

**Committee on Economic, Social and Cultural Rights****List of issues in relation to the fifth periodic report of Peru***

1. The State party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 27 October 2023.

A. General information

2. Please provide information on, and specific examples of, the measures taken by the State party to incorporate the provisions of the Covenant into its domestic legal system and to disseminate information about them across the different levels and sectors of government, as well as information on the mechanisms for monitoring compliance with the Covenant. Please describe the efforts made to raise awareness of, and provide training on, the economic, social and cultural rights enshrined in the Covenant, the interpretation of international treaties and the possibility of invoking these rights and treaties before the courts and in advocacy activities, particularly among judges, lawyers, advocates, staff of the Ombudsman's Office, prosecutors, members and advisors of the Congress of the Republic and regional and local governments. Please also provide information on how the legislature was involved in the implementation of and follow-up to the previous concluding observations¹ and in the development of the fifth periodic report.²

3. Please provide information on the measures taken to prevent and punish acts of persecution against, and attempts on the lives of, defenders of economic, social and cultural rights, including environmental defenders. Please also provide information on the number of complaints that have been received, the cases that have been investigated and prosecuted, the number of convictions that have been handed down and the remedies that have been provided over the past five years.

4. Please provide information on the results achieved through the implementation of the National Action Plan on Business and Human Rights 2021–2025, specifying how many managers and companies have been reached, the results of the Plan's evaluation and whether there is a mechanism for reporting and providing feedback on its implementation. Please also provide information on the training offered to companies, indicating whether the training varies depending on the type of company and the way in which companies are categorized. Please provide detailed information on the specific legislative and policy measures taken to ensure that companies respect the economic, social and cultural rights of all, exercise due diligence and are held accountable for, *inter alia*, the environmental, social and human rights impacts of their activities, especially when these affect economic, social or cultural rights.

5. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures, and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing

* Adopted by the pre-sessional working group at its seventy-first session (17–21 October 2022).

¹ [E/C.12/PER/CO/2-4](https://www.un.org/development/desa/economics/working-papers/e/c.12-per-co/2-4).

² [E/C.12/PER/5](https://www.un.org/development/desa/economics/working-papers/e/c.12-per/5).



per capita greenhouse gas emissions and on targets that the State party has set for further reductions. With respect to climate change adaptation policies and measures, please provide information on:

- (a) How the State party assesses the impacts of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups;
- (b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, *inter alia*, economic, social and cultural rights;
- (c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;
- (d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

6. Following the adoption of national multisectoral development policies and national, regional and local development plans, please describe the steps taken to ensure that the obligations arising from the Covenant are taken into consideration in these policies and plans, as well as in preparing any policies or strategies addressing development or economic issues. Please provide information on how the implementation of these national policies is funded.

7. Bearing in mind the information provided by the State party in its report,³ please describe the steps taken to ensure the participation of civil society and other interest groups in legislative and consultation processes and the applicable time frames.

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

8. Bearing in mind the information provided by the State party in its report,⁴ please describe the steps taken to ensure the effective participation of Indigenous Peoples in prior consultation processes concerning national, regional and local plans, policies and legislative measures and the applicable time frames; please explain whether prior consultation is also provided for in law; and please also specify which judicial mechanism may be used to protect the right to prior consultation, taking into account judgment 27/2022 recently issued by the Constitutional Court,⁵ in which the Court had concluded that prior consultation is not a fundamental right and cannot be protected through the remedy of *amparo*.

Maximum available resources (art. 2 (1))

9. Please provide updated information on the evolution of the following, covering the past 10 years:

- (a) The proportion of the population living below the nationally defined poverty line;
- (b) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;
- (c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

³ Ibid., paras. 205–210.

⁴ Ibid., paras. 206–210.

⁵ Peru, Constitutional Court, case No. 03066-2019-PA/TC.

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) Any fiscal policies adopted in response to the coronavirus disease (COVID-19) pandemic.

10. In view of the measures taken by the State party to address persisting local and regional disparities, please provide detailed statistical data on:

(a) The progress achieved through these measures, including developments in key indicators of economic, social and cultural rights, as well as the challenges encountered and the measures taken to overcome them;

(b) The level of disparity in the national, regional and local budgets allocated to public services and social programmes, such as social security, housing, water and sanitation, health care, education and information technology infrastructure, and the measures taken to ensure equitable budget allocation across regions, provinces and districts;

(c) The progress made in the implementation of local and regional budgets on an annual basis, and the incentives that the State party offers to help local and regional governments to reach budgetary and public policy targets and benchmarks relating to economic, social and cultural rights;

(d) The progress made in addressing the food crisis, especially in view of the impact of the COVID-19 pandemic;

(e) The measures taken to reduce widening income and wealth inequalities and to address their adverse impact on the equal enjoyment of economic, social and cultural rights;

(f) The measures taken to reduce poverty, especially among children, adolescents, young people, Indigenous Peoples, Afro-Peruvians and other persons of African descent, refugees and migrants, and other disadvantaged and marginalized individuals and groups, and the impact of those measures.

11. Please provide information on the impact of the measures implemented by the Public Integrity Secretariat to combat corruption in the State party, particularly in areas such as public procurement, land administration, tax administration and public services. Please also provide information on the progress made in the roll-out of the Centralized Digital Platform for Citizen Complaints. Please provide more information on the entities that have conducted independent investigations into corruption cases during the reporting period and on the protection afforded to whistle-blowers.

Non-discrimination (art. 2 (2))

12. Please provide information on the measures taken to reform the regulatory framework to combat discrimination. Please also provide information on the measures taken to improve access to justice, including complaint mechanisms and procedures, in case of discrimination in the enjoyment of economic, social and cultural rights.

Equal rights of men and women (art. 3)

13. Please provide information on:

(a) The measures taken to address economic inequality between men and women, including as regards access to employment and livelihoods, wages and pensions, and the results achieved;

- (b) The progress made in increasing women's representation in decision-making positions in the public and the private sectors, particularly in the armed forces;
- (c) Bearing in mind the information provided by the State party in its report,⁶ please provide information on the effectiveness of the measures taken to combat domestic violence, femicide, sexual harassment in schools and workplaces, and disappearances of women and girls, including refugees and migrants;
- (d) The measures taken to train public officials to combat gender stereotyping and to reduce inequality between men and women;
- (e) The measures taken to guarantee access to the labour market for Indigenous women, who are particularly marginalized, and the extent to which these measures are culturally appropriate;
- (f) The budgetary allocation for, and measures taken towards, strengthening policies, programmes and services for the prevention of all forms of gender-based discrimination, including gender-based violence, as a measure crucial for achieving inclusive development.

C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

14. Please provide information on:

- (a) The progress made in the implementation of the Third National Plan to Combat Forced Labour 2019–2022 and the results achieved, and on the measures implemented to strengthen the National Commission against Forced Labour;
- (b) The measures taken to promote the integration of persons with disabilities into the labour market and the results achieved, and on the situation regarding access to employment for women with disabilities;
- (c) The specific measures taken to disseminate information about and raise awareness of the labour rights of marginalized and disadvantaged groups, workers in the informal sector, and refugees and migrants, including information campaigns and translation services.

Right to just and favourable conditions of work (art. 7)

15. Please provide information on:

- (a) The specific measures taken to ensure employment opportunities in the formal sector, especially for the long-term unemployed, Indigenous Peoples, Afro-Peruvians and other persons of African descent, refugees, migrants and young people, and the results achieved;
- (b) The measures taken to address the discriminatory effects that employment support measures may have in terms of required working hours, minimum wages, occupational safety and health, and access to income support programmes;
- (c) The number of workers in the informal economy and in forms of employment in the informal sector in the State party. Please specify the measures taken to facilitate the transition from the informal to the formal economy and to protect the economic and social rights of all workers in informal forms of employment, especially women, young people and migrant workers;
- (d) The efforts made to amend section 3 of Legislative Decree No. 713 in order to promote compensatory rest independently from monetary compensation for workers who work on the weekly day of rest;

⁶ E/C.12/PER/5, paras. 64–100.

- (e) The measures taken to address the increasing incidence of underemployment along with the increasing number of workers in informal forms of employment;
- (f) The progress made in strengthening the capacity of labour inspectors to monitor working conditions;
- (g) The measures taken to protect health personnel during the COVID-19 pandemic.

Trade union rights (art. 8)

16. Please provide statistical data on the percentage of formal workers in the private and public sectors who are unionized. Please provide information on the efforts made to promote the creation of independent trade unions, and the results achieved, and on the risks faced by the members of these unions.

Right to social security (art. 9)

17. Please provide statistical data, disaggregated by age group, disability, sex, region, national origin, employment status and socioeconomic status, on social protection coverage, and access thereto, in the State party. Please describe the measures taken to ensure that social security benefits are sufficient to provide beneficiaries with an adequate standard of living in the face of the impacts of the COVID-19 pandemic and the energy and food crises.

Protection of the family and children (art. 10)

18. Bearing in mind the information provided by the State party in its report,⁷ please provide information on the progress made in establishing the National Care System and the road map that has been set out for its gradual implementation.

Right to an adequate standard of living (art. 11)

19. Please provide information on the measures taken to ensure the imposition of a moratorium on evictions during the COVID-19 pandemic, compliance rates, sanctions imposed in case of non-compliance, and the remedies provided to those evicted, including migrants. Please also provide information on the measures taken to ensure that forced evictions due to development projects, natural disasters and damage caused by and associated with climate change do not take place, and that, if they do, they are carried out in accordance with international human rights standards.

20. Please provide information on the progress achieved through programmes for access to safe drinking water and sanitation, especially in the context of the COVID-19 pandemic and the food and energy crises, particularly in rural and remote areas. Please also provide information on the effectiveness of the measures taken to improve water resources management, especially in the agricultural sector, and their measured impact to date.

21. Please provide information on the measures taken to address the high risk of natural disasters and to reduce the environmental degradation, deforestation and overexploitation of land, water and other natural resources caused by logging, mining, palm oil plantations or illicit crops. Please also provide information on the measures taken to mitigate the effects of environmental pollution on the health of the population of the State party and on the responses provided to assist persons who are exposed to heavy metals, metalloids and other substances owing to extractive mining and energy activities and the use of chemicals in large-scale agriculture.

22. Please provide information on:

- (a) The results of the programmes implemented to reduce the incidence of hunger and malnutrition, especially in the context of the COVID-19 pandemic and the food and energy crises;

⁷ Ibid., paras. 48 and 67.

(b) The measures taken to protect the rights of small-scale farmers, particularly those in family farming, and especially in relation to food and nutrition, livelihoods, participation in decision-making processes and access to and use of land and water, particularly in the context of the implementation of the food programme, and on the specific measures taken for the benefit of women;

(c) The progress made in the implementation of the multisectoral plan for the strategy to achieve zero hunger by 2030;

(d) The measures envisaged to ensure that all people, especially the most disadvantaged and marginalized, including the urban poor, refugees and migrants, have access to nutritious food and benefit from a public food distribution system at the national, regional and local levels;

(e) The measures taken to address the risk of food insecurity due to rising food prices and fertilizer shortages;

(f) Disaggregated statistical data on the prevalence of undernutrition and malnutrition in the State party, including cases of wasting, stunting, anaemia, persons who are overweight and obesity.

Right to physical and mental health (art. 12)

23. Please provide information and statistical data on the impact of the measures taken to ensure the accessibility, availability, affordability and quality of health services, especially in rural and remote areas and for the most disadvantaged and marginalized groups. Please include information on measures taken to ensure the availability of a sufficient number of health professionals and to enhance medical equipment and infrastructure, especially in rural areas. Please also provide information on the measures taken to regulate traditional medicine and to effectively monitor and supervise the private health sector.

24. Please provide information on the availability and accessibility of tests, treatments and vaccines for COVID-19 and on the measures taken to promote the dissemination of reliable information about the COVID-19 pandemic, and indicate how the State party ensures that such information takes into account different developments by age group, including children and adolescents, cultural and linguistic differences, and other factors.

25. Please provide information on the measures taken to prevent discrimination and stereotyping, and to facilitate universal and equal access to testing, treatment and vaccination against monkeypox, in particular for the most disadvantaged and marginalized groups such as lesbian, gay, bisexual, transgender and intersex persons and persons living with HIV/AIDS.

26. Please provide information on the legislative and policy framework on mental health. Please provide specific information on:

(a) The measures taken to reform the mental health system and to improve mental health services, especially on early diagnosis and the timely treatment of mental health disorders; and the specific measures taken to guarantee access to these services for children, adolescents and young people, persons with disabilities, members of Indigenous Peoples, refugees and migrants, Afro-Peruvians and other persons of African descent, lesbian, gay, bisexual, transgender and intersex persons, persons held in immigration and detention centres, and persons living with HIV/AIDS;

(b) The measures taken to tackle the disproportionately high incidence of suicide, particularly among men, Indigenous Peoples, Afro-Peruvians and other persons of African descent, lesbian, gay, bisexual, transgender and intersex persons, persons living in rural areas and children, adolescents and young people.

27. Bearing in mind the information provided by the State party in its report,⁸ please provide information on the results of the national strategic plans to combat HIV/AIDS, including statistical data for the past 10 years on the prevalence of the disease and the number of persons who have access to antiretroviral therapy. Please provide information on the

⁸ Ibid., para. 178.

specific measures taken to prevent HIV/AIDS and on the testing and medical care provided for groups of persons who are at a risk of HIV/AIDS that is greater than the national average, including sex workers and prisoners. Please also provide information on the measures taken to combat discrimination against persons living with HIV/AIDS.

28. Please provide information on the measures taken to prevent and punish obstetric violence, including the training of medical personnel and monitoring of the treatment of patients in hospitals and health-care centres. Please also provide information on studies on obstetric violence in the State party.

Right to education (arts. 13 and 14)

29. Please provide information on:

(a) The measures taken to remove obstacles to access to education at all levels, particularly for marginalized and disadvantaged individuals and groups;

(b) The effectiveness of the measures taken to promote inclusion in schools and to address the bullying of children who are Indigenous, Afro-Peruvian or otherwise of African descent, refugees or migrants, and to promote inclusive education for all children and address bullying;

(c) The measures taken to fund and expeditiously implement strategies to help schoolchildren to catch up on the classes that they missed during the COVID-19 pandemic, with a focus on those who were most affected;

(d) The gaps in infrastructure and the measures designed to gradually close these gaps;

(e) The measures taken to effectively incorporate a gender perspective in the school curriculum and in strategies to promote a sense of community within schools.

Cultural rights (art. 15)

30. Please provide information on the measures taken to protect cultural diversity, promote awareness of the cultural heritage of the different groups that comprise the State party's population, including ethnic, religious and national minorities and Indigenous Peoples, and to create an environment, including by way of the media, information campaigns and education programmes, that enables such groups to preserve, develop, express and raise awareness of their identity, history, culture, language, traditions and customs.

31. Please describe any measures taken or planned to promote the preservation, development and dissemination of science and culture, and to ensure access to the benefits of scientific progress and its applications, in particular for migrants, women, children, adolescents and young people and persons with disabilities, as well as the impacts of these measures. Please also describe the measures taken or planned to increase expenditure on research and development in the fields of applied sciences and the medical, industrial and agricultural applications thereof, as well as in social sciences and humanities. Please also outline the measures taken to ensure the equitable distribution of such expenditure across all sectors and regions to guarantee equitable access to the benefits of scientific progress and its applications, including for disadvantaged and marginalized groups. Please describe the measures taken by the State party to ensure affordable access to the Internet for disadvantaged and marginalized individuals and groups, including in rural areas.