



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women Nineteenth session

### Summary record of the 398th meeting

Held at Headquarters, New York, on Monday, 6 July 1998, at 3 p.m.

*Chairperson:* Ms. Estrada Castillo (Vice-Chairperson)

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*In the absence of Ms. Khan, Ms. Estrada Castillo, Vice-Chairperson, took the Chair.*

*The meeting was called to order at 3:15 p.m.*

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

*Third and fourth periodic reports of Peru (continued) (CEDAW/C/PER/3-4; CEDAW/C/1998/II/CRP.1/Add.4)*

1. At the invitation of the Chairperson, Mr. Toro Cabrera and Ms. Conterno (Peru) took places at the Committee table.

2. **Mr. Toro Cabrera** (Peru), referring to question 24 in the report of the pre-session working group (CEDAW/C/1998/II/CRP.1/Add.4), said that those displaced by terrorist violence were mainly rural, indigenous and Andean people; more than half were women. Their difficulties were compounded by the fact that there were large numbers of widows and orphans among them and that, in addition to the emotional trauma they had suffered, many had no identity papers or knowledge of Spanish which made it difficult for them to communicate and integrate with people in the places where they had taken refuge. Accordingly, efforts were being made to enable them to return home. Since 60 per cent of the returnees were women, many of the programmes focused on the needs of women heads of household. Training was being provided in a number of areas, including reproductive health, human rights and literacy, and a provisional register had been established so that people could obtain identity papers and regain their rights as citizens. In addition, a programme for children traumatized by violence had been initiated with the help of non-governmental organizations.

3. Turning to question 32, he said that while only a few women occupied high-level managerial posts in public administration, their numbers had been increasing under the present administration; currently, 11 out of 70 decentralized public institutions were headed by women. According to figures for 1997, 30 per cent of decision-making posts at the central government level were held by women, 90 per cent of whom were university graduates.

4. Regarding question 44, he said that several programmes had been established to help improve

women's prospects of finding employment. Between May 1997 and June 1998, 2,300 poor, displaced women with dependants had secured temporary jobs. In addition, nearly 1,000 young women had attended job training programmes; more than half of them had since found work. During the first six months of 1998, a newly-established national employment service had helped place some 1,000 women, many of them in posts traditionally held by men. There was also a programme which helped working mothers pay for day care for their children.

5. **Ms. Conterno** (Peru), referring to question 60, cited a number of programmes relating to reproductive health and other matters. Although nearly everyone claimed to be familiar with some form of birth control, including modern methods, the percentage of those who actually practised birth control was far lower; among married women who did so, only 64 per cent used modern methods. Clearly there was a need for better information on such matters.

6. In response to question 63, she said that the Ministry of Agriculture had established a national project for watershed management and soil conservation in 4,986 rural organizations; women were participating in a variety of activities relating to the project. With funding from the World Bank, Peru had initiated 80 productive activities which would benefit a total of some 20,000 individuals, directly or indirectly. The number of such activities would increase to 385 in 1998, thanks to a loan from Japan and World Bank assistance. In 1997 over 125,000 women had participated in training programmes; further training courses would be held in 1998 and it was hoped that that would help improve the standard of living of rural women.

7. The National Institute for Natural Resources (INRENA) was also engaged in a variety of activities relating to sustainable use and conservation of natural resources and rural women were participating in these activities.

8. **Miss Ferrer**, while noting with regret that the Government's written answers had been submitted too late for Committee members to be able to study them before the meeting, said that it was clear that Peru had adopted major legislation to promote the advancement of women and the implementation of the Convention; the challenge now was to ensure that it was implemented. Information on the new legislation

should be more widely disseminated at the community level so that women were aware of their rights; anyone who violated the laws should be punished. Education and coordination with non-governmental organizations would be needed in order to bring about much-needed change in the traditional social and cultural patterns of behaviour that currently relegated women to a secondary position.

9. She noted that efforts were being made to eliminate poverty, which constituted an obstacle to the implementation of the Convention and which affected millions of men and women in Peru. The gravest problems were found in rural areas where there was little access to essential services; she was particularly concerned by the plight of poor, indigenous and displaced women who were often the victims of domestic and sexual violence. Harsher penalties should be imposed upon the perpetrators of violence against women. Women heads of household should be provided with access to health, education and security for their children. She hoped that the next report would reflect tangible progress in that regard.

10. **Ms. Schöpp-Shilling** said that Peru was clearly making an effort to implement the Convention, for positive changes had occurred in a number of areas. Moreover, the progress was taking place in the context of continuing terrorist attacks and difficult economic and political reforms. She urged the Government to persist in its efforts.

11. Emphasizing that the questions she was about to ask could be answered in the next report, she said that it would be interesting to know whether Peruvian legislation contained a definition of discrimination similar to that contained in article 1 of the Convention, which covered both intentional and unintentional discrimination. Regarding Law No. 26772, she noted that some countries were under the impression that legislation which prohibited discrimination on the basis of sex also prohibited the adoption of temporary special measures under article 4, paragraph 1, of the Convention. She wondered whether Peru was among them.

12. On the issue of health, she asked whether the information on contraception which was available to Peruvian women included information about the most effective methods. She expressed concern at the high maternal mortality rate; she assumed it was due in part to the lack of abortion rights. It was worth

remembering that countries in which abortion was characterized as a criminal offence had not succeeded in stamping out the practice; they had merely ensured that abortions were performed in back alleys, under unsafe conditions — often with deadly consequences to the woman. She urged Peru to reconsider its laws on the subject.

13. Noting that Peru's economic success could be ascribed, in part, to the more flexible labour market, she said that that was not cause for rejoicing if the results were detrimental to women. Trade unions were being weakened and women were not in a position to bargain for good contracts. She asked for comparative data on the numbers of women employed on short-term contracts without maternity protection. She also asked how large the wage gap was, what the Government intended to do about it and what the situation of paid domestic workers was with respect to labour protection and pay. The next report should contain more comparative data.

14. **Ms. Abaka**, after thanking the representative of Peru, noted that it would have been very useful had the supplementary information been submitted earlier. Recalling that girls from poor families sometimes dropped out of school after only two years, she asked whether Peru had any special programmes targeted at such drop outs. She expressed concern about information on and access to reproductive health services for women, especially teenagers, from poor families, and asked whether there were any programmes specifically targeted at that vulnerable group. She also wished to know whether men were targeted in family-planning programmes.

15. Noting that septicaemia — which often was the result of an incomplete abortion — was a major cause of maternal mortality in Peru, she asked whether patients who needed emergency medical treatment following an illegal abortion did receive prompt treatment in the hospitals and whether Peru had any programmes to provide for safe motherhood.

16. **Ms. Bustelo Garcia del Real**, noting that Peru had made significant legislative progress towards implementing the Convention — although not in the area of abortion legislation — wondered what impact the new legislation would have, in practice. She asked what measures had been adopted to protect women from trafficking and exploitation and whether they were proving helpful.

17. She endorsed the comments made about the situation of poor, rural and indigenous women and those working in the informal sector, and urged the Government to help such women and to provide frank and detailed information in its next report about any specific progress made in that regard.

18. **Ms. Cartwright**, while noting that Peru had made significant progress since 1993, said that adopting new legislation ensuring equality for women was the easy part; ensuring that the legislation was implemented and changing attitudes was more difficult. Noting that the judiciary had broad powers to interpret the law, she asked whether it also had the power to apply the principles of the Convention in the national courts. She was disturbed to hear that, where there was a lacuna or deficiency in the law, the judiciary had the power to apply general principles of written and customary law; the Committee had often found that customary law tended to discriminate against women. She hoped that the Convention was part of Peruvian national law and that it took priority over any such interpretations.

19. She joined Ms. Schöpp-Shilling in asking whether Law No. 26772 contained a definition of discrimination similar to that contained in article 1 of the Convention, and pointed out that much of the most serious discrimination against women resulted from the unequal application of policies or legislation. She asked whether women had access to free legal aid and to the Ombudsman, and whether the courts or the Ombudsman had ever dealt with any major litigation involving discrimination against women.

20. **Ms. Gonzalez** commended the Government for establishing the Ministry for the Advancement of Women and Human Development; clearly, it was endeavouring to implement the Convention fully. However, she was concerned at the lack of practical measures, especially for those in most need of help. For example, as others had noted, there continued to be serious discrimination against women in the health field, most obviously in rural and poor urban areas.

21. She was also disturbed by the high rate of illiteracy among women, and expressed the hope that the literacy campaigns would be strengthened. It would have been interesting to hear more about action being taken to fight poverty, especially among families headed by women.

22. **Ms. Yung-Chung Kim** said that information regarding proposals to eradicate gender discrimination in education, employment and political activity outlined in the section of the report dealing with article 4 should have been put in the sections dealing with the relevant articles of the Convention. The reservation of 25 per cent of congressional seats for women seemed an appropriate special measure under article 4. She expressed the hope that Peru would achieve its goals with regard to the reduction of illiteracy, maternal and infant mortality and violence against women, and underscored the importance of disseminating the Convention through carefully devised programmes.

23. **Ms. Corti** said that she found it hard to understand why there were so few women at the political decision-making level and why so little had been done to remedy that situation. Noting that the right to vote had been granted to literate and illiterate women alike, she wondered whether illiterate women would vote in accordance with their own views or with those of the men around them. She expressed concern at the violence described in the report and surprise at the high rate of incest. While welcoming the new law on domestic violence, she noted that no practical educational measures appeared to have been taken to reduce such violence.

24. Regarding the high levels of poverty in Peru, particularly among women, she said that she had not seen any evidence in the report of practical measures aimed at narrowing the gap in living standards between the urban, rural and indigenous sectors of the population. Since unemployment was at the root of much of the violence, more detailed information was needed on the subject. Increasing numbers of women were emigrating from Peru to other countries, including her own; unfortunately, they were permitted to leave Peru without adequate documentation, making it difficult for them to live as legal aliens in those other countries.

25. **Mr. Toro Cabrera** (Peru) agreed that much remained to be done to reduce extreme poverty, particularly among indigenous populations, and to improve the situation of women in Peru. The Government was committed to addressing those issues and planned to do so in a more transparent manner than its predecessors.

26. The Government shared the Committee members' concerns about the high levels of illiteracy and was

determined to reduce the illiteracy rate to 4 per cent. The number of literacy workers had increased from 16,000 in 1997 to over 32,000; the fact that 95 per cent of these workers were women had helped to increase confidence among Peruvian women in the seriousness of the literacy programme.

27. While conceding the difficulty of bringing about change in male-dominated societies and noting that domestic violence was a real problem in such societies, he said that progress was nonetheless being made in a number of areas.

28. Finally, he suggested that, in future, questions should be sent in good time so that they could be answered properly and translated into English.

29. **The Chairperson** said that, despite the major efforts being made by the Government to implement the Convention — as evidenced by the large number of laws that had been adopted to protect women's rights — the Committee remained concerned at the situation of women in Peru. It was clear that structural discrepancies persisted, and the Committee was seriously disturbed by the high levels of extreme poverty, physical, psychological and sexual violence against women and girls, particularly in rural areas and in emergency zones. Other areas of concern included the high maternal mortality rate; reports of forced sterilization; high levels of unemployment and illiteracy; and drug trafficking. The Committee looked forward to the next report and hoped that it would include up-to-date statistics broken down by sex.

30. She declared that the Committee had completed its consideration of the combined third and fourth periodic reports of Peru.

*The meeting rose at 5.30 p.m.*