



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the report submitted by Peru under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Peru to the list of issues*,**

[Date received: 6 November 2015]

1. The Government of Peru submits the following information in response to the concluding observations of the Committee on the Rights of the Child, in compliance with article 8 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which was ratified by Peru and came into force for the country on 18 January 2002.

2. The present document is the result of a consultative process led by the Ministry of Justice and Human Rights, multisectoral coordination and the compilation of information received from a number of government agencies.

2. Please provide statistics (disaggregated by sex, age, nationality, ethnic origin, disability, socioeconomic status, and rural or urban origin) from the past three years relating to:
- (a) The number of cases of the sale of children, child prostitution or child pornography or any other kind of exploitation, including sex tourism, and the action taken in those cases, including the prosecution and punishment of those responsible

3. The Peruvian National Police has set up a Child Pornography Investigation Department under the Advanced Technology Crime Division of its Criminal Investigation and Judicial Support Department.

* The present document is being issued without formal editing.

** The annexes to this report are available at the Committee secretariat. They are also available from the website of the Committee on the Rights of the Child.



4. This is a specialized police department that seeks to protect children around the country from child pornography. The department has been carrying out activities aimed at preventing the sexual exploitation of girls and boys, for example by giving talks on the appropriate use of social networks to children in schools in the capital, to police officers from various units, to the managers of public Internet booths and to teachers. It has also been conducting virtual patrols online to detect criminal activity and carrying out ex officio investigations.

5. Between January and May 2015, 64 cases were reported, 31 of them directly, 14 through INTERPOL, 14 through the prosecutor's offices and the courts, and 5 by embassies and other public sector institutions. With regard to the victims of child pornography and related offences, 57 underage alleged victims have been identified; 40 per cent of them (21) were aged between 10 and 12 years and 60 per cent (32) between 13 and 17 years.

(b) The number of children or adolescents trafficked to, from or within the State, for the purpose of sale, prostitution, forced labour, illegal adoption, organ transfer, pornography or marriage, and the measures taken, including the prosecution and punishment of those responsible

6. In accordance with judicial instruction 157-2015-GDC-GG-PJ, and within the terms of its mandate, the Office of Corporate Development of the Judiciary has handed down rulings that directly contribute to the fight against trafficking in persons, violations of sexual integrity, indecent acts (child pornography) and procurement (child sex tourism, pimping, promoting and encouraging prostitution). The Office keeps a record of the overall number of prosecutions and judgements handed down in this area.

7. In the case of trafficking in persons — aggravated by abuse of position to retain or transfer a minor or person without legal capacity — the number of judgements handed down has been as follows:

Trafficking in persons — aggravated by abuse of position to retain or transfer a minor or person without legal capacity

	2013	2014	2015 (up to August)	Overall total
Art. 153-A.1	10	14	7	31
Art. 153-A.2		3	2	5
Total judgements	10	17	9	36

- With regard to violations of the sexual integrity of children and adolescents, a criminal offence under the Peruvian legal system, an overall total of 3,350 judgements were handed down in 2013; 4,001 in 2014; and 3,461 from January to August 2015 (see annex 1);
- With regard to offences against public morals committed against children and adolescents, a criminal offence under the Peruvian legal system, an overall total of 44 judgements were handed down in 2013; 122 in 2014; and 33 from January to August 2015 (see annex 2);
- With regard to the offence of procurement with respect to children and adolescents, a criminal offence under the Peruvian legal system, an overall total of 132 judgements were handed down in 2013; 290 in 2014; and 143 from January to August 2015 (see annex 3).

8. No data were found on any children or adolescents trafficked from or to the State or otherwise handed over for the purpose of sale, prostitution, forced labour, illegal adoption, organ trafficking, pornography or marriage.

3. Please provide information on specific measures in the National Plan of Action for Children and Adolescents 2012-2021 and the National Plan of Action to Combat Human Trafficking 2011-2016 aimed at eliminating the sale of children, child prostitution and child pornography. Please also provide information on results achieved to date at the national and regional levels.

9. The National Plan of Action to Combat Trafficking in Persons (2011-2016), adopted by Supreme Decree No. 004-2011-IN, sets out four strategic areas: prevention, prosecution, protection and assistance to victims (under Act No. 28950 on trafficking in persons and smuggling of migrants, and its regulations), and implementation, follow-up and monitoring activities, identifying the bodies and mechanisms for the follow-up and monitoring of the National Plan. Coordination, follow-up and monitoring are the responsibility of the technical secretariat of the Human Rights Committee of the Ministry of the Interior and the regional implementation and monitoring committees, under the supervision of the Government's Multisectoral Standing Working Group against Trafficking in Persons.

10. The prohibition on subjecting minors to torture or to cruel or degrading treatment is set out in article 4 of Act No. 28251 of 2004, the Code on Children and Adolescents. Furthermore, forced labour, economic exploitation, forced recruitment, prostitution, trafficking and the sale or trafficking of children and adolescents are considered extreme practices that impair their personal integrity.

11. Pursuant to Act No. 29807, the State has assumed the task of planning, coordinating, monitoring and following up on a carefully designed, long-term criminal policy. In establishing the National Council on Criminal Policy, the State is seeking to establish a public policy to deal with crime. At a meeting on 14 November 2014, the Council unanimously adopted the national policy on trafficking in persons and related forms of exploitation, which was promulgated by Supreme Decree No. 001-2015-JUS of 24 January 2015.

12. As part of the implementation of this policy, the General Directorate for Criminal and Prison Policy (the technical secretariat of the National Council on Criminal Policy) has undertaken the following actions:

(a) *Legislative harmonization*: In collaboration with the Ministry of the Interior, the proposed new regulations for Act No. 28950 were drawn up and have been endorsed by all sectors. The document is currently being submitted by the Ministry of the Interior to the Vice-Ministerial Coordinating Committee. The Ministry of Justice has taken over the drafting of the intersectoral protocols on the prosecution of crime and assistance and protection for victims, which was begun by the Multisectoral Standing Working Group against Trafficking in Persons, whose final report was sent to the Ministry of the Interior on 11 June 2015 and was approved by the various sectoral bodies;

(b) *Dissemination*: As part of the communications strategy, special communications materials were developed, consisting of infographics, a comic strip and an information brochure. There are also plans to design and implement an intercultural communications strategy for information campaigns to be conducted outside the capital;

(c) *Staff training*: As part of the focus on staff training, a training plan has been drawn up for 2015, covering prevention, prosecution and assistance/protection for staff working in these areas. The first training event was held on 23, 24 and 25

June 2015 in the city of Piura and was attended by more than 460 participants. Training sessions were also conducted in Ucayali (from 11 to 13 August), Lima (from 26 to 28 August) and Cusco (from 9 to 11 September);

(d) *Research*: A research project has been started in collaboration with the non-governmental organization Capital Humano y Social Alternativo (Alternative Human and Social Capital) to analyse the profile and life choices of traffickers appearing before the criminal courts in order to identify their *modus operandi*.

13. One of the specific aims of this national policy is to strengthen social programmes for vulnerable groups of the population, especially children and adolescents, with a focus on comprehensive protection, in order to curb practices associated with trafficking in persons and related offences, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000.

14. In this regard, under Act No. 28950 on trafficking in persons and smuggling of migrants, promulgated on 16 January 2007 and regulated by Supreme Decree No. 007-2008-IN of 30 November 2008, substantive amendments were made to article 153 of the Criminal Code as well as article 341 of the Code of Criminal Procedure. Subsequently, Act No. 30251 of 30 September 2014 amended the definition the criminal offence, as follows:

Article 153. Trafficking in persons

1. Anyone who, by means of violence, threats or other forms of coercion, deprivation of liberty, fraud, deception, abuse of power or of a situation of vulnerability, the giving or receipt of payments or benefits of any kind, recruits, transports, transfers, harbours, receives or retains another person, in the territory of the Republic or to enable the person to leave or enter the country for the purposes of exploitation, shall be liable to a prison sentence of between 8 and 15 years.

2. The purposes of exploitation for trafficking in persons within the meaning of paragraph 1 include the sale of children or adolescents, prostitution and all forms of sexual exploitation, slavery or slavery-like practices, all forms of labour exploitation, begging, forced labour or services, servitude, harvesting or trafficking of organs, body tissues or parts, and any other similar forms of exploitation.

3. The recruitment, transport, transfer, harbouring, receipt or holding of children or adolescents for the purposes of exploitation shall be considered trafficking in persons even if none of the methods described in paragraph 1 are used.

4. The consent of adult victims to any form of exploitation shall be devoid of legal effect if the perpetrator has had recourse to any of the methods listed in paragraph 1.

5. Any person who promotes, encourages, finances or facilitates the commission of the offence of trafficking in persons shall be liable to the same penalty as the perpetrator.

15. This legal provision was modelled on the definition set out in the United Nations Convention against Transnational Organized Crime and its two additional protocols, and also includes the following elements:

- One of the behaviours that characterize the offence of trafficking in persons is “holding”, understood as the deprivation of liberty of a person, whether to enable them to remain in the national territory or to leave or enter it;
- New aspects of trafficking in persons have been included: the sale of children, forced begging and harvesting or trafficking of human tissues.

16. Moreover, Act No. 28950 establishes certain procedures, such as the special procedure for effective cooperation with persons who provide information on trafficking in persons, with a view to obtaining the necessary evidence to obtain the conviction of the perpetrators. Along the same lines, article 1, paragraph 2, of Act No. 27378, which establishes various types of reward for effective cooperation in the area of organized crime, was amended: the legal definition of an undercover agent was amended so that it can be used in human trafficking cases, again with a view to obtaining the evidence required to obtain a conviction (Code of Criminal Procedure, art. 314, paras. 1, 2 and 4).

5. Please provide information on the budget specifically allocated and used for the implementation of the Optional Protocol in the past three years.

17. While there is no specific budgetary information on the amount allocated to the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, it is possible to make an estimate based on the resources allocated to three desired outcomes of the National Plan of Action for Children and Adolescents that are related to the objectives of the Optional Protocol.

18. Of the 25 desired outcomes included in the National Plan (see annex 2) for which the initial and actual budget for the past three years is known, the following may be related to the Optional Protocol:

- Outcome 14: Adolescent girls and boys are not subjected to sexual exploitation;
- Outcome 17: Children and adolescents are fully protected from situations related to trafficking (sexual and labour exploitation, begging);
- Outcome 21: Fewer children and adolescents are victims of sexual violence.

19. On this basis, the budget allocated for the implementation of the Optional Protocol in 2015 was 34 million *nuevos soles*, of which 15 million (44 per cent) were spent in the first half of the year.

6. Please provide additional information on the training, awareness-raising and dissemination programmes on the Optional Protocol conducted to date. In particular, please provide information on whether these programmes are being conducted systematically and whether they are evaluated. Please provide information in particular on awareness-raising campaigns targeting children, adolescents, parents, teachers and the staff of alternative care centres.

20. Under the continuing education and advanced training programme of the Judicial Training School, training is systematically provided to judges, prosecutors, court officers and assistant prosecutors. One of the subjects covered is minors and, within that, trafficking in minors. As such, in the period 2014-2015 the Judicial Training School organized the following academic activities:

- Course on strategies for the prevention and handling of gender-based violence against children and adolescents from a multidisciplinary perspective (April 2014);
- Workshop on human trafficking where the victims are minors (August 2014);

- Course on strategies for the prevention and handling of gender-based violence against children and adolescents from a multidisciplinary perspective (April 2015).

21. The evaluation of courses at the institutional level is based on targets, while all learners are evaluated individually.

22. In addition, the Ministry of Tourism has been working to prevent the sexual exploitation of children and adolescents (January 2014-June 2015). The aim of its regional awareness-raising talks is to make tourists (domestic and foreign), tourism service providers, regional and local authorities, teachers, tourism students, schoolchildren and the broader community aware of the very real problem of sexual exploitation of children and adolescents in Peru. The following activities have been undertaken:

<i>Region</i>	<i>Activity</i>	<i>Date</i>	<i>Location</i>	<i>Target audience</i>	<i>No. of attendees</i>
Arequipa	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	1 April	Arequipa	Workers at Andinos del Perú airport in Arequipa	85
Lima	International seminar on preventing the sexual exploitation of children and adolescents	7 May	Lima	Tourist service operators, representatives of NGOs and multisectoral working groups	75
Piura	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	12 May	Piura	Public officials from the Cusco Regional Directorate of External Trade and Tourism (DIRCETUR), municipalities, regional government, the judiciary, the Ministry of Health (Regional Health Directorate), Regional Directorate of Labour and Employment Promotion, NGO	192

<i>Region</i>	<i>Activity</i>	<i>Date</i>	<i>Location</i>	<i>Target audience</i>	<i>No. of attendees</i>
				representatives, school students, and tourism students from the César Vallejo University and the Alas Peruanas University	
	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	13 May	Piura	Students from the Peruvian Institute of Business Administration (IPAE)	19
San Martín	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	18 June	Nueva Cajamarca	Tourism service providers, civilian security services, police officers, civil servants from the municipality of the district of Nueva Cajamarca	37
Junín	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	27 June	Chanchamayo	Tourism service providers, civilian security services and students from Nuestra Señora de las Mercedes business school in Chanchamayo	40

<i>Region</i>	<i>Activity</i>	<i>Date</i>	<i>Location</i>	<i>Target audience</i>	<i>No. of attendees</i>
Huánuco	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	11 August	Huánuco	Tourism service providers	8
	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	12 August	Tingo María	Tourism service providers, the Ombudsman's Office, representatives of NGOs working in this field and family commissioner's offices	37
Ucayali	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	11 September	Coronel Portillo	Public officials from the Ucayali Regional Directorate of External Trade and Tourism	21
Arequipa	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	3 December	Arequipa	Tourism students from the National University of San Agustín and the Private Institute of Higher Technology Education (ESDIT)	63
	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	4 December	Arequipa	Tourism students from the Catholic University of Santa María	59

<i>Region</i>	<i>Activity</i>	<i>Date</i>	<i>Location</i>	<i>Target audience</i>	<i>No. of attendees</i>
Madre de Dios	National Plan launch meeting	26 February 2015	Puerto Maldonado	Representatives of the National Commission for Children and Adolescents	40
Huacho	Awareness-raising talk on preventing the sexual exploitation of children and adolescents	23 March 2015	Huacho	Officials, tourism service providers and the general public	95
Total number of participants					771

23. Attention is drawn to the staging of the play *Voces del Silencio* (Voices of Silence), which was organized to show that art can also raise awareness and give the spectator food for thought. The target audience consisted of officials, judges, prosecutors, the National Police, tourism unions, civil society organizations working on the issue of trafficking in persons and specifically the sexual exploitation of children and adolescents, and companies that can support prevention work.

24. In 2014, the play was staged three times: once at the municipal theatre in Pucallpa, on 12 September 2014, with an audience of 516; and twice in Lima, on 19 and 20 November 2014, at the municipal auditorium of San Borja, the first show attracting an audience of 368 and the second 120, making a total of 1,004 spectators.

25. In addition, it is worth mentioning that, in line with their corporate social responsibility policy, a number of companies in the tourism sector have signed up to a voluntary code of conduct, which contains guidelines on protecting children and adolescents from sexual exploitation on trips and tourism-related activities.

7. Please provide information on whether any research has been conducted on the causes and prevalence of crimes related to the sale of children, child prostitution — including child sex tourism — and child pornography in the State party.

26. The General Directorate for Democratic Security has been conducting a baseline study on the issue of trafficking in persons in Peru, concentrating on the main regions in which this offence occurs. The study is expected to be published shortly.

10. Please provide information on whether the State party's legislation provides for the criminal, civil and/or administrative responsibility of legal entities for acts or omissions relating to the offences provided for in the Optional Protocol.

27. Peruvian legislation does not provide for the administrative responsibility of legal entities for acts or omissions relating to the offences covered in the Optional Protocol. However, articles 104, 105 and 105-A provide for the confiscation from legal entities of gains made as a result of an offence; measures applicable to legal entities; and criteria for determining the consequences applicable to legal entities, as described in Legislative Decree No. 635 (Criminal Code).

28. In the light of paragraph 76 of the State party report, please indicate whether the requirement of double criminality applies to cases of extradition for offences covered by the Optional Protocol.

29. In legal theory, double criminality in an extradition procedure means that the criminal conduct for which extradition is being requested must be considered an offence under the legislation of both the requesting and the requested States. Under the Peruvian legal system, this principle is covered by article 517, paragraph 1, of the Code of Criminal Procedure, as one of the requirements to be met in order for an extradition request to be considered.

30. Although the Optional Protocol sets out a list of offences for which extradition among member States is applicable, in the case of Peru an additional requirement is that these offences must also be covered by domestic law. In the Peruvian Criminal Code, double criminality is a requirement for making an extradition request and therefore also applies in relation to the crimes covered in article 3, paragraph 1, of the Optional Protocol.

31. It is important to stress that, under Peruvian law, such crimes are included in the Criminal Code, as shown in the following table. Therefore, as such crimes are covered in our national law, they can give rise to extradition requests.

Article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Peruvian Criminal Code

(a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
- b. Transfer of organs of the child for profit;
- c. Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

Article 153. Trafficking in persons

1. Anyone who, by means of violence, threats or other forms of coercion, deprivation of liberty, fraud, deception, abuse of power or of a situation of vulnerability, the giving or receipt of payments or benefits of any kind, recruits, transports, transfers, harbours, receives or retains another person, in the territory of the Republic or to enable the person to leave or enter the country for the purposes of exploitation, shall be liable to a prison sentence of between 8 and 15 years.

2. The purposes of exploitation for trafficking in persons within the meaning of paragraph 1 include the sale of children or adolescents, prostitution and all forms of sexual exploitation, slavery or slavery-like practices, all forms of labour exploitation, begging, forced labour or services, servitude, harvesting or trafficking of organs, body tissues or parts, and any other similar forms of exploitation.

3. The recruitment, transport, transfer, harbouring, receipt or holding of children or adolescents for the purposes of exploitation shall be considered trafficking in persons even if none of the methods described in paragraph 1 are used.

4. The consent of adult victims to any form of exploitation shall be devoid of legal effect if the perpetrator has had recourse to any of the methods listed in paragraph 1.

5. Any person who promotes, encourages, finances or facilitates the commission of the offence of trafficking in persons shall be liable to the same penalty as the perpetrator.

Article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Peruvian Criminal Code

Article 153-A. Aggravated forms of trafficking in persons

The penalty shall be disqualification from holding public office and a prison term of between 12 and 20 years, in accordance with article 36, paragraphs 1, 2, 3, 4 and 5, of the Criminal Code if:

1. The perpetrator commits the offence by abusing the authority of public office;
2. The perpetrator is an outreach worker, member or representative of a social, tutelary or business organization and takes advantage of this position and related activities to commit the offence;
3. There are multiple victims;
4. The victim is aged between 14 and 18 years old or does not have legal capacity;
5. The perpetrator is the spouse, partner, adoptive parent, guardian or curator of the victim or a relative within the fourth degree of consanguinity or the second degree of affinity or has care of the victim for any reason or lives in the same home as the victim;
6. The act is committed by two or more persons.

The term of imprisonment shall be a minimum of 25 years if:

1. The victim dies or suffers serious injury or the victim's life or safety is placed in imminent danger.
2. The victim is under 14 years of age or has a temporary or permanent physical or mental disability.
3. The perpetrator is a member of a criminal organization.

Article 179. Encouraging prostitution

Anyone who promotes or encourages the prostitution of another person shall be liable to a prison sentence of between 4 and 6 years.

The sentence shall be between 5 and 12 years if:

1. The victim is under 18 years of age.
2. The perpetrator uses violence, fraud, abuse of authority, or any means of intimidation.
3. The victim has diminished mental capacity for any reason.
4. The perpetrator is a relative within the fourth degree of consanguinity or the second degree of affinity, or is the spouse, partner, adoptive parent, guardian or curator or has the victim in their care for whatever reason.
5. The victim has been uprooted from their usual home for the purpose of prostitution or is in a state of abandonment or extreme economic necessity.

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

6. The perpetrator has made procurement their profession or way of life.

Article 179-A. User/client

Anyone who, in exchange for a financial payment or benefit of any kind 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 person aged between 14 and 18 years old shall be punished with a prison sentence of between 4 and 6 years.

Article 180. Pimping

Anyone who exploits earnings obtained by a person who engages in prostitution shall be punished with a prison sentence of between 3 and 8 years.

If the victim is aged between 14 and 18 years old, the sentence shall be between 6 and 10 years.

If the victim is under 14 years of age or is the spouse, partner, descendant, adoptive child, child of spouse or partner or is in their care, the sentence shall be between 8 and 12 years.

Article 181. Procuring

Anyone who endangers, seduces or abducts a person to deliver them to another for the purpose of engaging in sexual relations shall be punished with a prison sentence of between 3 and 6 years.

The penalty shall be between 6 and 12 years if:

1. The victim is under 18 years of age.
2. The perpetrator uses violence, fraud, abuse of authority, or any means of intimidation.
3. The victim is the spouse, partner, descendant, adoptive child, child of spouse or partner or is in their care.
4. The perpetrator is a member of a criminal organization.
5. The victim is handed over to a pimp.

Article 181-A. Commercial sexual exploitation of children and adolescents in the tourism sector

Anyone who promotes, advertises, encourages or facilitates commercial sexual exploitation in the context of tourism, by means of leaflets or any written, printed, visual, audio, electronic or magnetic means or via the Internet, in order to offer sexual relations of a commercial nature with persons aged between 14 and 18 years shall be punished with a prison sentence of between 4 and 8 years.

If the victim is under 14 years of age, the perpetrator shall be liable to a prison term of between 6 and 8 years.

Article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Peruvian Criminal Code

(c) Producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes child pornography as defined in article 2.

The perpetrator shall also be punished with disqualification from holding public office, in accordance with article 36, paragraphs 1, 2, 4 and 5.

The prison term shall be between 8 and 10 years if the crime has been committed by a public authority, a relative in the ascending line, a teacher or a person who has had the victim in their care for whatever reason.

Article 181-B. Aggravated offences

In cases of offences covered by articles 179, 181 and 181-A, where the perpetrator is the father or mother, guardian or curator, the sentence imposed shall include, in addition to the corresponding prison sentence, the additional penalty of disqualification referred to in article 36, paragraph (5).

Article 183-A. Child pornography

Anyone who possesses, promotes, manufactures, distributes, displays, offers, sells, publishes, imports or exports by any means objects, books, documents, images, video or audio recordings or who organizes live pornographic shows using persons aged between 14 and 18 years, shall be punished with a prison sentence of between 6 and 10 years and 120 to 365 day-fines.

The prison sentence shall be between 10 and 12 years and 50 to 365 day-fines if:

1. The victim is under 14 years of age.
2. The pornographic material is disseminated by means of information or communication technologies.

If the victim is in one of the situations provided for in the final paragraph of article 173 or if the perpetrator is acting as a member of an organized child pornography ring, the prison sentence shall be between 12 and 15 years. If that is the case, the perpetrator shall be disqualified from holding public office in accordance with article 36, paragraphs 1, 2 and 4.

- 12. In the light of paragraph 96 of the State party report, please indicate whether the Public Defence Service Act applies to all child and adolescent victims of the offences covered by the Optional Protocol and whether there is a sufficient number of public defenders throughout the country who are trained in children's and adolescents' rights and in the Optional Protocol.**

32. Here, it should be noted that article 8 of Act No. 29360 on the Public Defence Service stipulates the following:

The General Directorate for Public Defence provides the following services:

- (a) A public criminal defence service, which provides legal advice and support for persons under investigation and persons who have been denounced, detained, accused, indicted or convicted in criminal proceedings, including juvenile offenders;

(b) Public legal advice centres, which provide legal advice and support to victims of domestic violence, sexual violence, moral and material abandonment, and to children and adolescents and older persons who are the victims of crimes against life, physical integrity and health, liberty and the family; and to persons with limited financial resources in civil law and family law cases, in accordance with the conditions established in the regulations to this Act.

33. Article 9 of the Regulations to Act No. 29360 on the Public Defence Service provides as follows:

Article 9. Subject matter

Public defenders who work for the public legal advice centres and public defenders assigned to them shall deal with legal inquiries made by users of the service. The public legal advice centres provide free legal assistance on the following matters:

...

In criminal matters, assistance shall be provided only if the user has not received legal support from another public or private body. The public defender is authorized to bring any of the following actions:

(a) File a complaint and provide legal defence when older persons, children or adolescents have been the victims of crimes against life, physical integrity and health. For crimes against personal liberty, they shall act only in cases of trafficking in persons and smuggling of migrants; for crimes against the family, they shall act only in cases of interference with parental authority, abandonment of a pregnant woman and failure to pay family support. At present, there are 255 public defenders nationwide who provide assistance to victims whose rights have been violated in any way; in accordance with Directive No. 03-2012-JUS/DGDP on the procedures for dealing with victims, they are qualified to provide guidance and support and/or representation to persons who have been the victims of crimes and/or have had their rights violated in any way.

Trafficking in persons, by age group and by department, 2013

Age group										
District Directorate	Total	Criminal defence					Victim defence			
		0-11	12-17	18-39	40-59	≥60	12-17	18-39	40-59	≥60
AMAZONAS	9			3	5	1				
ANCASH	14		2	4	1	7				
APURIMAC	3				1				2	
AREQUIPA	11			6	5					
AYACUCHO	10			3	5	2				
CAJAMARCA	7			5	1	1				
CALLAO	4					2				2
CAÑETE	2		2							
CUSCO	12		1	5	4	1				1
HUANCAVELICA	1			1						
HUANUCO	11	2		3	5	1				
HUAURA	2			2						
ICA	2			2						
JUNIN	7			3	1		1	1	1	
LA LIBERTAD	19			7	8	3			1	
LAMBAYEQUE	9			1	3	1			2	2
LIMA	10			7		1			1	1
LIMA NORTE	8			1	4	1			1	1
LORETO	8	1		2	3	2				
MADRE DE DIOS	24	2		9	12	1				
MOQUEGUA	2			2						
PASCO	2			1	1					
PIURA	17			7	6	3	1			
PUNO	6	1		3	2					
SAN MARTIN	39	1	2	15	16	4		1		
SANTA	3				2	1				
SULLANA	6			3	3					
TACNA	2			2						
TUMBES	6	1		2	3					
UCAYALI	5			1	4					
Overall total	261	8	7	100	95	32	2	2	8	7

Source: Court data mart system, 15 August 2014.

Trafficking in persons, by age group and by department, 2014

District Directorate	Total	Age group								
		Criminal defence					Victim defence			
		0-11	12-17	18-39	40-59	≥60	12-17	18-39	40-59	≥60
AMAZONAS	8			3	2	1	1	1		
ANCASH	4			1	2				1	
APURIMAC	3			1	1		1			
AREQUIPA	4			1	1	1				1
AYACUCHO	17	2		5	5		2	2		1
CAJAMARCA	6				4	2				
CALLAO	2		1		1					
CUSCO	13			5	5	1	1	1		
HUANCAVELICA	2			2						
HUANUCO	8			4	1	1	1	1		
HUALA	3			2				1		
ICA	6			2	1	2				1
JUNIN	2			1	1					
LA LIBERTAD	34			23	7	3			1	
LAMBAYEQUE	1			1						
LIMA	34			1	4	2	13	5	7	2
LIMA NORTE	3							1	2	
LIMA SUR	2					1			1	
LORETO	7			3		2		1		1
MADRE DE DIOS	33			14	11	2		3	3	
MOQUEGUA	4				2		1			1
PASCO	4			2	2					
PIURA	10		1	5	3	1				
PUNO	14			5	6	3				
SAN MARTIN	23			7	11	5				
SULLANA	4			2	1	1				
TACNA	6			1	5					
TUMBES	3			1	2					
UCAYALI	18			4	12	2				
Overall total	278	2	2	96	90	30	20	16	15	7

Source: Court data mart system, 15 January 2015.

Trafficking in persons, by age group and by department, January-June 2015

District Directorate	Total	Age group									
		Criminal defence					Victim defence				
		0-11	12-17	18-39	40-59	≥60	0-11	12-17	18-39	40-59	≥60
AMAZONAS	11			3		1	1	1	3	2	
ANCASH	1							1			
APURIMAC	3			1		1				1	
AREQUIPA	4			4							
AYACUCHO	11			7	2	1			1		
CAJAMARCA	4			1	2					1	
CALLAO											
CAÑETE	1			1							
CUSCO	7			4	1						2
HUANCAYELICA	3			2					1		
HUANUCO	4			1	1	2					
HUAURA											
ICA	3			1	2						
JUNIN	4			3						1	
LA LIBERTAD	3				2	1					
LAMBAYEQUE											
LIMA	42	2	4	6	4	2		11	6	6	1
LIMA NORTE	2									1	1
LIMA SUR	2			1	1						
LORETO	2			1							1
MADRE DE DIOS	22			5	6	2			4	3	2
MOQUEGUA			1	2	2						
PASCO	2				2						
PIURA	8				4		1	1	1	1	
PUNO	9			2	5					2	
SAN MARTIN	18			7	11						
SANTA	1				1						
SULLANA	8			4	4						
TACNA	2			1	1						
TUMBES	4					2		1			1
UCAYALI	8			4	4						
LIMA ESTE	4			1	1	1				1	
Overall total	198	2	5	62	56	13	2	15	16	19	8

Source: Court data mart system, 10 July 2015

13. Please provide information on the implementation of Gesell domes and of the *Handbook on methods to be used in interviewing child and adolescent victims of sexual abuse, sexual exploitation and trafficking for the purpose of sexual exploitation*. Please also provide updated information on other measures adopted in order to avoid the revictimization of victims, including the elimination of stereotypes, and to ensure that victims are not stigmatized or unnecessarily separated from their families

34. Since complaints of violence, abuse and sexual exploitation of children and adolescents are channelled through the National Police and the Public Prosecution Service, the Gesell domes and Handbook are the responsibility of the Public Prosecution Service, which, within its sphere of competence, carries out the relevant investigations before formulating the action or complaint before the court.

35. Under the results-based budget programme, the judiciary has been providing training programmes on new trends in family law (including issues such as the best interest of the child, the child's right to be heard and to participate, defence against abuse, avoiding revictimization and/or stigmatization and separation from the family as the last resort), in cooperation with the Judicial Training School and the University of Jaén in Spain, for judges and court and judicial personnel as well as the multidisciplinary teams made up of social workers and psychologists who support the work of the judiciary.
