



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

Concluding observations on the second periodic report of Peru*

1. The Committee considered the second periodic report of Peru¹ at its 576th and 577th meetings,² held on 4 and 5 December 2024. At its 590th meeting, held on 13 December 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report submitted by Peru under article 73 of the Convention, due in 2020, which was prepared in response to the list of issues prior to reporting,³ and the information provided during the dialogue by the delegation, which was headed by the Chief of the Migration Policy Department of the Directorate General of Peruvian Communities Abroad and Consular Affairs of the Ministry of Foreign Affairs. The delegation also included representatives of the National Institute of Statistics and Information Management, the National Identity and Civil Status Registry and the Permanent Mission of Peru to the United Nations Office and other international organizations in Geneva.

3. The Committee appreciates the open and constructive dialogue held with the high-level delegation, the extensive information provided by the representatives of the State party and the constructive approach to the meetings, which allowed for joint analysis and reflection. The Committee is also grateful for the replies and additional information submitted within 24 hours after the dialogue.

4. The Committee recognizes that, at least since 2017, the State party has experienced major changes in its migration profile, evolving from a country of origin and return to a country of transit and destination as well. Consequently, the State party has received millions of people in situations of vulnerability and faces humanitarian, protection and inclusion challenges at the various levels of government in its territory.

B. Positive aspects

5. The Committee welcomes the efforts that the State party has made and the steps taken to promote and protect the rights of migrant workers and members of their families. It welcomes, in particular:

(a) The ratification of the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190), in 2022;

* Adopted by the Committee at its thirty-ninth session (2–13 December 2024).

¹ [CMW/C/PER/2](#).

² See [CMW/C/SR.576](#) and [CMW/C/SR.577](#).

³ [CMW/C/PER/QPR/2](#).



(b) The endorsement of the Los Angeles Declaration on Migration and Protection, in 2022;

(c) The ratification of the ILO Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), both in 2021;

(d) The ratification of the ILO Domestic Workers Convention, 2011 (No. 189), in 2018;

(e) The Ibero-American Multilateral Agreement on Social Security, which entered into force in 2016.

6. The Committee recognizes that the State party has been building a legal framework based on national instruments and bilateral and multilateral cooperation agreements. It welcomes the adoption of the following legislative and regulatory measures:

(a) The Amnesty from Fines for Foreign Nationals Act, in 2023;

(b) National Migration Authority Decision No. 0109-2023-MIGRACIONES on the conditions and time frames for the temporary residence permit procedure, in 2023;

(c) The amendments to the Economic and Social Reintegration of Returning Migrants Act, in 2023;

(d) The guide for judicial officials on access to justice for refugees and migrants in Peru from the perspective of international human rights protection standards, in 2021;

(e) The guidelines adopted by the Ministry of Foreign Affairs for the granting and extension of humanitarian immigration status for asylum-seekers and persons in need of complementary protection, in 2021;

(f) The protocol adopted by the Public Prosecution Service for the care of victims of trafficking in persons, migrant smuggling and offences in the context of migration, in 2019;

(g) The guidelines for the granting of temporary residence permits to Venezuelan nationals, in 2018;

(h) The Framework Act on Climate Change, in 2018;

(i) Act No. 30738 amending the first paragraph of article 52 of the Constitution to eliminate the condition that children born abroad to Peruvian nationals could obtain Peruvian nationality only if they were registered before reaching the age of 18, in 2018;

(j) Legislative Decree No. 1350, the Migration Act, which includes various human rights principles and standards provided for in the Convention and other human rights treaties, in 2017.

7. The Committee also welcomes the following institutional and policy measures:

(a) The road map for the hiring of migrants, asylum-seekers and refugees in Peru, in 2024;

(b) The National Migration Policy 2017–2025, in 2017, which is currently being updated;

(c) The guidelines for the granting of temporary residence permits to foreign nationals who are parents of Peruvian minor children or adult children with permanent disabilities, in 2017.

8. The Committee notes with satisfaction that the State party voted in favour of General Assembly resolution 73/195 adopting the Global Compact for Safe, Orderly and Regular Migration and that the State party decided on 12 May 2022 to serve as a Global Compact Champion country. The Committee recommends that the State party continue to take steps to implement the Global Compact within the framework of its international obligations under the Convention and other international human rights instruments.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

9. The Committee takes note of the State party's adoption of laws, protocols and regulations for ensuring that the rights of migrant workers and members of their families are respected, as well as the many regional declarations on human mobility and migrants that the State party has signed, including in the context of the Community of Latin American and Caribbean States and the Andean Community, among other entities. However, the Committee is particularly concerned to note that a growing number of legislative initiatives and some of the amendments already made to the 2017 Migration Act entail a reduction in protection for the rights of migrant workers and members of their families, especially those with irregular immigration status. These changes, and the narrative surrounding them, reflect a shift from a holistic, human rights-based approach to a narrow approach in which migration is seen solely as an issue of public order and public safety.

10. The Committee recommends that the State party promptly conduct a comprehensive review of the legislative initiatives and amendments adopted in recent years in relation to the rights of migrant workers and members of their families in order to identify, withdraw or modify, as appropriate, those that are contrary to the Convention and other human rights treaties ratified by the State party, as well as those that fuel a perception of migrant workers as lawbreakers who negatively affect Peruvian society.

Declarations and reservations, including articles 76 and 77

11. The Committee notes with concern that, despite the recommendation made to this effect in its previous concluding observations, the State party has not yet made the declarations provided for in articles 76 and 77 of the Convention to recognize the competence of the Committee to receive communications from States parties and individuals.

12. Reiterating its previous recommendation,⁴ the Committee recommends that the State party make the declarations provided for in articles 76 and 77 of the Convention.

Ratification of relevant instruments

13. The Committee welcomes the State party's support for the recommendation made in 2023, during the fourth cycle of the universal periodic review, on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, but notes with concern that it has not yet ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97) or the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

14. The Committee recommends that the State party take the necessary steps to ratify ILO Conventions No. 97 and No. 143, that it establish a concrete timetable for completing the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and that it develop national laws for the effective implementation of all ILO conventions to which it is a party.

Data collection

15. The Committee takes note of the State party's policies to improve the availability of data on migrant workers and members of their families. However, it notes with concern that, despite these efforts, the available information is insufficient and contradictory and does not reflect an intersectionality perspective or a focus on vulnerable groups, especially migrant workers in an irregular situation and asylum-seekers. It also notes with concern that, according to the figures provided, as at 31 October 2024 the population of foreign nationals in the State party's territory stood at 1,744,588 people, of whom 473,343 were in a regular

⁴ CMW/C/PER/CO/1, paras. 14 and 15.

situation and 637,865 were in an irregular situation, while the immigration status of the remaining 633,380 people was left unexplained. Lastly, the Committee is concerned about the insufficient information on migration flows in the State party, transit routes through its territory and regular and irregular flows at the borders.

16. The Committee recommends that the State party collect comprehensive information on migrant workers and members of their families, asylum-seekers and refugees and that it develop indicators in all areas covered by the Convention, including information disaggregated, at a minimum, by nationality, age, immigration and/or refugee status, sexual orientation, gender identity, ethnic origin and disability. Public policies on the collection of such information should reflect a gender and intersectionality perspective, ensure the inclusion of persons with disabilities and be made available for public consultation.

Training on and dissemination of the Convention and participation of civil society

17. The Committee welcomes the adoption, in 2020, of the Intersectoral Protocol for the Participation of Peru in International Human Rights Protection Systems. It also notes with satisfaction that the preliminary version of the periodic report on compliance with the Convention was published for comment. However, the Committee regrets the lack of information and specific examples regarding consultation with migrant workers and members of their families and inclusion of their voices and concerns on all public matters that may affect them.

18. The Committee recommends that the State party develop a mechanism for direct interaction with migrant workers and members of their families to ensure their participation in discussions on laws and public policies that may affect their rights.

2. General principles (arts. 7 and 83)

Non-discrimination

19. The Committee is concerned about the persistence of discriminatory acts against migrant workers and members of their families that affect the enjoyment of their rights under the Convention, especially access to public services, justice, education, sexual and reproductive health, basic social infrastructure and protection from arbitrary expulsion. Also of concern is the increase in xenophobic and hateful attitudes and discourse, including statements by high-level State authorities, directed mainly at Venezuelan migrants, who are blamed for problems of public order and lack of public safety even though statistics do not bear out such statements and the problems attributed to migrants are in fact issues of a structural nature.

20. The Committee urges the State party to ensure that its authorities refrain from spreading a discriminatory, stigmatizing and criminalizing view of the migrant population and recommends that it implement policies and campaigns with short-, medium- and long-term objectives, guided by targets and indicators, to prevent and eliminate negative public narratives about migrant workers and members of their families, taking as a guide the present concluding observations and those formulated on the same subject by the Committee on the Elimination of Racial Discrimination⁵ and the Human Rights Committee.⁶

21. The Committee is concerned about the failure to include migrant workers in laws and public policies regarding persons with disabilities and, as indicated by the Committee on the Rights of Persons with Disabilities in its concluding observations, about the prevalence of the medical approach to disability.⁷ It is also concerned to note that obtaining a disability certificate and disability card is a complex and inaccessible process, especially in practice; this situation also affects migrant workers with disabilities.

⁵ CERD/C/PER/CO/22-23, paras. 36 and 37.

⁶ CCPR/C/PER/CO/6, paras. 34 and 35.

⁷ CRPD/C/PER/CO/2-3, paras. 6 and 7.

22. **The Committee recommends that the State party ensure that migrant workers and members of their families are included in laws and public policies regarding persons with disabilities. It also recommends the implementation of self-identification and disability certification procedures for persons with disabilities in line with the recommendations made by the Committee on the Rights of Persons with Disabilities.**

23. The Committee takes note of the update provided by the State party to the effect that it has not implemented the migration control mechanism called “citizens’ alert” (Supreme Decree No. 001-2015-IN, art. 5), about which the Committee expressed concern in the review of the State party’s initial report, and which would enable citizens to report migrant workers in breach of the Aliens Act, particularly those in an irregular situation. However, the fact that these provisions remain in force in the State party’s legal order is alarming.

24. **The Committee recommends that the State party amend article 5 of Supreme Decree No. 001-2015-IN and conduct a thorough review of its domestic legislation to identify and repeal any other similar measures that could lead to persecution, discrimination or even racism against migrant workers in its territory.**

25. The Committee is concerned about the provisions of Supreme Decree No. 011-2024-IN, which require lodging and rental establishments, as well as lessors, to report the immigration status of those who use their services and prohibit rental to persons with irregular immigration status, with the imposition of fines for non-compliance, as these provisions effectively extend immigration control functions to individuals. Also of concern is the fact that the implementation of these amendments involves the exchange of personal data between public and private entities without safeguards for the protection of the personal and confidential data of migrant workers and members of their families.

26. **The Committee recommends that the State party amend Supreme Decree No. 011-2024-IN to bring it into line with the rights set out in the Convention and other international treaties that the State party has ratified. It also recommends the introduction of adequate safeguards to protect information on the immigration status of migrant workers and members of their families and ensure that social services and private actors do not share it with immigration authorities.**

27. The Committee notes that international monetary transfers are not restricted in the State party and that steps have been taken to promote the good use of remittances from Peruvian migrant workers and members of their families. However, the Committee is concerned about the announcement of measures for tracking international remittances from Venezuelan migrants to identify their origin, on security grounds, which could amount to discriminatory treatment of Venezuelan migrant workers and members of their families and a violation of their rights under the Convention.

28. **The Committee recommends that the State party refrain from adopting laws or implementing public policies on the transfer of earnings that entail discriminatory treatment of migrant workers and members of their families, and encourages it to implement programmes in this area to promote and strengthen the country’s development.**

Access to justice

29. The Committee is concerned about the lack of specific information on migrant workers’ access to justice and the courts and to legal assistance, or on outreach campaigns and their results. It also regrets the lack of figures on trials and judgments in cases involving discrimination, xenophobia, labour claims filed by migrant workers and proceedings to challenge decisions on expulsion from the State party’s territory.

30. **The Committee recommends that the State party carry out campaigns to promote access to justice for migrant workers and members of their families, guided by concrete targets and indicators, and that it collect information on judicial proceedings involving migrant workers and members of their families and provide this information to the Committee in its next report.**

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Border management

31. The Committee takes note of the adoption of the National Migration Policy 2017–2025 and the Migration Act, both in 2017, and the creation of the Intersectoral Round Table for Migration Management. However, the Committee notes with concern that this policy was developed before Venezuelan migrants began to arrive in 2017, that various amendments to the Migration Act have entailed a retrogression compared to the text originally adopted and that no specific information has been provided on how the Intersectoral Round Table has benefited migrant workers and members of their families.

32. The Committee recommends that the State party update the National Migration Policy to bring it into line with the current migration situation and with the Convention, that it conduct an in-depth review of the Migration Act to bring it into compliance with international human rights standards and that it ensure that the Intersectoral Round Table provides a holistic approach and response in its migration policies.

33. The Committee notes with concern that, in the context of a humanitarian crisis involving the displacement of millions of people, the State party requires persons of Venezuelan nationality to have an entry visa and a valid passport (National Migration Authority Decision No. 000177-2019-MIGRACIONES of 12 June 2019, repealed by National Migration Authority Decision No. 000121-2024-MIGRACIONES of 25 June 2024) and has abolished the exceptions previously accorded on the grounds of pregnancy, family reunification and situations of extreme vulnerability. While the Committee notes that this measure is intended to promote orderly, safe and regular migration, it regrets the lack of specific information on the effectiveness of the measure and its impact on the protection of the rights of migrant workers and members of their families, especially in view of various specialized reports indicating that this measure has in fact led to an increase in irregular entry channels, including the emergence of migrant smuggling and human trafficking networks.

34. The Committee recommends that the State party conduct an in-depth review of the effects that National Migration Authority Decision No. 000177-2019-MIGRACIONES has had, particularly on the promotion of safe and regular migration channels for persons of Venezuelan nationality, access to regular entry and stay, and procedures for applying for refugee status and for the protection of children and other persons in situations of vulnerability. This review should include data on the situation of persons who entered the country after 2019, including their immigration status and access to the rights provided for in the Convention.

35. The Committee notes with concern that the migration paradigm in the State party has shifted from a rights-based approach to one that links migration to national security, public safety, internal order and public order, as reflected in its laws and policies, such as the deployment of the armed forces to carry out immigration control functions or functions related to migration policies.

36. The Committee recommends that the State party reformulate its border management and immigration control policies to bring them into line with the Convention and with the international and regional migration instruments to which it is a party.

Consular assistance

37. The Committee notes with concern the indefinite closure of the Embassy of the Bolivarian Republic of Venezuela in the State party and the impact that this has had on the rights of Venezuelan migrant workers and members of their families, especially with regard to access to consular services, apostille services, the issuance of identification documents and documentation for daily life. The Committee is concerned about the consequent difficulty that Venezuelan migrant workers and members of their families have encountered in accessing humanitarian assistance and social programmes that can help address their precarious situation.

38. **The Committee recommends that the State party establish flexible and accessible procedures for migrant workers of Venezuelan nationality and members of their families to facilitate the regularization of their immigration status and their access to humanitarian assistance and social programmes, and in general to enable them to exercise their rights.**

Detention

39. The Committee is concerned that the State party's legislation does not expressly state that the detention of migrant workers and members of their families is an exceptional measure of last resort. It is also concerned that exceptional special administrative penalty proceedings include the possibility of "holding", which has all the characteristics of deprivation of liberty; that detentions at border crossings, including airports, have persisted; and that conditions of detention in such cases do not meet the standards laid down in the Committee's general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and their connection with other human rights.

40. **The Committee recommends that the State party align all national laws on the deprivation of liberty of migrant workers and members of their families, including "holding" under exceptional special administrative penalty proceedings, with its general comment No. 5 (2021) and ensure that such laws incorporate the elements of exceptionality (measure of last resort), necessity and proportionality, limited scope and duration, periodic reassessment and judicial review.**

41. The Committee regrets that it has not received information on the number of migrants in detention, the places where they are detained or the conditions in places of detention, or on alternatives to detention, despite having requested such information in its previous concluding observations and under the procedure on follow-up to concluding observations.⁸

42. **The Committee requests the State party to collect comprehensive information on migrants, including migrant workers and members of their families, who have been detained or have remained in detention since the adoption of its previous concluding observations,⁹ with information disaggregated, at a minimum, by type of detention (administrative or criminal), nationality, gender, reasons for detention, length of detention and place of detention, and to report this information to the Committee at the next review.**

Expulsion

43. The Committee is concerned about:

(a) The creation of exceptional special administrative penalty proceedings through Legislative Decree No. 1582/2023, which apply to cases in which a foreign national has entered the country irregularly or has been involved in activities that undermine public order, internal order or national security (concepts that are troubling in themselves owing to their discretionary nature), and which may result in the person's expulsion from the State party. The application of the same penalty (expulsion) to forms of conduct that may differ significantly in their effects is inconsistent with the principle of proportionality, which every State must guarantee when imposing a penalty for impermissible conduct;

(b) The extremely short time frames for exceptional special administrative penalty proceedings, including for the filing of appeals against expulsion decisions. While the Committee takes note of the information provided on the procedural safeguards that apply in these proceedings, the short time frames are such as to make these safeguards virtually inaccessible in practice;

(c) The non-suspensive nature of appeals against expulsion orders, which is in direct contradiction to the provisions of article 22 (4) of the Convention;

⁸ CMW/followup/29/bs. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCMW%2FFUL%2FPER%2F32700&Lang=en.

⁹ CMW/C/PER/CO/1.

(d) The situation of vulnerability and lack of protection in which expelled persons, especially Venezuelan and Haitian nationals, may find themselves upon transfer to third countries bordering the State party;

(e) Cases of expulsion at border crossings and airports, including cases of collective expulsion of migrants and asylum-seekers, and the lack of information from the State party in this regard.

44. The Committee recommends that the State party conduct a meticulous review of Legislative Decree No. 1582/2023 in the light of the Convention and other human rights treaties it has ratified. This evaluation and possible modification should ensure: (a) respect for the principle of proportionality, with priority given to alternative measures in situations of irregular migration, including those based on social roots and family ties; (b) access to the different forms of international protection under the 1951 Convention relating to the Status of Refugees and the 1984 Cartagena Declaration on Refugees; (c) time frames in exceptional special administrative penalty proceedings that are such as to ensure administrative and judicial due process; (d) the suspensive effect of appeals against expulsion; and (e) the non-expulsion of migrants to neighbouring countries other than those of their nationality. The Committee also recommends that the State party ensure full compliance with the principle of non-refoulement, including the absolute prohibition, in law and in practice, of collective expulsions and similar actions that are contrary to the Convention.

Transfer of earnings and savings upon termination of stay

45. The Committee welcomes the development of the “Practical guide for the financial inclusion of refugees and migrants” in 2023. However, it notes with concern the absence of a clear strategy for its implementation and for aligning it with other existing programmes on the subject, and the lack of indicators to measure its results and areas of opportunity.

46. The Committee recommends that the State party devise a strategy for the implementation of the “Practical guide for the financial inclusion of refugees and migrants”, based on indicators with targets and results, which should be made transparent, and that it ensure the coherent and consistent application of all public policies in this area.

Right to health

47. The Committee notes that the State party has updated its public policies on healthcare, including mental healthcare for migrants. However, the Committee is concerned about:

(a) The significant gap in access to healthcare in the State party, especially for migrant workers of Venezuelan nationality and members of their families;

(b) The fact that the foreigner’s identity card, which allows access to the State party’s health system, is not issued to migrants in an irregular situation, asylum-seekers or those who have had access to temporary regularization mechanisms, and the bureaucratic obstacles hindering migrants’ ability to obtain this document. Also of concern is the fact that access to the health system for children who are migrants in an irregular situation or asylum-seekers is limited to children under 5 years of age, violating the right to health and other rights of children between 6 and 18 years of age under the Convention on the Rights of the Child;

(c) The high maternal mortality rate, which also affects women migrant workers;

(d) Insufficient access to sexual and reproductive rights, including lack of access to family planning methods, emergency oral contraception, abortion and gynaecological and obstetric healthcare, especially for migrant women in an irregular situation and those belonging to vulnerable groups.

48. The Committee recommends that the State party:

(a) **Establish campaigns and programmes to increase access to healthcare, including mental healthcare, for migrant workers and members of their families,**

including those in an irregular situation, and take steps to facilitate their incorporation into health systems;

(b) **Ensure that access to healthcare is not contingent on regular immigration status and that all migrants, including asylum-seekers and refugees, have access to comprehensive, quality healthcare services on an equal footing with nationals. The Committee also recommends the immediate elimination of restrictions that prevent or limit access to healthcare for children between 6 and 18 years of age and their registration in the health system;**

(c) **Implement policies with a gender and intersectionality perspective to prevent and reduce maternal mortality, and ensure that all pregnant migrant women, regardless of their immigration status, have access to prenatal and postnatal care and emergency obstetric services;**

(d) **Ensure that migrant workers and members of their families, especially women and young people, have access to services for the protection of their sexual and reproductive health and rights, without discrimination based on gender identity or sexual orientation.**

Access to formal employment

49. The Committee notes the publication of the National Decent Employment Policy in 2021 and the bilateral treaties in force on the recognition of degrees and diplomas, and welcomes the State party's efforts to promote public policies to prevent violations of labour rights in micro- and small enterprises. The Committee is nonetheless concerned about:

(a) The provisions of the Recruitment of Foreign Workers Act (Legislative Decree No. 689) stating that international migrants may account for no more than 20 per cent of the employees of a domestic or foreign company and that their aggregate remuneration may account for no more than 30 per cent of the company's payroll;

(b) Systemic and structural obstacles to the recognition, by the State and professional associations, of professional qualifications obtained by migrant workers, especially those of Venezuelan nationality, in their countries of origin, and the fact that such obstacles hinder their access to the formal labour market and force them into informal employment;

(c) The lack of an intersectional approach in the State party's policies, especially with regard to migration and gender, for the protection of migrant workers' rights.

50. **The Committee recommends that the State party:**

(a) **Amend the Recruitment of Foreign Workers Act (Legislative Decree No. 689) to remove provisions that result in discriminatory treatment of migrant workers and members of their families, including provisions imposing percentage limits on the hiring of foreign workers and the resources used to pay their remuneration;**

(b) **Establish mechanisms for enabling the State and professional associations to recognize professional qualifications obtained by migrant workers, especially those of Venezuelan nationality, in their countries of origin to reduce their presence in the informal labour market and take advantage of the human, professional and labour capital of all inhabitants of its territory, in the interest of inclusion and national development;**

(c) **Ensure that all State party policies to protect migrant workers' rights reflect an intersectionality and gender perspective.**

Remuneration and conditions of work

51. The Committee is concerned about the high percentage of migrant workers, especially those of Venezuelan nationality, in the informal labour market and about the lack of intersectional policies to address the vulnerability of migrant, refugee and asylum-seeking women in the informal economy. It also notes with concern the particularly precarious

working conditions of women migrant domestic workers, reports of harassment and physical and psychological violence and the fact that they are not included in the National Care System.

52. The Committee recommends that the State party develop public policies to promote access to formal employment for migrant workers and members of their families, including incentives for employers and support programmes for job training and reintegration, especially in sectors where migrants may be more vulnerable to exploitation. It also recommends that the State party expressly include women migrant domestic workers in the National Care System. Lastly, it recommends that the State party establish mechanisms to facilitate the reporting of cases of harassment and violence against women migrant domestic workers and to prevent, investigate and punish such conduct.

Freedom to join and take part in meetings of trade unions and right to form trade unions

53. The Committee notes with concern that bureaucratic obstacles between the Ministry of Labour and Employment Promotion and the National Migration Authority, including in relation to temporary residence permits, have hindered the creation and registration of trade unions by migrant workers, especially those who are self-employed.

54. The Committee recommends that the State party ensure that all migrant workers have access to all necessary information and resources, including legal assistance, to register, form and join trade unions, regardless of their immigration and employment status.

Social security

55. The Committee notes that the State party has signed various bilateral and multilateral agreements on social security, and also notes the regulations and procedures adopted on the extraordinary, optional, early and temporary withdrawal of funds by participants in the private pension system during the health crisis caused by the coronavirus disease (COVID-19) pandemic. The Committee is nonetheless concerned about recent legal changes under which casual or migrant workers are prevented, with no exceptions whatsoever, from making withdrawals from pension fund administrators, a situation that especially affects Venezuelan nationals, given the lack of a pension transfer agreement between Peru and the Bolivarian Republic of Venezuela.

56. The Committee recommends that the State party eliminate from its domestic social security legislation all provisions that result in discriminatory treatment of migrant workers and members of their families and that it ensure access to pension schemes adapted to their particular situations, especially for those who are not protected by bilateral agreements.

International protection obligations

57. The Committee recognizes the efforts made by the State party to respond to the large number of persons in need of international protection arriving in its territory, the majority of whom are nationals of the Bolivarian Republic of Venezuela, and also recognizes the establishment of humanitarian immigration status and humanitarian visas. However, the Committee is concerned about the various obstacles that continue to hinder access to the asylum system and about the lack of guidance in this regard and the long delays in making determinations on a large number of applications.

58. The Committee recommends that the State party ensure that all migrant workers have access to international protection mechanisms, including humanitarian immigration status and humanitarian visas, through individual analysis of their protection needs and implementation of the recommendations of the Committee against Torture on the completion of refugee status determination procedures within a reasonable time and respect for the principle of non-refoulement,¹⁰ as well as

¹⁰ CAT/C/PER/CO/7, paras. 46 and 47.

implementation of the recommendation of the Committee on the Elimination of Discrimination against Women to ensure that such procedures are independent and gender-responsive.¹¹

Birth registration and nationality

59. The Committee notes the transfer of birth records of children born abroad to Peruvian nationals for digitization and the administrative rectification of their nationality certificates. The Committee is nonetheless concerned about reports that, in some cases, the identity documents of foreign parents issued by their country of origin have not been recognized as valid for the purpose of registering their children born in the territory of the State party. This is of particular concern in the case of migrant workers in an irregular situation and could amount to a violation of children's right to birth registration, to a name, to recognition as a person before the law and to a nationality, potentially exposing them to statelessness.

60. The Committee recommends that the State party ensure, in law and in practice, the right of every child born in its territory to universal access to birth registration, to a name and to a nationality, regardless of the immigration status or identity documentation of his or her parents. The Committee urges the State to take all appropriate measures to prevent and address any cases of statelessness, including by adopting a law on the issue that is consistent with international human rights standards, ensuring that the best interests of the child are a primary consideration in proceedings and decisions in this regard.

Education

61. The Committee commends the State party for adopting education policies that have led to a significant increase in the number of migrant children and children of migrants enrolled in schools, regardless of their immigration status. However, the Committee is concerned to note that school dropout rates among Venezuelan nationals are higher than the national average. It is also concerned about information indicating that, in some cases, a foreigner's identity card and a school certificate bearing an apostille are required for enrolment, as this hinders access to education for migrants and children of migrants, particularly those who are in an irregular situation or do not yet have the required documentation, such as asylum-seekers. The Committee is further concerned about the difficulties hindering migrant workers' access to vocational training.

62. The Committee recommends that the State party carry out campaigns, with specific targets and indicators, to prevent migrant children and children of migrant workers from dropping out of school, that it relax school enrolment requirements for migrant children and that it ensure their access to education regardless of their immigration status. It also recommends that appropriate measures be taken to ensure that migrant workers and members of their families have access to vocational training programmes.

Taxes

63. The Committee is concerned to note that the income tax for non-domiciled persons (foreigners and/or migrants) in the State party amounts to 30 per cent, while the tax for national (domiciled) workers is progressive, as this could represent discriminatory treatment of migrant workers, especially those who are self-employed.

64. The Committee recommends that the State party review its tax legislation to ensure equal and non-discriminatory tax treatment of migrant workers and members of their families.

Trafficking in persons

65. The Committee notes that laws have been amended and protocols have been issued to strengthen the State party's capacities to deal with cases of trafficking and exploitation and

¹¹ CEDAW/C/PER/CO/9, paras. 45 and 46.

that various regional cooperation mechanisms have been set up for this purpose. However, the Committee is concerned about:

(a) The fact that women migrant workers from the Bolivarian Republic of Venezuela, especially those in an irregular situation, are at high risk of being victims of trafficking and are reluctant to report these cases for fear of being expelled or targeted by gender-based prejudices and stereotypes. This hinders their access to protection systems and the investigation and punishment of such cases;

(b) The lack of comprehensive information and statistics on all forms of trafficking that are relevant in the context of migration and have gender implications, including sexual and labour exploitation.

66. **The Committee recommends that the State party:**

(a) **Ensure access to justice and protection systems for women migrant workers who are victims and survivors of trafficking, regardless of their immigration status, and conduct outreach campaigns to facilitate their access to protection services;**

(b) **Produce comprehensive statistics on the trafficking situation in its territory, with an intersectionality and gender perspective, and on the impact of this situation on women migrant workers.**

4. **Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)**

Migrant women

67. The Committee is concerned about:

(a) Reports of harassment and bullying of women migrant workers, particularly those of Venezuelan nationality, including by employers and landlords, as well as physical and psychological abuse and sexual violence. Also of concern is the fact that these cases go unreported and victims are left unprotected because they fear being returned to the Bolivarian Republic of Venezuela, as most of them do not have regular immigration status;

(b) The failure to adequately inform women migrant workers of their right of access to special immigration status on grounds of vulnerability, which would allow them to stay legally and provide them with documentation for purposes of identification and access to services for up to one year;

(c) The obstacles hindering women migrant workers' access to services and protection in cases of gender-based violence, including cases of refusal of service by some entities because they do not have documentation proving their regular status in the country.

68. **In accordance with pledge No. 3 of the pledges submitted by Peru to the Human Rights 75 secretariat in December 2023, on strengthening the implementation of the National Gender Equality Policy,¹² the Committee recommends that the State party:**

(a) **Implement measures to prevent and identify cases of harassment and bullying of women migrant workers, including by employers and landlords, to encourage the reporting of such cases and to ensure that they are fully investigated; investigate cases of physical and psychological abuse and sexual violence, punish perpetrators and protect victims and survivors;**

(b) **Conduct outreach campaigns on women migrant workers' right of access to special immigration status on grounds of vulnerability;**

(c) **Remove the administrative barriers hindering women migrant workers' access to services and protection in cases of gender-based violence and ensure their access to all gender-related programmes and policies, regardless of their immigration status.**

¹² See https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/Peru_ES.pdf.

Migrant children and adolescents

69. The Committee notes the adoption, in 2023, of the protocol of the special protection units for the care of refugee or migrant children and adolescents who lack family protection or are at risk of losing it. However, the Committee is concerned about the lack of legal provisions expressly recognizing unaccompanied or separated children and adolescents as being entitled to international protection; the fragmentation of the protection system for their care, including for regularization purposes; the mandatory requirement that unaccompanied children and adolescents be administratively registered and be accompanied by guardians or representatives in order to receive protection and assistance services; and the interpretation of “progressive autonomy” in a manner contrary to international standards.

70. The Committee recommends that the State party establish specialized processes, aligned with international child protection standards, for the care and regularization of unaccompanied or separated children and adolescents and that it prioritize the implementation of the recommendations made in this regard by the Committee on the Rights of the Child,¹³ specifically the development of specialized protocols for the determination of refugee status, recognition of their right to receive comprehensive care without the need for a guardian or representative to be present and due consideration of the best interests of the child.

Measures to address migrant workers in an irregular situation

71. The Committee is concerned about the amendments made to criminal law in 2023 to criminalize irregular entry or re-entry under the provisions on the offences of illicit trafficking and clandestine or illegal re-entry, which are punishable by imprisonment. The Committee notes that, according to the State party, no one has been arrested for or convicted of these offences.

72. The Committee recommends that the State party review the above-mentioned amendments in the light of international human rights standards to ensure that the irregular entry of migrant workers and members of their families is not criminalized, in line with the standards established by the Committee, specifically in its general comment No. 2 (2013), on the rights of migrant workers in an irregular situation and members of their families, and its general comment No. 5 (2021).

73. The Committee is concerned about the estimated high number of migrant workers and members of their families in an irregular situation in the State party. According to the information provided, as at 31 October 2024 the population of foreign nationals in its territory stood at 1,744,588 people, of whom 473,343 were in a regular situation and 637,865 were in an irregular situation; of the latter, 463,884, or 72.7 per cent, had been in the State party for more than five years.

74. The Committee recommends that the State party take all appropriate measures to facilitate access to regular immigration status for migrant workers and members of their families present in its territory in order to protect their rights, address their situation of vulnerability and promote their social inclusion, thereby strengthening policies to promote formal employment, social inclusion and comprehensive and sustainable human development.

75. The Committee recognizes the issuance of Act No. 31732, which granted migrants an amnesty from fines. The Committee is nonetheless concerned about the fact that temporary residence permits have been provided only to those who entered the State party’s territory before the end of October 2018 and about obstacles hindering access to the permit, to permanent residency and to other immigration regularization processes, including lack of access to technology for using regularization platforms, the overloading of State systems, long response times and lack of clarity on the criteria for making determinations in these procedures. Also of concern is the fact that special residency and humanitarian residency are not among the forms of immigration status that can be converted to permanent status.

¹³ [CRC/C/PER/CO/4-5](#), paras. 63 and 64.

76. The Committee recommends that the State party thoroughly review its immigration regularization laws to bring them fully into line with the Convention and that it carry out campaigns to publicize regularization procedures and provide assistance, including technological assistance, to migrants from the beginning of these procedures until their conclusion.

5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

77. The Committee notes the adoption of the Economic and Social Reintegration of Returning Migrants Act, which facilitates the return of Peruvians living abroad and promotes their adequate socioeconomic reintegration. However, it is concerned at reports of difficulties hindering access to the benefits established in the Act and, as a consequence, at the small number of beneficiaries.

78. The Committee recommends that the State party simplify the procedures for access to the benefits provided for in the Economic and Social Reintegration of Returning Migrants Act.

6. Dissemination and follow-up

Dissemination

79. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

80. The Committee recommends that the State party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with the specialized agencies and programmes of the United Nations.

Follow-up to concluding observations

81. The Committee requests the State party to provide, within two years (that is, by 1 January 2027), written information on the implementation of the recommendations contained in paragraphs 20 (non-discrimination), 22 (migrant workers with disabilities), 44 (expulsion), 48 (right to health) and 74 and 76 (regularization) above.

Next periodic report

82. The State party's third periodic report is due by 1 January 2030. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding this date, unless the State party explicitly opts for the traditional reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.¹⁴

¹⁴ [HRI/GEN/2/Rev.6](#).