



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

Distr.: General  
17 May 2022

Original: English  
English, French and Spanish only

---

## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### List of issues prior to submission of the second periodic report of Peru\*

#### Section I

##### A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including:

(a) Laws regarding the protection of migrant workers and members of their families and on migration policies under the Convention;

(b) Measures taken by the State party to harmonize its legislation with the provisions of the Convention, in accordance with the recommendation of the Committee in its previous concluding observations (para. 11),<sup>1</sup> in particular the law on migration of 2017 (Legislative Decree No. 1350); the law on the hiring of foreign workers of 1991 (Legislative Decree No. 689); Law No. 30001, on the economic and social reintegration of the returning migrant of 2013, as amended by Law No. 30525; the law on labour productiveness and competitiveness (Supreme Decree No. 003-97-TR); the law on collective labour relations (Supreme Decree No. 010-2003-TR); Law No. 26842, on health; Law No. 28950, on combating trafficking in persons and the trafficking of migrants of 2007 and pertaining regulations of 2016 (Supreme Decree No. 001-2016-IN); and Supreme Decree No. 010-2020-IN, introducing a migration regularization scheme;

(c) The nature and scope of bilateral and multilateral agreements concluded with other countries pertaining to the rights of migrant workers and members of their families under the Convention, in particular with Argentina, Bolivia (Plurinational State of), Canada, Chile, Colombia, Ecuador, Mexico, the Republic of Korea, Spain and Uruguay, and provide an update on their implementation status. In particular, please provide information on whether the provisions of the agreement on residence for nationals of States parties to the Southern Common Market (MERCOSUR), decision No. 545 of the Andean Community, on labour migration, and the migratory statute of the Andean Community are effectively implemented and whether migrant workers from member countries are allowed to benefit from all rights guaranteed therein, including within the State party. Please specify how these agreements protect migrant workers' rights in transit and destination countries, especially with respect to social security, detention, repatriation or expulsion, and family reunification procedures (paras. 33 and 45). Please also provide information on any measures taken to

---

\* Adopted by the Committee at its thirty-fourth session (28 March–8 April 2022).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the concluding observations of the Committee on the initial report of the State party ([CMW/C/PER/CO/1](https://www.unhcr.org/refugees/cmw/c/per/co/1)).



strengthen the protection of Peruvian migrant workers abroad, including by reviewing and amending these bilateral and multilateral agreements.

2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party, including the national migration policy for 2017–2025 (Supreme Decree No. 015-2017-RE), the 2015 national financial inclusion strategy, which facilitates the transfer of remittances, the national plan to combat trafficking in persons for 2017–2021 (Supreme Decree No. 017-2017-IN) and any subsequent plan, and the 2015 national strategy on climate change, which also addresses forced migration. Please include information on specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party and provide information on the human, technical and financial resources allocated thereto.

3. Please provide information on the management of migration, including the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, such as the Ministry of Foreign Affairs, the Ministry of the Interior, the National Migration Authority, and the Intersectoral Round Table for Migration Management under the leadership of the Ministry of Foreign Affairs. Please inform the Committee about available staffing and resources, and monitoring about activities and follow-up procedures. Please provide information on the mandate of these institutions as well as resources allocated to them for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

4. Please provide qualitative information and statistical data for the period since the adoption of the Committee's previous concluding observations in April 2015, disaggregated by sex, age, nationality, field of occupation and migration status, on labour migration movements to and from the State party, including returns and other labour migration-related issues, especially on circular migration, unaccompanied children and children left behind by migrant parents. Please also provide qualitative and statistical data, or if precise data are not available, studies or estimates on migrant workers in an irregular situation in the State party and abroad, in particular those working in less regulated sectors such as agriculture and domestic service. Please provide information on measures taken by the State party to establish a coherent and comparable system of data collection on those issues, including measures aimed at making the information public, inter alia, through the National Institute of Statistics and Informatics (para. 19).

5. Please indicate the steps taken to strengthen the national human rights institution of Peru and to ensure continued compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide information on complaint mechanisms and other services, including helplines, offered by the national human rights institution and whether it conducts visits to shelters for Peruvian migrants who have been repatriated from countries of employment or transit. Please also provide information on the human, technical and financial resources made available to the national human rights institution, which includes the national mechanisms for the prevention of torture, and on awareness-raising activities undertaken by the State party among the general public, and migrant workers in particular, on the services offered by the institution, including the right to file a complaint directly with the institution.

6. Please provide information on the steps taken by the State party to promote and raise awareness about the Convention and the applicable legislative and regulatory framework among the general public; migrant workers and members of their families; employers; teachers; health and social workers; labour inspectors; government officials, including embassy and consular personnel; law enforcement officials and border police; members of the armed forces; and members of the judiciary, civil society and the media (para. 21). Please indicate whether the media promotes the Convention and, if so, how they do so and the impact that this engagement has on the situation of migrant workers coming to and departing from the State party.

7. Please describe measures taken to develop and implement systematic and regular training programmes on the human rights of migrant workers and members of their families, including those applying an approach that incorporates gender, age and diversity perspectives,

for government officials providing legal and consular assistance to nationals of the State party abroad who are confronting migration-related issues, including trafficking in persons and smuggling of migrants, discrimination, workplace abuse and exploitation, arrest, pretrial detention, immigration-related detention, imprisonment, expulsion and repatriation (para. 21).

8. Please provide information on the cooperation and interaction between the State party, international organizations, civil society organizations, in particular migrants' organizations, and other stakeholders working on migrant workers' rights in relation to the implementation of the Convention, including in the preparation of the replies to the queries raised in the present list of issues prior to reporting (para. 23).

9. Please provide information on efforts to license, regulate and monitor private employment agencies in the State party that recruit migrant workers to work abroad and on the laws, rules and regulations pertaining to private recruitment, in particular on the following:

(a) Measures taken to provide information and training to migrant workers on their rights and obligations and to protect them against abusive employment situations;

(b) The role and responsibilities of recruitment agencies and their joint responsibility with the foreign employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including wages, disability compensation, repatriation and death, including the repatriation of the bodies of deceased migrant workers;

(c) Whether recruitment agencies provide life, disability and/or workers' compensation insurance to migrant workers for work-related injuries and death;

(d) The issuance and renewal of licences of recruitment agencies;

(e) Complaints lodged against recruitment agencies, labour inspections conducted, and penalties and sanctions imposed in cases of non-compliance with the law;

(f) Measures taken by the State party to strengthen mechanisms to regulate and control private employment agencies and to avoid situations where such agencies act as intermediaries for abusive foreign recruiters;

(g) Progress made with regard to the ratification of the Private Employment Agencies Convention, 1997 (No. 181), of the International Labour Organization (ILO) (para. 17).

## **B. Information relating to the articles of the Convention**

### **1. General principles**

10. Please indicate whether the Convention has been directly applied by officials in the administration. Please provide information on and examples of judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on the following:

(a) The judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including those in an irregular situation, in particular domestic migrant workers;

(b) The number and types of complaints examined by such mechanisms since the adoption of the Committee's previous concluding observations, and their outcome, disaggregated by sex, age, nationality, field of occupation and migration status;

(c) Whether legal assistance was provided to migrant workers and members of their families in Peru and to Peruvian nationals who are living as migrants abroad;

(d) Any redress, including compensation, provided to the victims of rights violations under the Convention;

(e) Measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights (para. 29).

11. Please provide information on restrictions placed on the full exercise of the rights of migrant workers and members of their families in the face of the coronavirus disease (COVID-19) pandemic, including restrictive measures taken at borders in relation to their entry or exit from their countries of origin, transit or destination and pursuant to the state of emergency. Please also provide information on measures taken in relation to voluntary return to their countries of origin in the context of the pandemic. Please indicate measures taken to ensure that the pandemic does not affect the process of asylum applications or migration procedures, including in relation to the suspension of procedures. Please indicate efforts taken on behalf of migrant workers and members of their families to:

(a) Include them in national pandemic prevention and response plans, especially in relation to ensuring access to a vaccine on a non-discriminatory basis, regardless of their nationality and migration status and on an equal basis with nationals, in view of the joint guidance note of the Committee and other international and regional human rights mechanisms on equitable access to COVID-19 vaccines for all migrants;<sup>2</sup>

(b) Ensure their access to health-care services;

(c) Uphold the necessary sanitary measures to prevent contagion and maintain the desired level of health protection at their workplaces;

(d) Ensure that families of migrant workers who have died of the disease are informed of their deaths and receive their remains;

(e) Protect their rights in other respects and mitigate the adverse effects of the pandemic, in view of the joint guidance note of the Committee and the Special Rapporteur on the human rights of migrants on the impacts of the COVID-19 pandemic on the human rights of migrants.<sup>3</sup>

## 2. Part II of the Convention

### Article 7

12. Please provide information on efforts made to guarantee that all legislation, in particular the Constitution, the law on the hiring of foreign workers of 1991 (Legislative Decree No. 689), the law on labour productiveness and competitiveness (Supreme Decree No. 003-97-TR), the law on collective labour relations (Supreme Decree No. 010-2003-TR) and the law on migration of 2017 (Legislative Decree No. 1350), ensures that all migrant workers and members of their families enjoy the rights provided for articles 1 (1) and 7 of the Convention, without distinction of any kind. Please also provide information on whether such legislation covers all the prohibited grounds of discrimination, including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic position, property, marital status and birth or other status (para. 11). Please indicate measures taken to review the State party's legislation in order to repeal all provisions that are discriminatory against migrant workers and members of their families and those taken to adopt comprehensive anti-discrimination legislation. Please provide information on measures taken to ensure non-discrimination and to combat discrimination, xenophobia and stigmatization (para. 27), in particular with respect to Venezuelan migrant workers and members of their families. Please also provide information on the protection of labour rights and gender equality in all matters relating to migration policy, both in law and in practice, and within the framework of the Community of Latin American and Caribbean States (CELAC); MERCOSUR, including through its Specialized Migration Forum; the South American Conference on Migration, the Andean Community and the Pacific Alliance.

---

<sup>2</sup> Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and others, "Joint guidance note on equitable access to COVID-19 vaccines for all migrants", 8 March 2021.

<sup>3</sup> Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur on the human rights of migrants, "Joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants", 26 May 2020.

### 3. Part III of the Convention

#### Articles 8 to 15

13. Please provide information on any cases identified in the State party of the exploitation of migrant workers and members of their families, for both those in regular and irregular situations, in those sectors of the economy, including services, where migrant workers are employed. Please also provide information on any cases of domestic servitude, forced labour and sexual exploitation involving migrant workers, especially in domestic services and in the context of travel and tourism, and on measures to prevent and combat those phenomena. Please indicate measures taken to bring national legislation into compliance with the ILO Forced and Compulsory Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

14. Please provide information on measures taken to ensure the rights of migrant children, in particular those who are unaccompanied, in an irregular situation or who are transiting through the State party, and on measures taken to ensure that they are protected from all forms of exploitation. Please indicate measures, including legislative measures, for the implementation of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which have been taken, or are envisaged, to protect children against the worst forms of labour and to strengthen the labour inspection system.

15. Please provide information, including statistical data disaggregated by relevant factors, on the nature of charges and sentences imposed, and measures taken to investigate, prosecute and bring perpetrators to justice with regard to complaints of harassment and abuse of authority by law enforcement officials, including allegations of extortion and arbitrary detention or expulsion, concerning migrant workers and members of their families. Please also provide information on measures taken to address cases of corruption and efforts to investigate allegations of corruption on the part of public officials, and on any awareness-raising campaigns with a view to encouraging migrant workers and members of their families who are victims of corruption to report such cases.

#### Articles 16 to 22

16. Noting reports that the law on migration of 2017 lists undermining the State party's cultural heritage as one of the reasons for expulsion, please provide information on legal safeguards in place to ensure that in immigration-related proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with due process, including legal assistance and interpretation, as necessary, and access to information in a language they understand (para. 33). Please provide information on measures taken to ensure that migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention; that decisions in that respect can be reviewed on appeal; and that remedies have a suspensive effect. In particular, and in view of reports received by the Committee about a high number of expulsions of Venezuelan migrants carried out in 2019 and 2020 and about the militarization of border governance at the State party's frontiers with Brazil and Ecuador, please inform the Committee about how the State party processes protection claims to ensure that it acts in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion, including whether collective expulsion is prohibited in the domestic laws of the State party.

#### Articles 23

17. With reference to the objectives of the 31 State policies of the National Agreement of the Ministry of Foreign Affairs, please provide information, including statistical data disaggregated by relevant factors, on the policies and practices of the State party's embassies, consulates and labour attachés in assisting and protecting Peruvian migrant workers, including those in an irregular situation and domestic migrant workers, in particular in the context of abuse; violence, in particular gender-based violence against migrant women; arrest; detention; and expulsion proceedings. Please indicate whether migrant workers and members of their families in the State party have effective access to the protection and assistance of

the consular or diplomatic authorities of their State of origin, and how foreign migrant workers are informed of that right, in particular in cases of expulsion.

### **Articles 25 to 30**

18. Please indicate what legal and labour protection and enforcement mechanisms are in place, including within the framework of CELAC, MERCOSUR, the South American Conference on Migration, the Andean Community and the Pacific Alliance, to ensure that migrant workers, including migrant women, in those sectors of the economy, including services, where they are mostly employed, enjoy treatment not less favourable than that which applies to nationals in respect of remuneration and conditions of work. Please also include information on measures aimed at promoting the rights of Peruvian migrant workers abroad.

19. Please indicate whether national labour laws and regulations relating to remuneration and conditions of work, for example, those relating to overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of work contract and the minimum wage, are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Please describe, in particular, whether the same conditions enjoyed by nationals apply on an equal basis to migrant workers, including domestic migrant workers, in both regular and irregular situations, with nationals of Peru. Please provide information on measures taken by the State party to ensure that migrant workers enjoy equality of treatment with nationals in respect of protection from dismissal; unemployment and other social benefits, including in the case of incapacity to work; access to public work schemes for combating unemployment; and access to alternative employment and retraining in the event of loss of work or termination of other remunerated activity.

20. Please provide information on measures taken to ensure that children of migrant workers have full access to education in law and in practice, in particular children whose parents or guardians are in an irregular situation and/or Venezuelan children under the “Lima Learns, No Child Out of School” programme of the Ministry of Education initiated in 2019, in view of reports received by the Committee that children had been temporarily denied humanitarian migration status between June and December 2021. Please also provide information on how it is ensured that schools are not obliged to report the migration status of children to the authorities (paras. 27 and 39). Please also provide information on cooperation with destination countries to ensure that children of migrant workers living abroad can continue their education at all levels, including tertiary and higher education, in those countries.

21. Please provide information on measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families, irrespective of their migration status, have adequate access to health-care services, especially urgent medical care, sexual and reproductive health services, antiviral treatment for migrants living with HIV/AIDS, and mental health care, including in line with the implementation of Law No. 29889 of 2012 to establish community mental health centres and sheltered accommodation throughout the State party. Please include information on firewalls to ensure that those who provide health services, including the administration of COVID-19 vaccines, to migrant workers and their families in an irregular situation are not obliged to report their migration status to the authorities (paras. 27 and 39).

22. Please provide information on measures taken by the State party to ensure the right of children of Peruvian migrant workers abroad, including children of migrant workers who are in an irregular situation, to be registered at birth and to have their nationality recognized in law and in practice. Please also provide information on measures taken to ensure the birth registration of foreign migrant children in the State party. Given that the law on migration of 2017 also covers stateless persons, please indicate whether the State party has set up clear statelessness determination procedures and eased access to citizenship, and describe how the definition of a stateless person is in coherence with the definition established by the Convention relating to the Status of Stateless Persons of 1954.

#### 4. Part IV of the Convention

##### Article 37

23. Please provide information on pre-departure programmes for the Peruvian nationals who are considering emigration, including information on their rights and obligations in the State of employment. Please describe the pre-departure training programmes and information campaigns and their impact, including statistical data disaggregated by relevant factors, for potential migrant workers, including in rural and indigenous communities, conducted by the Intersectoral Round Table for Migration Management, the National Migration Authority and other government institutions, as envisaged in the national migration policy for 2017–2025, and whether any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in that process.

##### Article 40

24. Please elaborate on measures taken, including pursuant to the law on collective labour relations and the national migration policy, and the results obtained, that guarantee to migrant workers and members of their families the right to form, and be part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention and parts I and II of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

##### Article 41

25. Please provide information on measures taken by the State party to review its legislation and the effective implementation thereof to ensure for Peruvian migrant workers and members of their families abroad the rights to exercise their voting rights in the State party, participate in public affairs and be elected to public office. Please also include information related to migration issues on the impact of dual nationality on the right to vote and to be elected to public office in Peru. Please also inform the Committee as to whether a national diaspora policy has been adopted and about measures taken by the General Directorate of Peruvian Communities Abroad and Consular Affairs to give effect to the rights under article 41 of the Convention.

##### Article 42

26. Please provide information on any measures taken by the State party to establish procedures or institutions with freely chosen representatives to take into account the special needs, aspirations and obligations of migrant workers and members of their families in both States of origin and States of employment, in accordance with the national migration policy for 2017–2025, and including through the General Directorate of Peruvian Communities Abroad and Consular Affairs.

##### Article 44

27. Please provide information on measures taken, including any review of existing legislation such as the law on migration of 2017, to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons with whom the migrant worker has a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their dependent unmarried children, in compliance with the principle of the best interests of the child, including in the context of expulsion procedures (paras. 33, 43 and 45).

##### Articles 46 to 48

28. Please provide information on legislation relating to import and export duties and taxes in respect of personal and household effects, as well as necessary work-related equipment of migrant workers, in particular of departing foreign migrant workers. Please describe the policies in place, including pursuant to the Ibero-American Multilateral Agreement on Social Security, to enhance the portability of social security and other entitlements and benefits earned by migrant workers, as well as to facilitate remittances,

including pursuant to the 2015 national financial inclusion strategy, and the applicable legal framework in place to ensure the right of migrant workers to transfer their earnings and savings from Peru to their State of origin, including pursuant to mobile wallet banking programmes. Please also provide information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour programmes and other agreements concerning employment, protection, double taxation and social security, with Argentina, Canada, Chile, Colombia, Ecuador, the Republic of Korea, Spain, Uruguay and others.

#### **Article 49**

29. Please provide information on whether separate authorizations to reside and to engage in employment are required under national legislation and, if so, on whether migrant workers are ensured authorization of residence for at least the same period of time as their authorization to engage in remunerated activity. Please also provide information on measures taken to ensure that they retain their authorization of residence in the event of termination of their remunerated activity prior to the expiration of their work permit or similar authorization to avoid such workers falling into an irregular situation. Please also indicate whether measures have been taken to ensure that the authorization of residence is not withdrawn at least for a period corresponding to that during which the migrant worker may be entitled to unemployment benefits.

#### **Articles 51 and 52**

30. Please describe how the State party's legislation is in accordance with the Convention, in particular articles 51 and 52, in order for foreign migrant workers to remain in Peru upon termination of their contracts, regardless of the reason for such termination, in order to seek alternative employment and to participate in public work schemes and retraining activities.

### **5. Part V of the Convention**

#### **Articles 58 to 63**

31. Please provide information on measures taken by the State party to ensure that frontier, seasonal and itinerant workers enjoy equal treatment as national workers, in particular in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standards (para. 51).

### **6. Part VI of the Convention**

#### **Article 64**

32. Please provide information on short-, medium- and long-term strategies at the national and local levels and on measures taken, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with the international migration of migrant workers and members of their families, including through multilateral and bilateral agreements. Please provide information on measures taken to clearly define the roles of government authorities with competence in migration matters and to intensify efforts to ensure that they coordinate their work effectively at the national and local levels, especially in the border integration region.

33. Please describe measures taken to address the irregular migration of Peruvian nationals, in particular unaccompanied children and women migrants, including within the framework of CELAC, MERCOSUR, the South American Conference on Migration, the Andean Community, the Pacific Alliance and the Quito Process and/or through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels and at addressing the root causes of irregular migration. Please indicate whether there has been a reduction in the number of migrants in an irregular situation as a result of such measures. Please provide information on campaigns aimed at countering misleading information relating to irregular migration and raising awareness among Peruvian nationals, including children, of the risks and dangers of irregular migration and on measures taken to

assist returning migrant workers and members of their families in resettlement and reintegration into the economic and social life of the State party. Please also provide information on measures taken to address the phenomenon of children left behind by a parent or parents going abroad for work, in order to ensure that they are appropriately provided and cared for.

#### **Article 67**

34. Please provide information on cooperation programmes in place between the State party and relevant States of employment, in particular members countries of the Andean Community, CELAC and MERCOSUR, for the voluntary return of migrant workers and members of their families to the State party when they decide to return or when they are in the State of employment in an irregular situation. With regard to migrant workers in a regular situation, please provide information on cooperation programmes between the State party and relevant States of employment, in particular members countries of the Andean Community, CELAC and MERCOSUR, on promoting adequate economic conditions for resettlement and reintegration in the State party. Please elaborate on the relevant provisions of Law No. 30001 on the economic and social reintegration of the returning migrant, as amended by Law No. 30525, as well as the responsible bodies for their implementation with regard to the orderly return, resettlement and reintegration of Peruvian migrant workers and members of their families.

#### **Article 68**

35. Please provide information on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, including through the adoption of Law No. 28950 on combating trafficking in persons and the trafficking of migrants of 2007 and pertaining regulations in 2016 (Supreme Decree No. 001-2016-IN) and the national plan to combat trafficking in persons for 2017–2021 (Supreme Decree No. 017-2017-IN), and any subsequent comprehensive national action plan. Please provide information on measures taken, including through international, regional and bilateral cooperation with countries of origin, transit and destination, to prevent and combat trafficking in persons, in particular women and children, and to address its root causes; and on the human, technical and financial resources allocated by the State party for implementation. Please indicate the efforts made to adopt laws and policies to ensure the implementation of legislation to combat trafficking in persons. In particular, please elaborate on the following:

(a) Measures taken by the State party to investigate and prosecute cases of trafficking in persons, ensure adequate sentences for convicted traffickers and provide reparations to victims;

(b) Regular and specialized training provided to law enforcement officials, prosecutors, judges, labour inspectors, service providers and teachers to identify victims of trafficking among vulnerable populations and to strengthen the capacity of Peruvian diplomatic and consular personnel to identify and provide assistance to victims abroad;

(c) Strengthening the multisectoral commission against trafficking in persons and the trafficking of migrants, including through the allocation of sufficient human, technical and financial resources for its effective functioning;

(d) Mechanisms to identify victims of trafficking, provide support to them and facilitate their rehabilitation, including assistance for their physical, psychological and social recovery, and the availability of such mechanisms throughout the territory of the State party;

(e) Steps taken to strengthen data collection on victims of trafficking;

(f) Whether victims of trafficking may be granted temporary or permanent resident permits (para. 55).

36. Taking into account the visa requirements imposed in 2019 for nationals of the Bolivarian Republic of Venezuela and the militarization of borders with Brazil and Ecuador, please provide information on the impact of these measures on the reception of migrants and asylum seekers in vulnerable situations, either in transit or intending to stay in Peru, in particular those of Haitian and Venezuelan origin; and on the policies directed to prevent the

smuggling of migrants and trafficking in persons. Please provide statistics or estimates of irregular entries and stays since those measures entered into force.

37. Please explain what measures the State party has taken to prevent, eliminate and punish the smuggling of migrants by organized crime groups, including through international, regional and bilateral cooperation with countries of origin, transit and destination, and the adoption of legislation and implementation of policies, as well as the human, technical and financial resources allocated by the State party for this purpose, in accordance with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

### **Article 69**

38. In view of the migration regularization scheme initiated in July 2020 by Supreme Decree No. 010-2020-IN, through which a card for a temporary permit to stay can be obtained, please elaborate on measures taken for the implementation of the initiative, including information and awareness-raising campaigns, and the challenges faced in ensuring that migrant workers and members of their family in an irregular situation in the State party have the possibility of regularizing their situation in accordance with the provisions of article 69 of the Convention, in particular with respect to Venezuelan migrant workers and members of their families (para. 45). Please describe the actions taken, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to Peruvian nationals abroad, including efforts to promote the regularization of their situation.

## **Section II**

39. The Committee invites the State party to provide information, not to exceed three pages, regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws and their respective regulations;
- (b) Institutions and their mandates or institutional reforms;
- (c) Policies, programmes and action plans covering migration and their scope and financing;
- (d) Recent efforts regarding ratifications of human rights instruments, including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and other relevant instruments, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (para. 17);
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

## **Section III**

### **Data, official estimates, statistics and other information**

40. Please provide, if available, disaggregated statistical data and qualitative information for the last three years, unless indicated otherwise, on:

- (a) The volume and nature of migratory movements to and from the State party since the Convention entered into force in the State party;
- (b) Migrant workers who are nationals of the State party and are detained abroad in States of employment, and whether such detention is immigration-related;
- (c) Migrant workers and members of their families who have been expelled from the State party;
- (d) Asylum seekers who have been granted humanitarian residency under the law on migration of 2017 (Legislative Decree No. 1350);

(e) The number of non-accompanied migrant children or migrant children separated from their parents in the State party;

(f) The number of migrant workers and members of their families who have contracted SARS-CoV-2, the number who have received a COVID-19 vaccine, and the number who have died as a result of COVID-19, disaggregated by sex, age and nationality;

(g) Remittances received from nationals of the State party working abroad;

(h) Reported cases of trafficking in and smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators, disaggregated by sex, age, nationality and purpose of trafficking;

(i) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.

41. Please provide any additional information on any important developments and measures in implementation of the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications and/or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications (para. 15).

---