



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

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**Committee on the Elimination of
Discrimination against Women**

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15 January - 2 February 2007

**Responses to the list of issues and questions for consideration of the
sixth periodic report**

Peru



List of issues and questions for the consideration of periodic reports*

Constitution, laws and national mechanisms

1. According to the report, Law No. 27270 of 29 May 2000 makes discrimination against another person on the grounds of racial, religious or sexual differences a crime (see part II, art. 1, para.1). Please state whether any cases of discrimination against women have been brought before either the courts or the Deputy Defender for Women's Rights operating within the Office of the Public Defender (see para. 261). If so, please provide information on the outcome of these cases.

In its April 2001-April 2005 report¹ on the Office of the Deputy Defender for Women's Rights, the Public Defender's Office indicated that various issues had been dealt with between 11 April 2001 and 10 April 2005, including:

(a) Case of Ms. F.M.BG: discrimination against a patient in health establishments of the Ministry of Public Health (MINSA). The patient was receiving prenatal check-ups under the Comprehensive Health Insurance System at the El Indio health centre. Like all pregnant women, she was routinely tested for human immunodeficiency virus (HIV). When her tests were sent to the laboratory, the ELISA test results came out positive and were sent to the National Institute of Health for confirmation. Because her delivery date was imminent, the doctors gave the patient the results of the ELISA tests before they had been confirmed. The patient was moved from one place to another without receiving the necessary childbirth care. When she finally received care, she gave birth to a healthy girl. She was then informed that the test results that the National Institute of Health had sent confirming the ELISA test had been negative and that there had been a mistake in the initial result because the wrong reagent had been used. The patient asked the Public Defender's Office to intervene on grounds of the infringement of her fundamental rights in Ministry of Health establishments. A complaint was lodged by the Piura Defender's Office and administrative investigations of the various facilities were ordered, as a result of which recommendations were made and a disciplinary warning was issued against Dr. Luis Saldaña and included in his personal file.

(b) Discrimination on grounds of civil status: cohabiting women teachers and their rights to equal treatment under the law (Case No. 308-2003). In the first half of 2003, a woman teacher I.G.P.R. requested the intervention of the Public Defender's Office before the reassignment committee of the local educational management unit for the southern region, in Arequipa, on the grounds that Directive No. 001-2003/DREA-OPER² of the Arequipa Regional Education Department (DREA) was not being applied properly. Under the Directive, cohabiting women teachers who requested reassignment were being discriminated against by the education authorities on grounds of their civil status, since in order to qualify for reassignment as a family unit as provided for in the Directive they were being asked to produce their certificate of civil marriage. The Regional Education Department accepted the Defender's recommendations in this regard and undertook to amend the

¹ Report on the Office of the Deputy Defender for Women's Rights, April 2001-April 2005.

² Rules for the reassignment of teaching personnel of public education centres and programmes, 2003.

Directive for forthcoming reassignments to ensure that cohabiting women teachers' right to equality and non-discrimination was safeguarded.

(c) Case of Ms. P.P.P.: denied a forensic examination because she had no identity document (Case No. 1461-03-PIU). On 6 June 2003, by Note No. 0183-2003-MIMDES.PNCVFS.CEM.CHULUCANAS, the Chulucanas Women's Emergency Centre requested the intervention of the Public Defender's Office because of problems encountered in seeking to have domestic abuse victims examined by the Chulucanas forensic doctor. Dr. Raúl Arámbulo Timaná had maintained that since Ms. P.P.P. had no identity document, he could not examine her. In that situation, they had had to call upon the Piura forensic doctor, who had examined her and issued the corresponding medical certificate without a problem. Dr. Arámbulo Timaná was informed that the Public Defender's Office had proposed to the Institute of Forensic Medicine of Peru a number of measures for improving the quality of care provided by forensic doctors, including imposing as the sole requirement for conducting a medical examination the note issued by the authority requesting the examination. The doctor reported that he had taken the recommendations of the Public Defender's Office into account and was complying with them.

(c) Impossibility for unmarried mothers to register the birth of a child with the surname of the alleged father. Between 1999 and 2002, the Arequipa, Piura and Huancayo Defender's Offices received complaints and requests for advice from unmarried mothers who had been barred by the municipal registry offices from registering a child born out of wedlock with the father's surname if the father had not recognized the child. The registry officials concerned had based their conduct on article 392 of the Civil Code and article 37 of Supreme Decree No. 015-98-PCM setting forth the registration rules of the National Identity and Civil Status Registry. This situation prompted the Public Defender's Office to launch an investigation, which culminated in its report No. 74 on "infringement of the rights to equality and an identity of children born out of wedlock in the registration of births", in which it recommended amending the aforementioned articles. The articles were amended by Act No. 28720 of 25 April 2006.

2. According to the report, the National Equal Opportunity Plan for Men and Women 2003-2010 is being submitted to the Council of Ministers by the Ministry of Women and Social Development (see part II, art. 1, para. 2). Please indicate what stage of the approval process the Plan has reached and specify what monitoring and evaluation mechanisms are foreseen to ensure the effective implementation of the Plan.

The National Equal Opportunity Plan for Men and Women 2006-2010 was adopted by the Ministry of Women and Social Development (MIMDES) by Supreme Decree No. 009-2002-MIMDES of 12 September 2005.

The monitoring and evaluation of the Plan are carried out by:

(a) The Multisectoral Committee responsible for monitoring the Equal Opportunity Plan for Men and Women 2006-2010, set up by Ministerial Resolution No. 022-2006-PCM of 26 January 2006 of the Office of the President of the Council of Ministers (PCM) and comprising a representative of the Ministry of Women and Social Development, acting as chairperson, a representative of PCM, one representative each from the Ministries of Education, Health, Justice, Interior,

Transport and Communications, Labour and Employment, Economy and Finance, Agriculture and Production and a representative of the National Institute of Statistics and Information Science;

(b) Intrasectoral Monitoring Committees for the Equal Opportunity Plan for Men and Women 2006-2010, in the Ministries of Women and Social Development, Education, Labour and Health;

(c) The roundtable with civil society for the implementation and monitoring of the National Equal Opportunity Plan for Men and Women 2006-2010, set up on 31 May 2006, whose functions include monitoring targets and promoting joint action to comply with the Plan nationally, regionally and locally. It is also responsible for making recommendations for the Plan's implementation to State sectors, regional and local governments, the Multisectoral Committee and other public and private institutions.

3. *According to the report, until authorization of the aforementioned Plan, the National Equal Opportunity Plan for Men and Women 2000-2005, approved by Supreme Decree 001-2000-PROMUDEH, remains in force (see part II, art. 1, para.2). Please indicate the main successes and failures of the 2000-2005 Plan and describe the corrective measures that will be included in the 2003-2010 Plan on the basis of the earlier Plan's evaluation.*

The National Equal Opportunity Plan for Men and Women 2000-2005 was implemented up to 31 December 2005. The National Equal Opportunity Plan for Men and Women 2006-2010 has been implemented since 1 January 2006. As indicated in the evaluation of the earlier Plan,³ the latter was a national policy landmark because it was the first such cross-cutting five-year plan and created a special institutional framework to ensure its implementation. It served as an instrument for consultation and coordination between MIMDES and important State sectors such as health, education, justice, interior, economy and finance, labour and employment and agriculture and helped each sectoral ministry visualize its activities more clearly and gradually mainstream a gender perspective.

The evaluation of the 2000-2005 Plan states that it "made a commitment to Peru's population, particularly low-income women at the different stages in their lives, to enable them to achieve three dimensions of wellbeing: access to basic health and education services so that they will be in a proper position actively to demand opportunities for their development; enjoyment of opportunities such as employment and social and political participation; and reduction of all kinds of violence, since violence takes away opportunities".⁴

The new Plan is the outcome of a process of review and consultation that included civil society and, in particular, women's organizations. The corrective measures incorporated in the new Plan include: strengthening the institutional framework, mechanisms and agreements among MIMDES, other ministries and regional and local governments to ensure that they incorporate the Plan's guidelines explicitly in their management policies and tools (plans, programmes and budgets); establishing levels of responsibility for each sector and institution committed to implementing the Plan; developing an ongoing, sustained gender equity and equal

³ Evaluation of the National Equal Opportunity Plan for Men and Women 2000-2005, Lima consultation, May 2005.

⁴ Lima consultation, May 2005.

opportunity training programme for officials of the various levels of the public administration to ensure that public policies are properly designed and implemented; and promoting the systematization of the most successful State and civil society programmes and projects, principally as regards the impact of employment programmes.

Stereotypes

4. Please indicate whether any specific initiatives are planned to eliminate stereotypes and discrimination against women in the media.

Guideline 2 of the new National Equal Opportunity Plan calls for promoting in society the adoption of “equitable values, practices, attitudes and behaviours between women and men” in order to guarantee women’s right to non-discrimination. It is hoped that by 2010 the media will be disseminating positive messages about equitable relations between women and men and cutting back on the broadcasting of sexist and discriminatory images and contents. The strategic actions in this regard are:

(a) Creation of decentralized forums for consultation among the State, civil society, the media and national announcers and advertisers with a view to the elimination of sexist, stereotyped and discriminatory contents, images and messages;

(b) Decentralized monitoring by civil society of television and radio programming and advertising;

(c) Consultation with higher education centres that teach media studies, to ensure that their curricula incorporate academic subjects or contents that promote a gender equity approach;

(d) Consolidation of promotion mechanisms and incentives for announcers and advertisers who disseminate messages consistent with respect for human rights, gender equity and non-discrimination between women and men;

(e) Creation of a data and research base on television and radio programming and advertising with respect to the application of gender equity and non-discrimination against women.

In 2001, the Ministry of Women and Social Development (formerly PROMUDEH) sponsored a study on gender representations in local television advertising. The results of this research were published in the book *Estereotipos de Género en los Medios de Comunicación* (Gender Stereotypes in the Communication Media).

Civil society is conducting a campaign for non-sexist advertising that seeks to promote creative, successful advertising that does not infringe people’s, especially women’s, rights. The campaign is being promoted by the Colectivo Fem-TV, made up of the Centro de la Mujer Peruana “Flora Tristán”, the Colectivo Radial Feminista, the Movimiento Manuela Ramos, Demus and the Asociación de Comunicadores Calandria. The campaign awards the Premio Fem-TV (Fem-TV prize) to the advert that best expresses the advancement of women in society and promotes more equitable relations between men and women, and the antipremio Sapo-TV (Sapo-TV anti-prize) to the most macho and sexist advert.

Violence against women

5. *During consideration of the fifth report, the Committee asked the State party to characterize incest as a specific crime under the Penal Code⁵. According to the report, national legislation does not make incest a crime in itself, although it is treated as an aggravating factor (para. 29). Please explain why incest has not been characterized as a specific crime, as recommended by the Committee in its concluding observations.*

Peruvian legislation establishes severe penalties, up to and including life imprisonment, for crimes against sexual freedom. As far as incest is concerned, chapter IX of the Peruvian Penal Code characterizes violation of sexual freedom as follows:

Article 170. Rape

“Any person who, by means of violence or grave threats, forces a person to have carnal access via the vagina, anus or mouth, or performs other similar acts by introducing objects or parts of the body into the vagina or anus (...) shall be liable to a term of no less than 12 and no more than 19 years’ [imprisonment] and loss of legal capacity where appropriate”.

“If, in order to commit the crime, the person took advantage of (...) a relationship of kinship to the victim, whether as an ascendant, a spouse of an ascendant, a descendant or a sibling by blood or adoption or similar circumstances ...”.

Article 173. Rape of a minor

“Any person who has carnal access via the vagina, anus or mouth, or performs other similar acts by introducing objects or parts of the body into the vagina or anus, of a minor shall be liable to the following prison terms:

1. If the victim is less than 10 years old, life imprisonment;
2. If the victim is between 10 and 13 years old, no less than 30 years’ and no more than 35 years’ imprisonment;
3. If the victim is between 14 and 17 years old, no less than 25 years’ and no more than 30 years’ imprisonment.

If the perpetrator has any family position, responsibility or link that gives him particular authority over the victim or causes the victim to trust him, the penalty for the acts described in subparagraphs 2 and 3 above shall be life imprisonment”.

6. *According to the report of the Special Rapporteur on violence against women, its causes and consequences, the Penal Code of Peru provides for honour defences, partial or complete, and states that if a woman is raped and the perpetrator agrees to marry the victim, he will be pardoned (see E/CN.4/2002/83). Please indicate whether these provisions have been removed from the Penal Code. If that is not the case, please indicate whether it is planned to abolish them in the short term.*

⁵ Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38), part three, para. 476.

Under the present Penal Code, none of the grounds indicated constitutes an extenuating circumstance.

7. *According to the report, Law No. 27982 of May 2003 eliminates conciliation during the prosecution stage of family violence proceedings (para. 14). Please indicate whether the new law is well known at national level, describe what action has been taken to promote the law and its application and provide information on what impact it has had.*

Through the National Plan against Violence towards Women 2002-2007, campaigns to raise awareness among civil servants and judicial officials have been implemented by holding awareness-raising and training seminars for officials of the judiciary, the health and education sectors, the Attorney General's Office and the National Police.

The Research Institute of the Attorney General's Office, for its part, has conducted periodic training courses, supported by international agencies and non-governmental organizations, for prosecutors, forensic doctors, psychologists and psychiatrists from the Institute of Forensic Medicine and prosecution assistants.

As indicated in the report on the Office of the Deputy Defender for Women's Rights, April 2002-April 2005, the Public Defender's Office is continuing its training and dissemination activities in the area of domestic and sexual violence, in addition to coordinating public service activities with various State institutions and civil society organizations.

8. *Please provide information on the results of the evaluations carried out by the High-level Committee for the National Plan against Violence towards Women, which is responsible for monitoring and evaluating the National Plan against Violence towards Women 2002-2007 (para.5). In the reply, please include information on the corrective measures recommended by this Committee.*

The results of the action plan evaluations carried out by the High-level Committee are available.⁶ The evaluations for 2003, 2004 and 2005 were presented at public meetings: the 2003 evaluation was presented in the auditorium of the Ministry of Women and Social Development in 2004, the 2004 evaluation at a public meeting on 17 June 2005 in the Petrolperú auditorium and the 2005 evaluation at a public meeting on 14 June 2006 in the auditorium of the National Family Welfare Institute (INABIF).

With respect to institutional mechanisms for the monitoring and evaluation of the National Plan, there are currently three bodies that the Plan identifies for this purpose:

The High-level Committee for the National Plan, a primarily political body made up of representatives of the five ministries responsible for the Plan's implementation: the Ministry of Health (MINSa), the Ministry of Education (MINEDU), the Ministry of Justice (MINJUS), the Ministry of the Interior (MININTER) and the Ministry of Women and Social Development (MIMDES), which chairs the Committee.

The High-level Committee's main tasks are:

⁶ Information provided in report No. 13-2006-MIMDES-PNCVFS/UGPDC/STB.

- (a) To draw up and adopt action plans indicating the annual targets and budgetary allocations necessary to comply with the National Plan;
- (b) To monitor and evaluate the execution of the National Plan;
- (c) To adopt any necessary corrective measures to ensure the execution of the National Plan, the achievement of targets and the attainment of the proposed objectives;
- (d) To publicize the observations and recommendations contained in reports transmitted to it by the roundtables and any corrective measures taken.

The thematic cluster roundtables, which are technical and political bodies set up in 2003 and consisting of representatives of the sectors committed to executing the National Plan and representatives of civil society. Their purpose is to analyse the progress made and the difficulties encountered in executing the National Plan and to draw up periodic monitoring and evaluation reports. There are currently two such roundtables, one on domestic violence and one on sexual violence, both of which were set up in 2003.

The intrasectoral committees, described in the National Plan as “mixed teams” (No. 8), set up to monitor and evaluate actions aimed at fulfilling the commitments made under the Plan and envisaged in the plans of the respective ministries.

MINSA set up its committee in 2005.

MIMDES set up its committee on 20 May 2006.

MINEDU set up its committee on 9 June 2006.

MINJUS is finalizing the procedures for setting up its committee.

MININTER has appointed the members of its committee but the committee has yet to be set up.

Corrective measures recommended by the High-level Committee:

- Promote effective coordination of action among the five sectors responsible for executing the National Plan;
- Ensure that the sectors responsible for executing the Plan obtain the budgetary allocations necessary for meeting their commitments under that Plan;
- Given the failure to meet the goals and targets of the National Plan in the five years that it has been in force, redesign the Plan’s extension for a further five years.

9. *Please provide information on the results of the module on family violence included in the Demographic and Family Health Survey conducted in 2000 and 2003 (para.26). In the reply, please state whether it is planned to conduct this survey periodically.*

The National Demographic and Family Health Survey (ENDES) provides information on the population’s health through demographic indicators, particularly fertility rates and infant and child mortality rates. It gathers data on women’s knowledge, attitudes, views and behaviours with respect to sexually transmitted diseases and acquired immunodeficiency syndrome (AIDS), as well as on, inter alia, women’s status and domestic violence.

The Survey is ongoing, provides yearly reports and is scheduled to continue until 2009.

Annex 1 attached to this report is taken from the website of the National Institute of Statistics and Information Science and contains family violence information from the ENDES 2004 survey.⁷

Trafficking in women and exploitation of prostitution

10. Please indicate the status of the bills presented to the Congress, which would amend several articles of the Penal Code to “provide drastic punishment for commercial sexual exploitation of children and adolescents, in order to fill legal gaps and update criminal definitions in light of technological advances” (para.Z.5).

Act No. 28251 criminalizing conducts linked to the commercial sexual exploitation of children and adolescents, specifically with regard to the user/client, child sexual tourism, encouragement and promotion of sexual exploitation and trafficking for purposes of sexual exploitation, was adopted on 7 June 2004.

The MIMDES General Directorate for Children and Adolescents also reports⁸ that a bill on trafficking in persons and smuggling of migrants is being drafted in order to bring Peru’s legislation into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both of which instruments have been ratified by Peru.

It should be mentioned that the Ministry of Women and Social Development, together with other public institutions and civil society, has pushed for the Peruvian Penal Code to be amended to uphold the right of children to protection from commercial sexual exploitation.

Act No. 28251 amending the Penal Code provides drastic penalties for persons who promote the various forms of commercial sexual exploitation of children. Guidelines for intervention in centres of commercial sexual exploitation of children and adolescents, drawn up by MIMDES in its capacity as lead body of the National System for the Comprehensive Care of Children and Adolescents, were adopted by means of Ministerial Resolution No. 624-2005-MIMDES.

In accordance with Act No. 28119, municipal ordinances regulating access by minors to public Internet cabins have been enacted nationwide to prevent minors from being exposed to websites that promote child pornography.

11. Please indicate whether any plans exist, or whether any initiatives have been carried out, to compile statistics on the incidence of commercial sexual exploitation and trafficking of women and girls. If so, please provide these data.

The General Directorate for Children and Adolescents reports that research has been done that gives some idea of the magnitude of the problem. Moreover, MIMDES has promoted two initiatives for gathering quantitative data on this problem, one through the “State and Society against Violence, Abuse and Child Sexual Exploitation” project, which will carry out the initiative in four regions of

⁷ Website <http://www.inei.gob.pe>.

⁸ Report No. 001-2006-MIMDES/DGFV/DINNA-SDPNAIA-PJBM-ACC of 19 September 2006.

Peru (Lima, Cusco, Madre de Dios and Loreto), and one through the plan for the implementation of Outcome 21 of the National Plan of Action for Children and Adolescents 2002-2010, concerning reduction of the sexual exploitation of children and adolescents, which is expected to gather information in a further 14 regions of the country.

In June 2005, by means of Supreme Resolution No. 28-2005-TR, the Peruvian Government set up the National Intersectoral Committee for the Eradication of Forced Labour, which is chaired by the Ministry of Labour and Employment and of which MIMDES is a member, to investigate and analyse the problem of forced labour in the country and to draw up a national plan of action for its eradication.

Participation in political and public life

12. The report states that, despite the existence of gender quotas for lists of candidates for Congress, the proportion of female representation fell by 4 per cent, and that this was partly because “female candidates and leaders were not thoroughly assessed [...] in the provinces” (para.T.4). Furthermore, the results for the 2002 municipal elections showed a very low number of women holding posts of councillors and mayors (para.T.10). Since the measures adopted have not been sufficiently effective, please indicate what other measures are planned in order to ensure the effective participation of women in political and public life.

It should be noted that in this year’s parliamentary elections, 35 of the total 120 members of Congress elected were women. At 29.1 per cent, this level of female participation in Congress is the highest in the country’s history. Moreover, there are currently six women Ministers of State (Interior, Women and Social Development, Justice, External Trade and Tourism, Labour and Employment and Transport and Communications) out of a total of 15, giving women 40-per-cent representation at this level.

To effectively ensure greater participation by women in political and public life, MIMDES is working on a legislative proposal for submission to Congress which, if adopted by Congress, would amend the Regional Elections Act and the Municipal Elections Act to ensure that, instead of women candidates being placed at the bottom of lists of candidates, men and women candidates would alternate on the lists according to a gender quota.

Education

13. Please provide gender-disaggregated statistics, and indicate the general trends observed over time, for school attendance and dropout rates at primary, secondary and university level and for illiteracy rates in rural and urban areas. Information on university attendance should include data disaggregated by gender and course type.

The INEI Statistical Compendium for 2005, published in January of this year, indicates the following:

I. Table 5.29: Net attendance rate of the population aged 6 to 11 years in the corresponding grades of primary education, by age in years, gender, area of residence, natural region and level of urbanization.

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>May 2003-April 2004</i>
Gender				

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>May 2003-April 2004</i>
Boys	93.5	91.7	89.7	90.5
Girls	93.4	91.2	90.1	90.4

II. Table of net attendance of the population aged 12 to 16 years in the grades corresponding to those ages, by age in years, gender, area of residence, natural region and level of urbanization, 2000-2002 and 2003-2004.

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>May 2003-April 2004</i>
Gender				
Boys	62.6	66.3	68.9	68.3
Girls	60.7	64.9	66.0	66.8

The Institute of Statistics and Information Science reports that for January to December 2005, the illiteracy rate among women aged 15 years and over was 16.3 per cent, compared with 10.6 per cent among men.

Illiteracy rate of the population aged 15 years and over

<i>Age group/area/region</i>	<i>Oct.-Dec. 2000</i>	<i>Oct.-Dec. 2005</i>
Total	11.7	11.1
Area of residence		
Men	6.1	5.7
Women	17.0	16.3
Urban	5.3	5.2
Rural	25.9	23.9
Natural region		
Coast a)	5.3	5.1
Lima Metropolitan Area b)	3.7	2.7
Rest of the coast c)	7.6	8.5
Sierra	22.1	20.8
Selva	12.1	11.0

Explanatory note 1: In May 2003, the National Household Survey (ENAHO) stopped designing the sample for carrying out the survey in periods when quarterly data were being collected and switched over to collecting information 52 weeks a year.

Explanatory note 2: In the National Household Survey, the percentage of persons aged 15 years and older that did not answer question 302 indicating whether or not they were literate was 3.2 per cent, 7.4 per cent and 12.3 per cent, respectively, for 2003, 2004 and 2005. As a result, the illiteracy rate for those years must be taken as preliminary.

- a) Includes Metropolitan Lima and the rest of the coast.
- b) Includes the province of Lima and the constitutional province of Callao.

c) Excludes Metropolitan Lima.

Source: INEA (a) National Household Survey, 4th quarter of 2000 and (b) National Household Survey, Annual, 2005

14. Please indicate whether there are any plans to implement in the short term temporary special measures in the education sector, at primary and secondary level, to promote access by indigenous girls and girls of African descent. If so, please provide information on what action is planned.

The National Equal Opportunity Plan for Men and Women 2006-2010, in its guideline 3 on women's full exercise of their social and cultural rights, proposes among other strategic actions the continuation of intercultural bilingual literacy and post-literacy programmes for girls and women, especially older women, belonging to Andean, Afro-Peruvian and Amazonian peoples. These programmes have contents that promote such women's exercise of their civic rights and their incorporation in production projects.

The National Plan of Action for Children and Adolescents 2002-2010 sets targets for 2010 with respect to the education of rural girls, such as ensuring that 90 per cent of girls in rural areas attend and complete six years of primary education.

The implementation of Act No. 27558, the Rural Girls' Education Act, promulgated on 22 November 2001 is intended to achieve equity in education. Its specific objectives include ensuring that:

- Equity prevails in rural schools and there is an end to practices that discriminate against girls on grounds of race, lack of proficiency in the official language and the fact that they may be older than other pupils;
- Girls receive timely education on the process of personal changes that occurs during puberty and on the meaning and value of such changes for female development;
- In an environment of equity for all students, teachers' personalized, respectful treatment of girls becomes the dominant everyday practice.

The Multisectoral Committee for Rural Girls' Education, set up by Supreme

Decree No. 01-2003-ED, created a network for rural girls, made up of representatives of the different sectors, which participated in the National Consultation on Education, preparing proposals based on the discussions held in national forums, and produced and disseminated studies and diagnostic analyses, mobilizing local leaders, parents, teachers and girls themselves.

15. With regard to resolution 1821-2002-MP-FN of the Prosecutor General's Office, creating a Special Registry of Complaints of Sexual Assault and Harassment of Schoolchildren in the Education Centres of the Ministry of Education (see part II, art. 2, para.16), please provide further information on the incidence of these cases, the supervisory mechanisms in education centres, the offenders' punishment and the rehabilitation measures for victims.

Resolution No. 1821-202-MP-FN of 20 October 2002 of the Prosecutor General's Office set up in that Office the Special Registry of Complaints of Sexual Assault and Harassment of Schoolchildren in the Education Centres of the Ministry of Education.

Act No. 27911, which includes extraordinary administrative measures for teaching or administrative staff who commit crimes of violation of sexual freedom, was promulgated on 8 January 2003. Its implementing regulations, adopted by Supreme Decree No. 005-2003-ED, introduce a registry of teaching and administrative staff who have been subject to administrative penalties and stipulate that such staff may be dismissed in the event of an enforced or agreed sentence. While the complaint is being dealt with, the person against whom the complaint has been made may be dismissed by means of an administrative complaint.

MIMDES, for its part, has the National Plan against Violence towards Women 2002-2007. One of its most important strategies has been to set up 48 Emergency Women's Centres (CEM) nationwide to provide counselling and free, comprehensive care to victims of domestic and sexual violence. The Centres provide legal, psychological and social assistance to victims.

Employment

16. According to the report, while the Prevention and Punishment of Sexual Harassment Act establishes administrative penalties for violators, that behaviour does not constitute a crime (para. P30). Please indicate how many cases were reported each year between 2002 and 2005, what the administrative penalties consist of and whether it is planned to characterize sexual harassment as a crime in the short time.

The total number of cases brought before the judiciary between the entry into force of Act No. 27942 on the Prevention and Punishment of Sexual Harassment in February 2003 and the present is not available.

The Act envisages various penalties, depending on whether the harasser works in the public or the private sector; where the sexual harassment takes place: education centres, military and police institutions; and whether the victim is in a subordinate situation not regulated by labour law. Thus, the penalties established in each case by the Sexual Harassment Act and its implementing regulations, adopted by Supreme Decree No. 010-2003-MIMDES, depend on the seriousness of the harassment and may be:

- (a) Verbal or written warning;
- (b) Suspension;
- (c) Discharge;
- (d) Temporary or permanent dismissal;
- (e) Termination or reassignment;
- (f) Other penalties, according to the sphere of application.

17. What supervisory mechanisms exist to ensure effective compliance with legislation protecting working women (such as Law No. 27402 concerning pre- and postnatal maternity leave; Law No. 27403 concerning daily one-hour leave for breastfeeding; Law No. 27606 concerning the extension of postnatal maternity leave in the case of multiple births; and Law No. 27409 concerning employment leave for adoption) (paras. 25 to 30)?

The Labour Inspectorate of the Ministry of Labour and Employment has trained staff who are responsible for verifying compliance with labour legislation.

The Ministry also keeps a register of companies that have infringed labour laws at one time or another, in order to monitor them on an ongoing basis.

The General Act on the Labour Inspectorate and Worker Protection contained in Legislative Decree No. 910 provides protection for working mothers:

Article 1. Definition and purpose

“The Labour Inspectorate is a public service under the authority of the Ministry of Labour and Employment whose purpose is to monitor compliance with legal and contractual provisions in the employment sphere on promotion and training for work and occupational health and safety, in order to prevent or resolve labour disputes or risks between workers and employers. It does so through the following actions:

- Verifying compliance with labour norms at all levels, as well as contractual norms, and the development of labour relations, such as (...);
- Verifying respect for the rights of working mothers, minors, persons with physical, intellectual or sensory limitations and groups requiring special care and protection by the State; and ...”.

The Act’s implementing regulations, adopted by Supreme Decree No. 020-2001-TR, establish that the employer’s failure to comply with norms benefiting the worker constitutes an offence and is punishable not only by a fine but also by inclusion in the register of companies considered priorities for random inspection.

18. With regard to equal remuneration, the report refers to the minimum living wage. However, no information is provided on the levels of remuneration for men and women performing the same jobs in the public and private sector. Please indicate whether any study is planned, or has been carried out, to check whether the provisions of the Constitution concerning equal remuneration are effectively complied with. If a study has been carried out, please include the results.

Gender-based employment discrimination remains one of the most negative aspects of the country’s labour market, manifesting itself in the concentration of female employment in a limited number of sectors and occupations that are considered typically female and in the small number of women in leadership positions or positions of responsibility. This is an important determinant of the wage differentials between the two sexes.

According to INEI,⁹ the visible underemployment rate by gender is 18.4 per cent for women and 12.6 per cent for men; in other words, there is a 5.8 per cent gap between the sexes. While the average monthly income of male and female workers in the Lima Metropolitan Area is 838.5 nuevos soles, the average monthly wage of the female economically active population is 653.3 and that of the male economically active population is 975.2, meaning that men earn on average 321.9 nuevos soles more than women.

Also according to INEI (ongoing survey of Metropolitan Lima),¹⁰ analysis of workers’ educational levels reveals that average monthly income is greater for those with some higher education, with women earning 983.7 nuevos soles and men

⁹ INEI technical report No. 08 August 2006.

¹⁰ Idem.

earning 1537.5, a wage gap of 553.8. Among those with some secondary education, women earn 485.1 to men's 664.0, a wage gap of 178.9. Among those with some primary education or no schooling at all, the average monthly wage gap is 151.9, with women earning 415.2 to men's 567.1 nuevos soles.

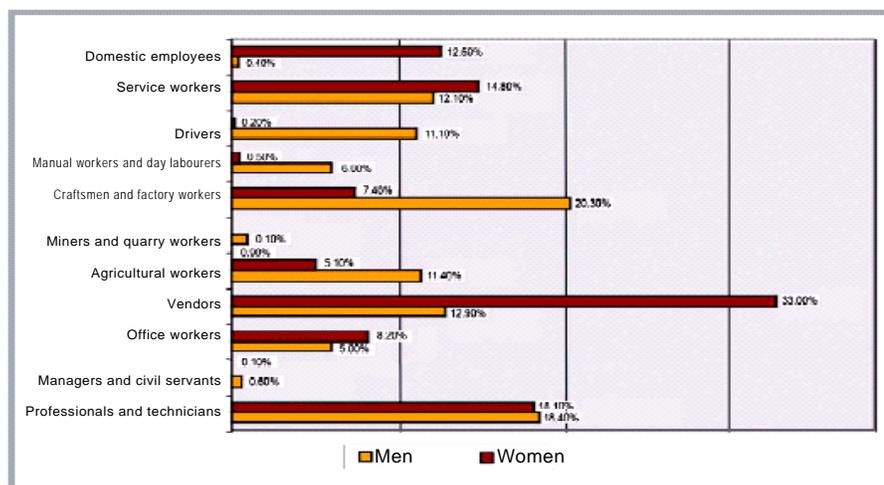
19. Please provide statistics, and the general trends observed over time, concerning women's participation in the formal and informal sectors of the economy, and include detailed information on the activities and conditions of women working in the informal sector.

The basic guideline of the National Equal Opportunity Plan 2006-2010¹¹ notes that women are concentrated in occupations with lower levels of productivity, whereas men's occupations are more diversified. One in three working women are vendors, mostly street vendors; the second largest group are professionals and technicians (18 per cent); the third are service workers (around 15 per cent); and the fourth are domestic employees (12.5 per cent).¹²

Women's greater concentration in more informal occupations (street vending, domestic service) directly excludes them from the social security systems benefiting wage earners, with the result that their working conditions are precarious and unstable.¹³

Statistics on the economically active population and the national accounts continue the negative practice of undervaluing or omitting a large part of women's domestic work by treating only remunerated activity as economic activity. They also fail to take account of women's contribution to subsistence production in rural areas, in the form of growing food crops, taking care of animals and carrying firewood, still less to place an economic value on women's voluntary work in community kitchens, health committees, committees providing milk to children and other community services.

Workers by gender and occupational group



¹¹ National Equal Opportunity Plan for Men and Women 2006-2010, 1st edition, September 2005.

¹² MTPE-PEEL "La Mujer en el Mercado Laboral Peruano" (Women on the Peruvian Labour Market), 2005.

¹³ Idem.

Health

20. *According to the report, abortion is the fourth leading cause of female deaths in establishments of the Ministry of Health (para.160). During its consideration of Peru's fourth periodic report, the Human Rights Committee expressed its concern that abortion continued to be subject to criminal penalties, even when pregnancy is the result of rape, and recommended that the legislation should be amended to establish exceptions to the prohibition and punishment of abortion (see CCPR/CO/70/PER, para.20). Please indicate what action has been taken to amend the legislation, and provide a detailed schedule.*

In this connection, article 2(1) of the Peruvian Constitution considers the unborn child to be a subject of law in all matters that benefit it, while article 1 of the Peruvian Penal Code states that "The human person is a subject of law from birth. Human life begins at conception. The unborn child is a subject of law in all matters that benefit it..." That is why abortion is legally banned in Peru, by means of article 114 of the Penal Code.

Article 119 of the Penal Code, on non-punishable therapeutic abortion, states that: "Abortion performed by a doctor with the consent of the pregnant woman or her legal representative, if she has one, when it is the only means of saving the woman's life or preventing serious, lasting damage to her health, shall not be punishable". This shows that therapeutic abortion is permitted.

Abortion is punished even when conception is the result of rape. Thus, article 120 of the Penal Code stipulates:

"Article 120. Abortion for reasons of sentiment or eugenics.

Abortion shall be punishable by imprisonment of no more than three months:

1. When the pregnancy is the result of rape outside marriage or artificial insemination performed without consent and outside marriage, provided that these facts have been reported or investigated, at least by the police; or
2. When it is likely that the developing foetus will be born with serious physical or mental handicaps, provided that a medical diagnosis is made".

21. *What mechanisms have been established to evaluate and monitor implementation of the National Plan of Action for Children and Adolescents 2002-2010, the aim of which is to reduce the rate of teenage pregnancies by 30 per cent and teenage pregnancy-related deaths by 55 per cent? Please indicate whether the current rates have been reduced as a result of implementation of this Plan.*

The MIMDES General Directorate for Children and Adolescents reports¹⁴ that in 2002, a Multisectoral Committee¹⁵ was set up to implement the actions set out in

¹⁴ Report No. 001-2006-MIMDES/DGFV/DINNA-SDPNAIA-PJBM-AAC of 19 September 2006.

¹⁵ Chaired by the Ministry of Women and Social Development, with the Office of the President of the Council of Ministers acting as secretariat, and made up of representatives of the Ministries of Health, Education, Labour and Employment, Justice, Interior and Economy and representatives of the judiciary, the Attorney General's Office and the National Institute of Statistics.

the National Plan of Action for Children and Adolescents. This Committee is responsible for drafting the annual progress report on the implementation of the National Plan of Action (PNAIA), which is presented to the Congress of the Republic each year by the President of the Council of Ministers by virtue of Act No. 27666.

In April 2005, through Act No. 28487, the Supreme Decree adopting the National Plan of Action 2002-2010 was given force of law. Article 3 of the Decree establishes that the national budget shall include a numerator of activity within the programmatic functional classifier for the National Plan of Action 2002-2010.

In order to comply with the abovementioned Act, the Ministry of Economy and Finance has implemented a procedure that makes it possible to identify and monitor actions and programmes to be executed by State institutions under that Plan. This process will make known the investment made in children and adolescents and its impact on them.

The Ministry of Health reports¹⁶ that the percentage of teenage pregnancies has not changed significantly. There has been a slight reduction from 13 per cent to 12.7 per cent, primarily among adolescents in the Selva region, adolescents with no education or with primary education and adolescents living in the greatest poverty. The specific fertility rate dropped slightly to 59 births per 1,000 among women aged 15 to 19 years in 2005, but the decline is still very slow. A more marked decline in fertility in rural areas could be related to the presence of the Comprehensive Health Insurance System, the provision of contraceptives in health establishments and teenagers' increased access to education.

22. According to the report, the health sector has not yet implemented the legal provision authorizing the sale of emergency contraception with a medical prescription (para.147). Please indicate what the obstacles are to the implementation of this provision, and what is being planned in the short term to overcome them.

The National Office for Sexual and Reproductive Health Strategy, which comes under the Department of Personal Health of the Ministry of Health, indicates that since the second half of 2005, emergency contraception has been distributed free of charge with a medical prescription in the country's health centres. As for sales of emergency contraception, there are currently no restrictions on purchasing it with a medical prescription.

Women in rural areas and poverty

23. Please indicate what specific actions were carried out as a result of the integration of the gender perspective in the Bases for the Strategy for Poverty Reduction and Economic Opportunities for the Poor (para.N.1), and specify those which targeted women living in rural areas. In the reply, please indicate whether the said strategy was designed in accordance with the principles of the Convention and the guidelines of the Millennium Development Goals.

¹⁶ Information provided by Dr. Rosa Vilca, representative of the Ministry of Health, to the PNAIA Multisectoral Committee and included in report No. 1-2006/MIMDES/DGFC/DINNA-SDPNIAIA-PJBM-AAC.

The Peruvian State has carried out various actions for the advancement of women, through programmes and projects incorporating a gender perspective for poverty reduction and economic opportunities for women. Some of these projects, which adhere to the principles of the Convention and the guidelines of the Millennium Development Goals, are described as follows:

Between 2000 and 2004, the National Watershed Management and Soil Conservation Programme (PRONAMACHCS) of the Ministry of Agriculture promoted the implementation of 864 business initiative modules related to agricultural activities led by women, in coordination and cooperation with local governments and public and private institutions and benefiting 14,237 families.

The Natural Resource Management in the Southern Sierra Project (MARENASS), a Ministry of Agriculture investment project that ran from 1998 to 2004, was carried out in the poorest areas of Apurímac, Ayacucho and Provincias Altas de Cusco. Its main objective was to build communities' and families' management capacities for executing their own development activities on a sustainable basis, exercising their civic rights and duties in a framework of gender equity. It resulted in the establishment of 558 women's organizations. To encourage women's participation in all the project's activities and benefits and reduce inequity, positive discrimination was applied in the 360 peasant communities concerned, providing funding directly to women to set up rural businesses.

The "Mi Chamba" programme, set up in September 2005, builds capacities and provides access to business opportunities and markets for women entrepreneurs and businessmen and businesswomen operating micro- and small businesses, in cooperation with the Ministries of Production, Labour, External Trade and Tourism and Agriculture. The programme enables women from grassroots community organizations and leading socially responsible medium and small businesses to generate income and productive employment by providing training bonds and technical assistance. As a result, 18,196 women have been trained, 330 women have received specialized production technical assistance and 1,000 women have been integrated into the national and international market.

In 2002, through the Special Land Titling Project (PETT), the Ministry of Agriculture issued 210,637 certificates formalizing rural land ownership, of which 46,515 went to women producers. In 2003, 273,708 certificates were issued, more than 60,000 of them to women producers. Over the period 2001-2005, a total of 249,624 rural land title deeds, or 26 per cent of all those issued, were awarded to women.

Through the "Million Peasants" initiative of the Programme to Support the Resettlement and Development of Emergency Zones (PAR) implemented by the Ministry of Women and Social Development, three micro-credit projects for women have been carried out in the departments of Ayacucho, Junín and Puno. A total of 76 micro-credits have been granted, benefiting 1,291 rural women. Under the initiative, 230 projects - 90 infrastructure projects and 140 production projects - have been implemented, directly benefiting 14,400 people. In 2004, as part of the execution of the initiative's second phase, more than 565,000 applications for registration were submitted to the public registries, leaving only 11 per cent still to be submitted.

With regard to land titling, 797,000 certificates formalizing ownership were issued, enabling over 3 million farmers to enjoy the benefits conferred by land title deeds.¹⁷

The “Juntos” programme (a conditional money-transfer programme) provides a cash subsidy to women from the country’s poorest families in exchange for taking part in health, nutrition, education and civic development programmes. By February 2006, subsidies had been paid to 32,000 women (benefiting 150,000 persons) in 110 districts of the country’s four poorest departments (Ayacucho, Huancavelica, Apurímac and Huánuco). This amounts to an investment of 300 million soles for 2006. Five further departments have been added to the programme: Cajamarca, Puno, La Libertad, Ancash and Junín (a further 210 districts).

The PROPOLI bond, a cofinancing mechanism for training, advisory services and technical assistance for micro-businesses and their workers, operates in 10 districts of Metropolitan Lima and has resulted in 1,511 women being trained.

The “Contigo Ayacucho” (We’re with you, Ayacucho) programme, carried out with Belgian cooperation, builds enterprise capacities linked to business opportunities and is aimed at women victims of political, domestic and sexual violence. It has resulted in the incorporation of 1,000 women in the labour market.

The Women’s Economic Capacity-building Project in Ayacucho (Huanta and La Mar), which won a Fondo Italo-Peruano competition, will be implemented with the participation of 2,000 businesswomen who have been victims of political, domestic and sexual violence.

24. Paragraph HH.3 of the report mentions that no indicators have yet been developed to measure or record activities that benefit indigenous women. Please indicate whether it is planned to carry out studies and develop statistics and indicators to show the conditions of indigenous women, design specific programmes for them and assess the impact of these programmes.

The National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples (INDEPA) reports that its activities also benefit women belonging to Andean, Amazonian and Afro-Peruvian peoples and, in this regard, lists the following activities for the second half of 2006:

- Training workshop on mechanical shearing, dehairing and classification of vicuña and alpaca fibres, Puquio, Ayacucho, 24 to 30 September 2006;
- Third meeting of leaders of organizations representing Andean, Amazonian and Afro-Peruvian peoples, INDEPA, Lima, 9 and 10 October 2006;
- Roundtable on socio-environmental problems of the Lake Titicaca basin, Puno, 19 and 20 October 2006;
- Second provincial meeting of Abancay peasant communities, Abancay, 26 and 27 October 2006;
- Workshop on strengthening Cusco communities in the area of influence of the Southern Interoceanic Road Corridor, Cusco, 8 and 9 November 2006;
- First meeting of leaders from the province of Huancane, Puno, 21 to 23 November 2006;

¹⁷ PETT–2004 news bulletin and website <http://www.pett.gob.pe/portal/index>.

- Large-scale first meeting of State, grassroots and non-governmental organizations of the southern Andean region to make known the policy, plans and programmes of INDEPA, Andahuaylas, Apurimac, 5 and 6 December 2006;
- Workshop on the formulation and adoption of the 2007 operational plan for decentralized regional offices in the north-central Andean area, Huancayo, Junín, 13 and 14 December 2006;
- Workshop on the technical management of rainbow trout farming for grassroots organizations in the Lake Titicaca and tributaries area, Puno, 20 and 21 December 2006.

25. *According to the report, the findings of the Roundtable for Dialogue and Cooperation with Native Communities of the Amazon did not refer to the issue of indigenous women (para.HH.7). Please indicate whether the members of the Inter-institutional Roundtable of Indigenous Women, established within the Ministry of Women and Social Development, and/or other groups of women took part in the said roundtable. Please also indicate what actions are planned to promote the participation of indigenous women in decision-making and the drawing up of policies to combat poverty.*

The Peruvian State promotes indigenous women's participation through gender quotas and the quota for participation by native communities and indigenous peoples, as can be seen from the following laws:

- Act No. 26859, the Elections Act, as amended by Act No. 27387, establishes that the percentage of either men or women on the lists of candidates for election to the Congress of the Republic must be no less than 30 per cent;
- Act No. 27683 of 25 March 2002, the Regional Elections Act regulating the election of regional authorities, establishes a gender quota. Article 12 thereof stipulates that "... the list of candidates for election to the Regional Council must comprise no less than 30 per cent of either men or women and a minimum of 15 per cent of representatives of native communities and indigenous peoples for each region where they exist ...";
- Act No. 26864, the Municipal Elections Act, as amended by Act No. 27734 of 28 May 2002, establishes a minimum quota of 30 per cent for both men and women on lists of candidates for mayor and city councillor and a minimum of 15 per cent for representatives of native communities and indigenous peoples for each province. Article 10(13) thereof reads: "The number indicating the position of candidates for city councillor on the list, which must comprise at least 30 per cent of either men or women and a minimum of 15 per cent of representatives of native communities and indigenous peoples for each corresponding province, where they exist, as determined by the National Elections Board".

Civil society is also working, through the non-governmental organization "Chirapaq", to promote the all-round development of indigenous women as the main preservers and transmitters of Peru's cultural heritage. To that end, it is promoting the development of projects based on strengthening indigenous identity through the affirmation of indigenous culture and the dissemination and practice of equitable

gender relations from the standpoint of indigenous people's own worldview, so that they can exercise fully their socioeconomic, political and cultural rights.

Chirapaq has a leadership-training project aimed at women leaders of indigenous organizations and social and trade union organizations in which both men and women participate. Its main objective is to help train indigenous women leaders, empowering them with knowledge and skills and building their autonomy and decision-making capacity so that they gain a presence locally, regionally and nationally. Its principal achievement is the creation of the Permanent Workshop of Andean and Amazonian Indigenous Women, made up of 20 organizations nationwide.

Optional Protocol

26. *Please indicate what actions have been carried out to disseminate information on the Optional Protocol.*

At the workshop on "Progress in the elimination of all forms of discrimination against women" conducted by the Ministry of Women and Social Development in Lima on 5 and 6 July 2006, both the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, which was adopted by Legislative Resolution No. 27429 and ratified by Supreme Decree No. 018-2001 of 6 March 2001, were distributed.

Moreover, the Ministry of Women and Social Development, through its Directorate-General for Women, is distributing and publishing various documents that include both the text of the Convention on the Elimination of All Forms of Discrimination against Women and the text of the Optional Protocol to the Convention. These are distributed at the different events organized by the Directorate with local and regional governments, authorities, etc.

Annexes to the report will be provided to the Committee in the language in which they were received.
