



**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**
Thirty-ninth session

Summary record of the 576th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 4 December 2024, at 3 p.m.

Chair: Ms. Diallo

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Peru (CMW/C/PER/2; CMW/C/PER/QPR/2)

1. *At the invitation of the Chair, the delegation of Peru joined the meeting.*
2. **A representative of Peru**, introducing his country's second periodic report (CMW/C/PER/2), said that the complex dynamics of migration had prompted the Government to develop a comprehensive migration management system that strengthened consular services for Peruvians abroad and protected the rights of foreigners in Peru. Work was under way to update the National Migration Policy. That process, which was expected to conclude in early 2025, benefited from the active participation of all bodies involved in migration management. Those bodies were also members of the Intersectoral Round Table for Migration Management. The Government played a leading role in the Quito Process, for example by promoting the development of a guide on best practices in the area of health, and it had assumed the interim presidency of the South American Conference on Migration during which it had worked to include civil society organizations in the Conference's discussions. It had also hosted the first ministerial meeting under the Los Angeles Declaration on Migration and Protection at which it had led two action packages.
3. In response to the mass migration triggered by the humanitarian crisis in the Bolivarian Republic of Venezuela, the Peruvian Government had adopted human rights-based guidelines on granting temporary residence permits to Venezuelan nationals. Moreover, foreigners could obtain two-year temporary residence cards that allowed them to work; holders were required to apply for the migration status most suited to their circumstances before the cards expired. The Government had also developed regularization procedures that helped to ensure that persons with irregular migration status were recorded in the Register of Migrants, thereby facilitating their integration into the country. Regularization had also been promoted through the exceptional extension, for up to 30 days, of the temporary residence cards of persons with irregular migration status, following changes to the special residency status, as well as the introduction of a one-year temporary residence card. Guidelines for employing migrants, asylum-seekers and refugees had been developed to encourage employers to recruit persons with regular migration status.
4. The assistance provided to foreigners and returning Peruvian migrants by the offices of the Migrant Support Centre had been instrumental in reducing barriers to information, shortening processing times and preventing irregular migration and vulnerability. Between 2018 and 2024, the country's 25 special protection units had provided comprehensive, differentiated care to almost 7,500 vulnerable migrant children, 80 per cent of whom were Venezuelan. Those free services prioritized immediate protection measures for unaccompanied children and children at a high risk of being unaccompanied. Peruvian legislation recognized violence against migrant women as a specific form of violence that required priority attention. Women's emergency centres across the country had provided free services to nearly 12,000 foreigners between 2020 and 2024, including almost 11,000 women. Around half of those treated had suffered physical violence while more than 30 per cent had experienced psychological violence.
5. More than 1,700 of the approximately 5,000 foreigners in the country's prisons had received assistance in obtaining foreigner's identity cards that would allow them to exercise their rights and fully integrate into society after their release. As a temporary measure, non-resident foreigners with tuberculosis or HIV had been allowed to join the comprehensive health insurance system before obtaining foreigner's identity cards. Sexual and reproductive health services were accessible regardless of nationality or age, and more than 81,000 Venezuelans had received sexual and reproductive health guidance between 2022 and 2023, while almost 12,000 Venezuelan couples had obtained contraception between 2022 and 2023. Between 2022 and October 2024, more than 100 post-rape kits had been distributed to migrants. Harmonious relations and the value of cultural diversity were promoted in schools through awareness-raising programmes that encouraged migrant students' integration and strengthened all students' sense of belonging.

6. To address the high volume of asylum applications, efforts were under way to develop a work plan to clarify data on asylum-seekers and thus assist them more effectively. In that connection, the Special Commission for Refugees had archived 23 per cent of the asylum applications received, comprising mainly duplicate applications and applications by persons who had since left the country voluntarily. The Commission had also undertaken a process of confirming applicants' continued desire to seek asylum, during which almost 2,000 persons had withdrawn their applications. The Commission intended to process the remaining applications before June 2025, prioritizing those submitted by vulnerable persons. Legislation had been drafted on a legal framework for determining statelessness.

7. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he would like to know which bodies were involved in updating the National Migration Policy, whether civil society was part of that process and how it was drawing on the Convention and other human rights instruments, standards and mechanisms. He would welcome information on the work of the Intersectoral Round Table for Migration Management, including how the perspectives of the various participating bodies were considered, what role was played by civil society and how the human rights agenda was incorporated into its initiatives. He would be interested in knowing the impact of the State party's introduction of visa requirements for Venezuelan citizens, whether the objectives of that measure had been achieved and how any challenges had been addressed.

8. He wished to know how the State party reconciled the best practices it promoted – such as initiatives to combat xenophobia in the framework of the Declaration on Migration and Protection, for example – with recent legislative developments as a result of which irregular migration was increasingly treated as a threat to national security. Under the exceptional special administrative penalty proceedings, for instance, challenging the enforcement of expulsion orders had no suspensive effect. Officials had reinforced negative stereotypes about Venezuelan migrants, associating them, despite evidence to the contrary, with increased crime.

9. In view of the expedited expulsions that took place under the exceptional proceedings, he wished to know, too, whether the persons whose expulsion had been ordered had been able to exercise their right to due process, whether they had been able to contest the order and whether they had had legal representation. In addition, it would be helpful to learn more about the role played by the police in enforcing migration laws.

10. He would welcome further information on the make-up of the roughly 1.5 million Venezuelan migrants in the State party. He wondered, for example, how many of them had residence permits or other necessary documents, how many had applied for and been granted asylum and how many remained in an irregular situation. Against that backdrop, he wished to know what steps were being planned to regularize as many migrants as possible. He wished to know, also, whether holders of temporary residence permits could, upon the expiry of those permits, qualify for permanent residency and what access migrant workers in an irregular situation and asylum-seekers had to health services. Were they, for example, entitled to coverage under the Basic Health Insurance Plan?

11. **Mr. Corzo Sosa** (Country Rapporteur), emphasizing the importance of the timely submission of periodic reports, said that he would welcome more information on the measures that were being taken for the benefit of migrant workers and the members of their families with disabilities. In that connection, he wished to know what progress had been made towards ensuring that migrant workers with disabilities in the State party, in particular those who had been issued disability certificates, had access to the public services that they were entitled to. He would also welcome more information on the proposed action plan to prevent and address forced migration due to climate change and on the activities of the Financial Inclusion Advisory Committee for the Refugee and Migrant Population.

12. It would be interesting to learn why the figures for returning Peruvian migrants that appeared in the State party's periodic report (CMW/C/PER/2, para. 29) were limited to persons in the 15–49 age group. Ordinarily, persons in that age group were more likely to move abroad than to return to their home countries. He wished to know whether the foreign nationals against whom the exceptional special administrative penalty proceedings envisaged in Legislative Decree No. 1582 were instituted were able to exercise their right to due process

of law before being expelled or subjected to other penalties. He also wondered whether the police were not too heavily involved in a matter, migration enforcement, that should fall within the purview of the National Migration Authority.

13. He would welcome information on the results of the efforts that, according to the State party's periodic report, were made by consular posts to encourage Peruvians abroad to regularize their immigration status. Further information on the mental healthcare provided to migrant workers and the members of their families would also be welcome. He wondered what the outcome had been of the many hundreds of cases of reported migrant smuggling mentioned in the State party's report. In particular, he wondered whether criminal proceedings had been instituted against the suspected smugglers and, if so, whether the proceedings had led to convictions. In addition, it would be helpful to learn why clandestine or illegal re-entry had been made a criminal offence punishable by imprisonment.

14. **Mr. Charef** (Country Rapporteur) said that he would welcome disaggregated data on the migration of Peruvian nationals and their geographical distribution around the world. He wondered what measures were being taken or envisaged to improve the methods used to monitor international migration and to produce reliable and credible data that were accessible to researchers and the general public. He would like to know whether any academic research centres dealt with migration issues and, if so, whether any measures were being taken to strengthen and incentivize them.

15. Given that high rates of migration resulted in the loss of human resources and a decline in population growth, he wondered what was being done to encourage young people to stay in Peru and to encourage Peruvians living abroad to return. The Committee would be grateful for information on the countries that returnees were leaving and the reasons why they were returning to Peru. It would be interesting to know whether Act No. 30001 on the Economic and Social Reintegration of Returned Migrants was still being implemented.

16. He wondered what was being done to help Peruvian nationals abroad to carry out administrative procedures and overcome any legal, social or economic difficulties that they might face. He would appreciate information on the geographical distribution of Peruvian consulates and the extent to which those consulates were able to meet the needs of Peruvian communities abroad. Information on the services provided by consulates would also be welcome. Lastly, the Committee would be interested to hear about any measures being taken to protect the population against natural disasters and the effects of climate change, including any specific provisions made for migrants. Information on any steps being taken to recognize the legal status of climate refugees would also be appreciated.

17. **Mr. Babacar** said that he wished to know whether the State party would consider ratifying the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the ILO Occupational Safety and Health Convention, 1981 (No. 155); and the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

18. Given that labour inspectors were responsible for protecting vulnerable migrant workers, it would be useful to have statistics on the number of inspectors and the areas of the country in which they operated. He wondered whether labour inspectors had a special status that guaranteed their independence and impartiality in dealing with migration issues and whether a national survey had been conducted to determine the extent of the problem of trafficking in persons.

19. **Mr. Kariyawasam**, noting that Lake Titicaca straddled the border between Peru and Bolivia, said that he wished to know how the State party treated persons who lived on the lake and claimed that they were neither Peruvian nor Bolivian nationals. He wondered what rights the State party afforded to migrant workers from neighbouring countries who crossed the border to work or live in Peru, including those who entered by the ancient Inca tracks in the mountains. Did the Government work with regional partners to gain an understanding of migrant flows across land borders?

20. **Mr. Frasheri** said that he wished to know what challenges the State party faced in implementing the Convention and how the Committee could help it to attain its policy objectives and build its capacity to manage migration.

21. **The Chair** said that she would be grateful for examples of case law demonstrating that migrants enjoyed access to justice in Peru as well as to economic rights, including the right to housing, food and health. She wondered whether any migrants had invoked those rights before the courts and what the outcome of those cases had been. She would like to know whether any steps had been taken to address the impact of climate change on migration and the possible arrival of climate migrants in Peru. It would be interesting to know whether the Government focused more on measures to mitigate the impact of climate change or on measures to address its root causes.

The meeting was suspended at 4.35 p.m. and resumed at 5.20 p.m.

22. **A representative of Peru** said that, in May 2023, at the proposal of the National Migration Authority, a subgroup on the regularization and integration of migrants had been established. The subgroup was responsible for examining the question of which identity documents foreign nationals needed to present in order to gain access to services and to work in the formal sector. Previously, temporary residence permits had not been recognized by public or private entities and foreign nationals had always been asked to present a foreigner's identity card. In order to resolve that problem, the subgroup had conducted a survey to ask entities to identify the obstacles that prevented them from recognizing temporary residence permits. The responses to the survey questions had been transmitted to the National Migration Authority, which had formulated guidelines to ensure that documents other than foreigner's identity cards would be recognized by entities dealing with foreign nationals.

23. The subgroup on the regularization and integration of migrants was also responsible for examining ways to facilitate access to employment for foreign nationals. In that connection, a road map relating to the recruitment of migrants, asylum-seekers and refugees had been developed. The road map was currently in the process of being printed and would be launched on 18 December 2024 at an event to be attended by the National Confederation of Private Business Institutions and other relevant stakeholders. Another responsibility of the subgroup was to contribute to the fight against discrimination against foreign nationals. A group of experts had been tasked with drawing up a report on anti-migrant xenophobia and discrimination and the promotion of cultural diversity. The report would be issued on 18 December at the last session of the National Commission against Discrimination in 2024.

24. In 2023, the Financial Inclusion Advisory Committee for the Refugee and Migrant Population had been established within the Multisectoral Commission on Financial Inclusion. The Advisory Committee was responsible for monitoring the implementation of the National Financial Inclusion Policy with a view to coordinating the measures taken by the public sector, the private sector and civil society to facilitate access to financial services and products for refugees and migrants of all nationalities. The Advisory Committee could contribute to the adaptation of financial products and, together with financial institutions, would gather information on the identity documents issued to migrants that were recognized by those institutions. The Advisory Committee had updated the Practical Guide for the Financial Inclusion of Refugees and Migrants and the four most important business associations in the country had received training in that area.

25. With a view to ensuring safe, orderly and regular migration, the Government had issued a decision establishing that, from 15 June 2019 onward, foreign nationals of Venezuelan origin were permitted to enter Peru only if they had a passport and the corresponding visa. Prior to the issuance of that decision, they had been permitted to enter Peru without a visa. In recent years, host countries such as Peru had been tightening their migration procedures in order to regularize the status of foreign nationals in their territories and safeguard and protect the domestic legal order and the security of citizens. Currently, the National Migration Authority required Venezuelan nationals to enter the country with a passport, which could be expired provided that it bore the appropriate visa.

26. The aim of the exceptional special administrative penalty proceedings was to address the increasing sense of insecurity felt by the general population and reduce levels of criminal behaviour. In 2024, 1,969 such proceedings had been conducted involving 644 women and

1,325 men. The due process guarantees set out in the General Administrative Procedure Act applied to the proceedings, and the investigation and sentencing stages were overseen by different authorities. The police were responsible for the initial investigation, during which suspects could be held in administrative detention for up to 12 hours, and for passing cases to the National Migration Authority where appropriate.

27. Temporary residence permits were issued on an exceptional basis to persons who were seeking to regularize their migration status. Anyone with such a permit could obtain residency status if they met the criteria set out in Legislative Decree No. 1350; if they did not, they might instead qualify for special residency status, which would enable them to work.

28. The Ministry of Culture had introduced a service intended to tackle racial and ethnic discrimination. The service included the provision of free legal assistance for victims and the strengthening of the “Alerta contra el Racismo” platform for the reporting and follow-up of cases. Between 2014 and 2024, 1,024 cases had been registered, 7 per cent of which had involved foreign nationals. In 2024, 15 per cent of the registered cases had involved foreign nationals, more than a quarter of whom were Venezuelan. The Ministry had organized awareness-raising campaigns as part of its anti-racism strategy, known as “Perú sin Racismo”, which was aimed at promoting respect for cultural diversity and reducing prejudice and stereotypes. Peru was the lead country for the action package on combating xenophobia under the Declaration on Migration and Protection. The regional units of the Intersectoral Round Table for Migration Management also organized campaigns to tackle xenophobia, and material had been published on YouTube promoting stories of the successful integration of Venezuelans in Peru.

29. Act No. 31827 amending Act No. 30001 on the Economic and Social Reintegration of Returned Migrants, which had been adopted in June 2023, broadened tax benefits and made it easier for Peruvians residing outside the country to return home. Returnees qualified for the benefits set out in the Act if they had been continuously resident in another country for at least three years, or at least two years in cases of forced return.

30. The disability certificate was granted free of charge to qualifying persons following a medical examination. There were currently 1,023 migrants – 635 men and 388 women – registered as having a disability, who were entitled to the same benefits as other certificate-holders, including quotas for university places, jobs in public and private entities and tickets to sporting events. Migrants with a disability could use any identity document to obtain temporary health insurance coverage under the Universal Health Insurance Framework Act. Mental health services were available to everyone, irrespective of migration status. More staff had been deployed to provide psychosocial support in humanitarian crises, with a focus on areas with heavy migrant flows and high rates of forced migration.

31. A total of 597 persons were in prison on charges relating to trafficking in persons, of whom 315 had been convicted and were serving their sentence. A further 22 persons, including 16 who had been convicted, were in prison on charges of migrant smuggling. There were no convicted or remand prisoners being held in connection with clandestine or illegal re-entry.

32. The National Climate Change Strategy up to 2050 set out specific actions aimed at protecting and supporting persons who had been displaced owing to climate change. Regional governments were taking steps to improve the capacity of their staff in that area through the delivery of training and tools. One of the 84 measures set out in the National Climate Change Adaptation Plan was designed to reduce the harm caused to people and their livelihoods. Displaced persons were considered to be among the groups most vulnerable to climate change.

33. In implementation of the National Policy to Combat Trafficking in Persons and Related Forms of Exploitation up to 2030, a range of events had been organized to ensure the proper use by police of the tools, regulations and protocols in place for identifying and supporting victims of trafficking. The 25 regional coordination units were being provided with technical support to prevent and monitor trafficking. Peru had concluded bilateral cooperation agreements with Chile, Ecuador, Bolivia, Colombia and Argentina. Under the agreement with Ecuador, a joint team had been established to coordinate activities and ensure the provision of prompt specialist support in cases of trafficking. In addition, Peru had signed

bilateral social security agreements with Argentina, Chile, Colombia, Ecuador, Spain and Uruguay. It had also ratified the Ibero-American Multilateral Agreement on Social Security in 2013.

34. The country's consular network of 117 offices and 122 honorary consuls stretched across 64 nations, with a particular focus on the countries, including the United States, Spain and Argentina, that were home to the majority of Peruvian nationals living abroad. The network offered assistance in legal and humanitarian matters.

35. With regard to the areas around the border between Peru and Bolivia, nationals of the latter were entitled to equal treatment pursuant to Andean Community Decision No. 545, known as the Andean Labour Migration Instrument. The National Labour Inspection Authority had 697 inspectors who had technical and functional autonomy pursuant to the General Act on the Labour Inspectorate. The actions of public officials were also governed by the relevant code of ethics.

36. The authorities were currently considering whether to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which would facilitate international dialogue on migration and help in reducing vulnerability among migrant populations. A number of projects and initiatives had been launched to help migrants and refugees, including Venezuelan nationals, join the labour market or start their own businesses. An entrepreneurship programme, which was supported by ILO and the United States Agency for International Development (USAID), had been designed to help Peruvian and Venezuelan independent workers restart their economic activities in the wake of the crisis caused by the coronavirus disease (COVID-19) pandemic. The second round of the programme was continuing, and 618 entrepreneurs, 75 per cent of them women, had received entrepreneurship training.

37. A manual was being developed for advisers at the Migrant Guidance Service to ensure that migrants and refugees received up-to-date, detailed information to help with their socioeconomic integration. The development of a user guide was also planned, and an information sheet on hiring migrants and refugees was being prepared for employers.

38. The standard labour certificate was a document that was available free of charge to all Peruvian nationals, as well as to migrants with legal status. It attested to an individual's studies and work experience and could be used when applying for jobs. The National Migration Authority organized monthly training sessions on the labour rights of migrants and migration status documents.

39. **A representative of Peru** said that 1.1 million Peruvian nationals living outside the country were eligible to vote in Peruvian elections. A campaign would be launched in December 2024 to identify eligible voters in Santiago de Chile, Valparaiso, Buenos Aires and Miami and issue them with electronic identity documents that would enable them to vote. Approximately 30 consular offices were equipped to offer digital birth, marriage and death certificates.

40. **A representative of Peru** said that the third survey of Venezuelan nationals living in Peru was under way. The upcoming National Employment Survey would also supply useful information on the situation of Venezuelans in the country. In terms of the number of Peruvian nationals living abroad, 69.4 per cent were aged between 15 and 49 years; 45.7 per cent had reported having permanent residency in another country and 32.3 per cent had reported having obtained citizenship of another country.

The meeting rose at 6 p.m.