Public Prosecution Service approved the protocol on assistance to victims of human trafficking, which contains a specific chapter on services for child and adolescent victims of human trafficking. The protocol was drawn up with the support

of the German Agency for International Cooperation, Save the Children International and the International Federation Terre des Hommes. Five temporary shelters for victims of human trafficking have been set up in the country by the protection and support units in Madre de Dios, La Libertad, Puno, Loreto and Arequipa with the aim of facilitating prosecutorial proceedings and providing an appropriate environment for victims from their first contact with officials to the moment they arrive at a residential care centre. Efforts have also been made to set up a shelter in Moquegua, which currently lacks such a facility.

176. The Ministry of Health has held 10 workshops for health personnel and management teams from the health departments and regions of Lima, Arequipa, Tacna, Puno, Ica, Abancay, Piura, Callao and Lima Province, during which the issue of human trafficking and its impact on health was addressed from a human rights and gender perspective. A total of 495 health-care professionals were trained in how to identify, care for and provide assistance to possible victims of human trafficking. In addition, the Technical and Functional Unit for Human Rights, Gender Equality and Interculturalism in Health Care is putting together a guide for prevention of human trafficking, promotion of victims' rights and provision of comprehensive care.

177. The Ministry of Justice and Human Rights has provided legal assistance to 12 victims of human trafficking in Amazonas, Cusco, Loreto, La Libertad, Lima, Ancash and Moquegua, of whom 8 were female and 4 male. There are currently 137 public defenders for victims and it is expected that there will be 177 nationwide by the end of 2015.

178. The Ministry of Foreign Affairs provides assistance to victims of human trafficking, including through the Humanitarian Assistance Programme, approved by means of Ministerial Resolution No. 0327 of 8 April 2011, in cases in which a technical assessment by a consular official indicates that a Peruvian national abroad is living in poverty or enduring extreme hardship. In 2014 the Programme's budget amounted to 450,000 nuevos soles, which was a 30% increase with respect to the 2013 budget.

179. As concerns the budget, the Ministry of the Interior allocated one million nuevos soles for the implementation of the National Plan of Action to Combat Trafficking in Persons in 2014. The budget was allocated to the Directorate of Fundamental Rights for Governance of the Directorate-General for Democratic Security which is responsible for the technical secretariat of the Multisectoral Standing Working Group on Trafficking in Persons. For fiscal year 2015, a total of 1,014,058 nuevos soles has been allocated, in addition to the budgets for the police regions and territorial directorates of the National Police, which amount to 173,154 nuevos soles.

180. In 2014 the Ministry for Women and Vulnerable Groups allocated a total of 896,948,000.00 nuevos soles for the implementation of prevention, support and protection activities for victims of human trafficking by the various directorates and programmes in the sector. In fiscal year 2015, the budget rose to 2,914,450.00 nuevos soles, of which 1,429,000 will go to the National Plan of Action to Combat Trafficking in Persons. An additional 1 million nuevos soles have been allocated to the Comprehensive Family Welfare Programme's Budget Programme 117, which aims to provide timely care for children and adolescents who are presumed to have been abandoned. The National Programme to Combat Domestic and Sexual Violence will be allocated a budget of 485,450 nuevos soles from Budget Programme 080, entitled "Combatting Sexual and Domestic Violence".

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181. The National Police protocol for the provision of assistance and protection to human trafficking victims and witnesses was adopted through Ministerial Resolution No. 1305-2013-IN/DGSD, and the National Labour Inspection Authority was set up through Act. No. 29981. The latter is a specialized technical unit of the Ministry of Labour and Job Creation and is responsible for promoting, overseeing and monitoring compliance with social and labour legislation and occupational safety and health standards.

182. In addition to the legal measures already highlighted, since 2007 the Ministry of the Interior has been using the Statistical Registry System for Trafficking and Related Cases, adopted through Ministerial Resolution No. 2570-2006-IN/0105. In 2013, 2014 and January to February 2015, a total of 470 cases of alleged trafficking in persons were recorded, 75.56 per cent of which were for the purposes of sexual exploitation, 22.67 per cent for the purposes of forced labour, 0.89 per cent for the purposes of begging, 0.44 per cent for the purposes of the sale of children and 0.44 per cent for the purposes of the removal and trade in organs.

183. The cases recorded involve 1,667 victims, 93.52 per cent (1,559) of whom are women and 6.48 per cent (108) of whom are men. Of the total number of victims, 181 are minors.

184. In addition to the information contained in paragraphs 169 and 170 of the initial report of Peru, it is worth noting that in August, the Multisectoral Standing Working Group on Trafficking in Persons began preparing an intersectoral protocol on human trafficking. The intersectoral protocol is a framework technical instrument designed to facilitate the establishment of operational guidelines on the prevention and prosecution of trafficking in persons and on assistance, protection and reintegration of Peruvian nationals who are victims of trafficking in Peru or abroad and foreign nationals who are victims of trafficking in Peru; the design of multisectoral and intergovernmental approaches based on the four areas of intervention for combating trafficking; and coordination of the competencies of the various relevant bodies in order to ensure that victims receive care and protection and traffickers are prosecuted and punished.

185. The intersectoral protocol will be implemented by the organizational and functional units and their decentralized bodies: the Ministry of the Interior, the Ministry of Justice, the Ministry for Women and Vulnerable Groups, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Labour and Job Creation, the Ministry of Education, the Ministry of Foreign Trade and Tourism, the Ministry of Transport and Communications, the Ministry of Development and Social Inclusion, the Ministry of the Environment, the Ministry of Energy and Mines, the National Institute of Statistics and Information Technology and the following independent constitutional bodies: the Office of the Ombudsman, the Public Prosecution Service, the judiciary and the National Identification and Civil Status Registry. Subnational authorities will be expected to adopt regional or local protocols in line with the intersectoral protocol that reflect the prevailing conditions in their areas. The protocol will also serve as a guideline for civil society organizations.

186. The Ministry of the Interior, acting through the Peruvian National Police, issued Directorate Resolution No. 665-2014-DIRGEN/EMG-PNP of 17 July 2014, under which the Division for Criminal Investigation of Trafficking in Persons and the Illegal Trafficking of Migrants of the Directorate for Criminal Investigation of the Peruvian National Police was raised to the level of directorate. That step was taken to strengthen the former Division, empowering it to investigate, report and combat trafficking in persons, the illegal trafficking of migrants and related offences at the

national level. Decentralized branches of the new Directorate are being set up in various parts of the country (Loreto, Madre de Dios, Tacna, Ayacucho). In 2014, officials of the Directorate carried out 147 operations and drew up 134 official reports of criminal offences, in connection with which 266 alleged traffickers were arrested. Officials rescued 620 victims, 602 (97.09 per cent) of whom were women and 18 (2.90 per cent) of whom were men. Of the 147 operations carried out, 24 were linked to cases of trafficking in person that resulted in 22 official reports and 59 arrests of traffickers and the rescue of 165 victims (25 minors and 140 adults), of whom 152 were women or girls and 13 were men or boys.

187. During 2014, the Division for Criminal Investigation of Trafficking in Persons and the Illegal Trafficking of Migrants (DIVINTRAP, now DIRINTRAP) carried out operations to combat offences related to trafficking in persons, such as the facilitation of prostitution and the illegal trafficking of migrants. As a part of efforts to tackle the facilitation of prostitution, a total of 87 operations were carried out, giving rise to 87 official reports, with 152 arrests and 399 adult victims, 394 (99 per cent) of whom were women. A total of 19 foreign women victims of trafficking were rescued (8 from Colombia, 7 from Ecuador and 4 from the Dominican Republic), along with 4 minors (3 girls and a boy).

188. As to the offence of illegal trafficking of migrants, two operations were carried out, giving rise to two official reports, the arrest of two men and the rescue of three women victims of trafficking (two from Cuba and one from China).

189. The Public Prosecution Service has converted the criminal prosecutor's offices to provincial prosecutor's offices specializing in offences of trafficking in persons in the districts of Tumbes, Madre de Dios, Loreto and Lima (Resolution of the Board of Senior Government Prosecutors No. 096-MP-FN-JFS). In addition, the First Provincial Criminal Prosecutor's Office Specializing in Offences of Trafficking in Persons was established (Resolution No. 4050-2014-MP-FN), covering the criminal prosecutor's districts of Lima, Lima Norte, Lima Este and Lima Sur, along with the Senior Criminal Prosecutor's Office Specializing in Offences of Trafficking in Persons (Resolution No. 4126-MP-FN).

190. As a part of efforts to promote intersectoral coordination and linkage, the Directorate for Investigation of Trafficking in Persons and the Illegal Trafficking of Migrants (DIRINTRAP) and the Ministry of Labour and Employment Promotion have been working together. Since the Head of the Directorate joined the Multisectoral Panel against Forced Labour and other Forms of Exploitation, inspection visits have been carried out to employment agencies and companies, resulting in the dismantling of criminal organizations engaged in trafficking in persons for the purposes of forced labour. A protocol for joint action is currently being prepared.

191. In cooperation with the criminal prosecutor's offices for organized crime of the Public Prosecution Service, DIRINTRAP has investigated the activities of groups and individuals involved in trafficking in persons. As a result of that work, a number of criminal organizations, such as "*La Reyna del Delta*", have been dismantled and 23 victims have been rescued from the Delta 1 illegal mining camp near Puerto Maldonado, Madre de Dios Department. A human trafficking network operating between Iquitos and Trujillo was also broken up.

192. Intelligence-gathering operations and investigations relating to the trafficking of Colombian and other foreign nationals to Chile have also been carried out in cooperation with a Chilean police unit set up specifically to combat trafficking in persons and the illegal trafficking of migrants.

193. Between 2007 and November 2014, the Public Prosecution Service recorded 2,260 cases of trafficking in persons at the national level. Owing to technical issues

affecting the Strategic System on Trafficking in Persons, the Prosecutorial Management System and the Prosecutorial Operational Support System, updated information on the number of trafficking cases is not available. The Provincial Criminal Prosecutor's Office Specializing in Offences of Trafficking in Persons carried out 104 investigations in 2014 (from October 2014 onwards) and has so far carried out 64 investigations in 2015.

194. Between January 2011 and December 2014, the Public Prosecution Service provided help to 537 victims of the offence of trafficking in persons through its Victim and Witness Protection and Assistance Programme. The Public Prosecution Service does not have a specific budget for counter-trafficking activities. Consequently, the assistance and protection afforded to the above-mentioned persons was funded through the Programme's institutional budget.

195. In 2014, working in coordination with ILO and the Ministry of Labour, DIRINTRAP organized a training workshop for its own staff and officials of the Criminal Investigation Divisions of Lima Province on the offence of trafficking in persons, combatting forced labour involving children and adolescents and use of the National Police Statistical Registry System for Trafficking and Related Cases.

196. In addition to the information contained in paragraphs 169 and 170 of the initial report of Peru of 2007, it is worth noting that in August the Multisectoral Standing Working Group on Trafficking in Persons began preparing an intersectoral protocol on trafficking in persons. The intersectoral protocol is a framework technical instrument intended to facilitate the establishment of operational guidelines for preventing human trafficking and ensuring that cases are prosecuted and that assistance, protection and reintegration services are offered to both Peruvian victims of human trafficking in and outside the country and foreign victims in Peru. The protocol will also facilitate the establishment of guidelines for multisectoral and intergovernmental action with regard to the four areas of intervention for combating human trafficking and for the identification of lines of action for coordinating the competencies of sector officials, the ultimate goal being to ensure that care and protection are provided to victims and that traffickers are prosecuted and punished.

197. The intersectoral protocol will be implemented by the organizational and functional units and their decentralized bodies: the Ministry of the Interior, the Ministry of Justice, the Ministry for Women and Vulnerable Groups, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Labour and Job Creation, the Ministry of Education, the Ministry of Foreign Trade and Tourism, the Ministry of Transport and Communications, the Ministry of Development and Social Inclusion, the Ministry of the Environment, the Ministry of Energy and Mines, the National Institute of Statistics and Information Technology and independent constitutional bodies: the Office of the Ombudsman, the Public Prosecution Service, the judiciary and the National Identification and Civil Status Registry. Subnational authorities will be expected to adopt regional or local protocols in line with the intersectoral protocol that reflect the prevailing conditions in their areas. The protocol will also serve as a guideline for civil society organizations.

198. Through Ministerial Resolution No. 0327 of 8 April 2011, the Ministry of Foreign Affairs set up its Humanitarian Assistance Programme to deal with cases in which a technical assessment by a consular official indicates that Peruvian nationals abroad are living in extreme poverty or hardship.

199. Work is currently under way to prepare a protocol for consular assistance for Peruvian nationals who are victims of human trafficking abroad, focusing on the protection of human rights and in line with the relevant international instruments, to be coordinated by the Multisectoral Standing Working Group on Trafficking in

Persons. Training was provided in that regard for 98 diplomatic and administrative officials who have since been posted abroad.

200. The Ministry of the Interior, acting through the Peruvian National Police, issued Directorate Resolution No. 665-2014-DIRGEN/EMG-PNP of 17 July 2014, under which the Division for Criminal Investigation of Trafficking in Persons and the Illegal Trafficking of Migrants of the Directorate for Criminal Investigation of the Peruvian National Police was raised to the level of directorate. That step was taken to strengthen the former Division, empowering it to investigate, report and combat trafficking in persons, the illegal trafficking of migrants and related offences at the national level. Decentralized branches of the new Directorate are being set up in various parts of the country (Loreto, Madre de Dios, Tacna, Ayacucho).

Article 69

Reply to paragraph 42 of the list of issues

201. The Peruvian State adopted Act No. 30103⁶ and its implementing regulations⁷ with the aim of establishing an appropriate and effective procedure for regularizing the status of foreign nationals who had entered the country up to 31 December 2011 through the issuance of a temporary visa or residence permit for various categories of migrants. Migrants had 180 calendar days from the date of entry into force of the act to apply for regularization. Under the act, the National Migration Authority was named as the administrative body responsible for overseeing the regularization procedure.

202. Article 8 of the implementing regulations for Act No. 30103 sets out the various categories of migrant status which could be granted to foreign nationals for a period of two years, including the category of “worker”.

203. Foreign nationals wishing to regularize their status as migrants were required to meet the following conditions:

- Have entered Peru on or before 31 December 2011 under a specific migrant category and with a temporary visa or residence permit;
- Have had their most recent entry into Peru recorded in the database of the National Migration Authority; it was not possible to apply for regularization based on any previous entries into Peru. This provision also applies to the process of registration with the Central Registry of Foreign Nationals;
- Be an irregular migrant owing to the expiry of their authorization to stay or residence permit prior to or on the date of submission of their application for regularization;
- Have paid a fine for remaining in Peru beyond the expiry date of their authorization to stay or residence permit, calculated from the date of expiry of the authorization or permit to the date of filing of the application for regularization.

204. Following the entry into force of Act No. 30103:

- From 9 November 2013 to 8 May 2014, the National Migration Authority received 755 applications for regularization of migrant status, of which 78 per

⁶ Congress of the Republic. Act setting out the procedure for regularization of the residency status of irregular foreign migrants, Act No. 30103 (*El Peruano*, 8 November 2013).

⁷ Ministry of the Interior. Approval of the implementing regulations for Act No. 30103, Supreme Decree No. 002-2014-IN (*El Peruano*, 12 January 2014).

cent were filed by Chinese nationals and the rest by foreign nationals from other countries;

- Of those 755 applications, 7 were filed at regional offices and 748 were filed at the headquarters of the National Migration Authority;
- The most solicited migrant status was that of “worker”, which accounted for 90 per cent of applications, with “relative of a resident” accounting for the other 10 per cent;
- Seventy per cent of applications for regularization of migrant status were filed by men and only 30 per cent by women;
- The majority of applications were filed by persons of working age: i.e. foreign nationals aged between 20 and 49 years.

205. Under the Agreement on Residency for Nationals of MERCOSUR Member States, Bolivia and Chile, to which Peru has been a party since June 2011, a total of 9,866 South Americans had been granted residence as of October 2014, of whom 52 per cent were Colombian, 15 per cent Ecuadorian and 12 per cent Chilean.
