



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined fourth and fifth periodic reports of Peru

Addendum

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

[Date received: 10 November 2015]

* The present document is being issued without formal editing.

** The annexes to the present report are available for consultation from the Committee secretariat. They may also be accessed from the web page of the Committee on the Rights of the Child.



1. The State of Peru hereby submits the information requested by the Committee on the Rights of the Child in Note RE (DDH) No. 2-19-A/70 of 6 July 2015, which transmitted the list of issues in relation to the combined fourth and fifth periodic reports of Peru submitted under article 44 of the Convention on the Rights of the Child. The Convention entered into force for Peru on 2 September 1990.

2. This document is the result of a consultation process led by the Ministry of Justice and Human Rights. The process included coordination meetings with stakeholders from various sectors and written submissions to a number of State entities working in the area of children's rights.

Part I

- (1) Please provide information on the revision of the Code on Children and Adolescents currently under way and on how the views of children and adolescents as well as those of NGOs and international bodies specializing in the rights of the child are being taken into account in this process. Please provide information on the extent to which this reform takes into account the recommendation made by the Committee in 2006 regarding legislation.**

3. The Code on Children and Adolescents (Act No. 27337) was amended by Legislative Decree No. 1204 of 23 September 2015 in order to establish and regulate the imposition of penalties for youth offenders. The penalties are intended to serve an educational and rehabilitative purpose, based on respect for human rights and fundamental freedoms. Custodial measures for youth offenders are applied only exceptionally and are governed by special rules.

4. Regarding the recommendations made by the Committee in 2006, it should be noted that the articles in the Code on Children and Adolescents referring to "pernicious gangs" (arts.193 to 199) were repealed when the Code was revised. Provisions relating to those gangs now appear in the Criminal Code (art. 148-A).

- (3) Please provide information on the measures taken to combat persistent discrimination against girls, gender stereotyping and patriarchal attitudes that impede the full realization of girls' rights. Please provide further information on measures taken to eliminate discrimination against indigenous children, Peruvian children of African descent and children with disabilities**

5. The measures taken include the approval and implementation of national public policies designed to strengthen respect for human rights, with a particular focus on measures for those working with vulnerable groups such as children and adolescents, indigenous groups or Afro-Peruvians. The following policies deserve particular mention.

- (a) National Plan for Education on Fundamental Rights and Duties for the period up to 2021**

6. The Plan was approved by Supreme Decree No. 010-2014-JUS and published on 12 December 2014. It is a national policy administered by the Ministry of Justice and Human Rights, with the approval and support of the Ministry of Education, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry for Women and Vulnerable Groups, the Ministry of Defence, the Ministry of the Interior, the Ministry of the Environment and the National Centre for Strategic Planning of the Office of the President of the Council of Ministers.

7. The Plan establishes a national policy framework for education in human rights, fundamental duties and international humanitarian law at all levels of education, both

civilian and military, in accordance with the Constitution of Peru (art. 14) and human rights treaties.

8. It also identifies specific responsibilities for achieving three strategic goals relating to the following key components: (i) equality and non-discrimination; (ii) the full exercise of citizenship; and (iii) a culture of peace.

9. The first strategic goal, which concerns equality and non-discrimination, contains three subcomponents: (a) interculturality; (b) gender equality; and (c) persons from diverse backgrounds requiring special protection. Strategic actions have been established for each of these subcomponents; they will be implemented progressively in the period up to 2021.

(b) Establishment of the National Commission against Discrimination and the Platform against Discrimination

10. The National Commission against Discrimination was established by Supreme Decree No. 015-2013-JUS. It is the executive branch advisory body on equality and non-discrimination. The Commission consists of representatives of the Ministry of Justice and Human Rights, which acts as chair, the Ministry of Culture, the Ministry for Women and Vulnerable Groups, the Ministry of Labour and Job Creation, the Ministry of Health, the Ministry of Education, the Ministry of Transport and Communications, and the Ministry of Foreign Affairs. Since 2014, the Commission has carried out training activities, adopted guidelines on the internal management of cases of discrimination, prepared manuals on combating discrimination for different target groups and worked on a plan for eliminating discrimination.

11. A Platform against Discrimination web page¹ has been created in order to provide the Commission with a tool for coordinating national policies aimed at providing assistance and protection for the victims of all forms of discrimination and punishing perpetrators, with a view to guaranteeing the exercise of the rights enshrined in the Constitution.

12. The Platform identifies the following prohibited grounds of discrimination: sex or gender, age, race or ethnicity, sexual orientation, disability and religion. Thanks to the Platform's child-friendly design, children and adolescents are also able to report directly acts of discrimination that they have suffered.

(c) National Legal Education Programme for Social Inclusion

13. The Programme is a human rights training programme that was created by the Ministry of Justice and Human Rights in 2007. From 2012 onward, the Programme has sought to improve the social inclusion of vulnerable population groups by raising awareness of their human rights and relevant rights protection mechanisms.

14. The Programme is run by the Ministry in cooperation with law schools and students. There are currently a total of 222 accredited students on the Programme from 14 universities in Lima, Huacho, Ica, Arequipa, Trujillo, Ayacucho and Junín.

15. The training sessions, which are led by the accredited students, target in particular students in both private and public educational establishments and social leaders. The sessions cover such topics as equality, non-discrimination and children's rights. Information is also provided on legal mechanisms for the protection of human rights.

¹ See the following link: <http://yonodiscrimino.gob.pe/>.

(d) The special commission established to revise the Civil Code in respect of the exercise of legal capacity by persons with disabilities

16. The special commission was established by Act No. 30121 of 5 December 2013 amending the second final complementary provision of Act No. 29973 on persons with disabilities, which was promulgated on 24 December 2012. It was mandated to review existing laws relating to the exercise of legal capacity by persons with disabilities and to prepare, within one year, a preliminary bill on reform of the Civil Code and other provisions with a view to bringing legislation into line with the provisions of Act No. 29973 and the Convention on the Rights of Persons with Disabilities.

17. Article 8 of Act No. 29973 on persons with disabilities provides that persons with disabilities have the right to equality before the law and not to be discriminated against on the grounds of disability. All acts of discrimination on the basis of disability that affect individuals' rights are null and void. Such acts are understood to mean any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of one or more rights, including denial of reasonable accommodation. In addition, discrimination is characterized as a criminal offence under article 323 of the Criminal Code:

Any person who directly or indirectly discriminates against one or more individuals or group of persons, or who publicly incites or promotes acts of discrimination by reason of race, religion, sex, genetic factors, parentage, age, disability, language, ethnic or cultural identity, dress, political or other opinion, or economic status for the purpose of nullifying or impairing the recognition, enjoyment or exercise of their rights shall be sentenced to imprisonment for a term of no less than 2 and no more than 3 years or to the performance of from 60 to 120 days of community service.

If the agent is a civil or public servant, the sentence shall be no less than 2 and no more than 4 years, in addition to disqualification as provided for under article 36, paragraph 2.

The same term of imprisonment shall be imposed if the act of discrimination has been carried out by means of physical or mental violence or through the Internet or other similar medium.

(e) Guidelines on the implementation of public policies for the Afro-Peruvian population

18. The guidelines, which were approved by Ministerial Decision No. 339-2014-MC of the Ministry of Culture, are a public policy instrument designed to provide State institutions with guidance in their efforts on behalf of the Afro-Peruvian population. The guidelines are designed to promote strategies for their overall development through a rights-based approach and an intercultural, intergenerational and gender perspective.

19. Guideline 4 concerns the obligation to guarantee the right to non-discrimination, the promotion of cultural diversity and the recognition that Afro-Peruvian culture is an integral part of the Peruvian nation. It sets out measures to promote respect for cultural diversity and the principle of non-discrimination against Afro-Peruvian people, including children and adolescents.

20. Guideline 7 deals with the right to equality for the Afro-Peruvian community throughout their life cycle. It sets out proposals to implement policies, plans and programmes of action to ensure the overall development of Afro-Peruvian children

and their inclusion in the various plans and programmes that already exist at all levels of government.

21. In 2014 and the first quarter of 2015, six ordinances prohibiting and preventing racism and acts of discrimination on the grounds of race or ethnicity were adopted in the regions of San Martín, Loreto and Piura. In addition, two ordinances were issued in San Juan Bautista district in Loreto, one on the promotion of languages and the other on the prohibition of racism and ethnic and racial discrimination.

22. Workshops were also held with children in Loreto on a photographic exhibition entitled *Imaginario e Imágenes de la Época del Caucho* which, through the portrayal of images of members of indigenous peoples during the rubber boom, enabled them to learn about the conditions of life at the time.

(4) In the light of paragraph 74 of the State party's report, please provide information on measures taken by the State to encourage proper interpretation and application of the best interests of the child by the judiciary, as well as in the draft revision of the Code on Children and Adolescents and in programmes, policies and services that affect children.

23. The judiciary has taken the following measures to encourage the proper interpretation and application of the best interests of the child in its sphere of competence.

24. The national "Justice in Your Community" programme was established by Administrative Decision No. 037-2011-CE-PJ of 26 January 2011. The programme is implemented by the judiciary through the 33 high courts of justice with the support of its decentralized departments in both urban and rural areas. There is a national coordination office for the programme, as well as district committees.

25. Programme activities include the dissemination and promotion of children's and adolescents' rights through talks in schools and local communities and radio interviews. These activities focus on three strands of action:

- *Informational outreach*: activities in this area help to strengthen the rule of law and respect for human rights;
- *Educational outreach*: activities in this area are aimed at disseminating knowledge about factors that cause or contribute to conflicts and at helping to prevent conflict with a view to promoting a culture of peace;
- *Inter-institutional coordination*: the aim here is, with the help of the National Coordination Office and the organizational capacity of the high courts, to establish forums to facilitate coordination and consultation among community authorities, civil society and other judicial organizations on issues relating to conflict prevention and resolution.

26. The programme provides for activities relating to conflict prevention, the dissemination of information about democratic values, and the promotion of fundamental rights and mechanisms for protecting those rights. The aim of the activities is to promote access to justice for various population groups, particularly the most vulnerable, such as women, children living in precarious economic conditions, speakers of Quechua and Aymara in the Peruvian Andes, and ethnic groups living on the banks of the Amazon River and elsewhere in the Peruvian Amazon.

27. Mention should be made of the participation of children and adolescents in programmes to appoint justices of the peace within schools. At a fair organized by the High Court of Justice in Santa (Chimbote) to promote the Programme — the third fair of its kind — a number of students were sworn in as school justices of the peace as

part of an innovative justice programme. It is hoped that the scheme will be replicated elsewhere in the region and subsequently taken up nationwide. Among the achievements of the programme are:

- Widening and diversification of outreach activities in the areas of education, training and consultation (in schools, public places, agency head offices, neighbourhood organizations, municipalities, etc.);
- Computerization (development of an integrated national software system and a web page);
- Flagship activities (Itinerant Justice, the Third National Meeting of Presidents of the High Courts and Programme Managers);
- International recognition for the programme (winner of the 2012 Innovating Justice Awards in the successful innovation category, presented in The Hague; the award was important recognition of the work of Peruvian judges).

28. As part of a results-based budget programme, training courses have been organized on new trends in family law. The topics covered include the best interests of the child, the right to be heard, the right to participate and the right to be protected from abuse. The programmes, which are run in conjunction with the Judicial Academy and the University of Jaén in Spain, are intended for judges and judiciary staff, as well as the multidisciplinary team of social workers and psychologists that supports the work of the judiciary.

29. The establishment of family meeting centres is being encouraged, as a means of helping judicial staff to deal with various issues arising from family disputes in which children and adolescents are involved, such as custody, visiting rights and divorce. The centres provide parents and children with the opportunity to interact normally together for short periods in a neutral environment, while ensuring that the psychological and emotional stability of the children is adequately protected. To date, family meeting centres have been established in the high courts in Callao, Lima and Lima North.

30. In August 2015 the President of the Judiciary inaugurated the Jallalla Justice Fair, in which the country's 33 high courts took part. He drew particular attention to the work undertaken by representatives of the judiciary to improve access to justice for vulnerable groups, including children and adolescents. To that end, the judiciary participates in a number of national plans, including the National Plan of Action for Children and Adolescents, which are designed to ensure that institutional management is geared towards bringing the justice system closer to the public.

31. On 21 August 2015, a national workshop was held, with the support of the Judicial Academy, on access to justice and the 100 Brasilia Regulations regarding Access to Justice for Vulnerable People. The workshop, which was intended for judges and judicial staff, formed part of efforts to promote and strengthen policies aimed at guaranteeing effective access to justice for persons in vulnerable situations, including women and children, with a view to complying fully with the Brasilia Regulations, which were adopted at the Fourteenth Ibero-American Judicial Summit held in Brasilia.

32. Information about the promotion and protection of children's rights has been disseminated through various media, including the judiciary's television channel, its web page and social networks (Facebook and Twitter).

33. Supreme Court Plenary Decision No. 1-2012/CJ-116 on non-consensual sexual abuse involving adolescents aged from 14 to 18 years has contributed to improvements in the way the rights of children and adolescents are interpreted and

case law in this area is applied. Similarly Plenary Decision No. 3-2011/CJ-116, on offences against sexual integrity and trafficking in persons, has, by establishing a link with the protection of human rights, contributed to an improved application of case law in this area and has led to the rights of children and adults being better protected.

34. On 21 and 22 August 2015, the judiciary held a regional plenary meeting on family matters at which it discussed issues related to the best interests of the child and ways of speeding up proceedings involving the abandonment of children and adolescents.

35. In November 2013, an agreement was concluded between the Loreto High Court and the Ministry of Defence/Peruvian Navy on institutional cooperation aimed at providing judicial protection for riverside populations in the Putumayo river basin, Amazonas, Napo and Yavari. The agreement provides for itinerant floating platforms with a judge and a legal secretary who deal with disputes among people living in those areas, including matters relating to children and adolescents.

36. Meetings have been held with representatives of the National Directorate on Adoptions in order to draw up a joint protocol between the Ministry for Women and the judiciary on following up and resolving cases involving children and adolescents who are presumed abandoned, with a view to ensuring that the public authorities are properly aware of their situation.

37. The Judicial Academy, the body responsible under the Constitution for the training of judges and prosecutors, includes modules on constitutional law and human rights law in its initial and advanced courses. The courses address the principle of the best interests of the child from the perspective of advisory opinions and judgements of the Inter-American Court of Human Rights and the Peruvian Constitutional Court.

38. In its refresher and advanced courses for 2014–2015 the Academy has organized the following activities relating to the principle of the best interests of the child: (i) a course on strategies for preventing and dealing with gender violence against children and adolescents from a multidisciplinary perspective (April, August and September 2014); (ii) a course on the effectiveness and results of the legal protection of children and adolescents (April 2014); (iii) a workshop on trafficking in minors (August 2014); (iv) a conference to assess 25 years of the Convention of the Rights of the Child from a judicial and prosecutorial perspective (March 2015); (v) a course on strategies for preventing and dealing with gender violence against children and adolescents from a multidisciplinary perspective (April 2015); (vi) a course on the theoretical framework for and practical experience in joint interventions for children presumed abandoned, from a multidisciplinary perspective (June 2015); (vii) a course on coordinated legal strategies to protect the right to family life of children presumed abandoned (June 2015); (viii) a conference to analyse Act No. 30311, which provides for the adoption by couples living in a *de facto* union of minors declared by a court to have been abandoned (August 2015); (ix) a workshop on general policies for children and adolescents (September 2015).

- (5) **In the light of paragraphs 14, 142 and 143 of the State party's report, please describe the specific duties performed and services provided by the offices for the defence of children and adolescents, the municipal offices for the defence of children and adolescents and the women's emergency centres with respect to protecting children and adolescents from domestic and sexual violence. Please also explain what is being done to ensure that those bodies coordinate with each other, that the services they offer are specialized and of high quality and that they are present throughout the State party. Lastly, please report on the measures taken to prevent the violence and bullying that is on the rise in schools and to expressly prohibit corporal punishment in all settings.**

39. The Office for the Defence of Children and Adolescents, which forms part of the comprehensive care system, works with local authorities and municipalities, public and private institutions and civil society organizations to promote and protect the legally recognized rights of children and adolescents. It offers its services free of charge (art. 42 et seq.) and acts through a nationwide network of municipal offices. The tasks of these offices include the following:

- Monitoring the situation of children and adolescents presumed abandoned who have been placed in public or private institutions;
- Intervening whenever the rights of children and adolescents are threatened or violated in order to assert the principle of the best interests of the child;
- Providing multidisciplinary guidance;
- Reporting to the competent authorities any offences committed against children and adolescents.

40. Women's emergency centres are free, specialized, public services offering multidisciplinary care for victims of domestic and sexual violence. They provide legal guidance and legal defence services, psychological counselling and social support services. They also carry out preventive and promotional work within their area of responsibility.

41. The centres operate under the National Programme to Combat Domestic and Sexual Violence and intervene in the three key strategic areas of support, prevention and the production of information. They provide services in the following areas:

- Psychological support;
- Legal services;
- Social support;
- Prevention and advocacy work.

42. The original idea behind the women's emergency centres was that they would provide a one-stop shop delivering a wide range of services (in police, prosecutorial and forensic medical matters) for victims of domestic or sexual violence with a view to reducing the time needed for filing complaints and monitoring the progress of proceedings.

43. Women's emergency centres are intended for all victims of domestic and sexual violence, regardless of social status, age or sex. However, it is the most vulnerable population groups that use the service, including children, adolescents, women, older persons and persons with disabilities. There is a centre in each of the country's departments.

44. Prevention and promotional activities are also organized for, in particular, the educational community (teachers, pupils and parents), public service providers (in the

health, police and justice sectors), grass-roots social organizations and community leaders. Prevention work focuses on identifying, monitoring and reducing risk factors with a view to avoiding or stopping violence and preventing it from causing further harm among the population. Promotional work covers all those interventions aimed at identifying and strengthening the most positive and effective ways of tackling domestic and sexual violence at the individual and collective levels: it highlights the importance of leadership, solidarity, assertive communication, planning for the future, self-esteem and economic entrepreneurship.

45. Lastly, measures taken to prevent growing violence and bullying in schools include the establishment of a Ministry of Education Internet platform — known as *SiseVe contra la Violencia Escolar*² — for reporting cases of violence in schools. When child victims or their family members fill in the online form they receive a list of institutions where they can seek protection and assistance in the area where they live (health centre, municipal office for the defence of children and adolescents, police station, prosecutor's office, etc.). They also receive advice on how to avoid similar incidents and a code to enable them to track the progress of their case. Representatives of the school concerned and educational authorities at the local, regional and national levels are also able to follow the progress of cases.

- (6) In the context of the social protests and the state of emergency declared in Celendin, which has resulted in the militarization of the area, please provide information on the measures taken to prosecute the violent death of a 16-year-old boy and other acts of violence against children and adolescents, particularly sexual violence against girls, that have allegedly been committed by State security forces. Please also provide information on how the rights of children and adolescents, particularly the right to education, were safeguarded during the state of emergency.**

46. According to information provided by the Public Prosecution Service, pursuant to Decision No. 1344-2012-MP-FN the territorial and functional jurisdictions of the First Provincial Corporate Criminal Prosecutor's Office of Chiclayo and the Third Higher Appellate Criminal Prosecutor's Office of Lambayeque were expanded to enable them to take over investigations into the events that occurred on 8 July 2012 in Celendin (Cajamarca) in the context of a demonstration against the Conga project, when a 17-year-old youth, Cesar Medina Aguilar, and three other persons died, allegedly as a result of injuries caused by a firearm (a Galil rifle) fired by law enforcement or military personnel who were policing the demonstration.

47. In response to those events, the Public Prosecution Service, as the body responsible for instituting criminal proceedings, has taken the following steps:

- (a) Pursuant to Order No. 1, a preliminary investigation was opened on 6 July 2012 and investigative measures were put in place;
- (b) Pursuant to Order No. 2, the time period for the investigation was set at 120 days, and investigative measures were programmed.
- (c) Pursuant to Order No. 3, the investigation deadline was extended by eight months in view of the complexity of the case;
- (d) Pursuant to Order No. 4, it was formally decided not to continue with the preliminary investigation, since it had been impossible to identify the law enforcement officials (military and police personnel) who had allegedly fired on the demonstrators;
- (e) Pursuant to Order No. 5, it was decided to admit a legal challenge to Order No. 4;

² www.siseve.pe.

(f) Pursuant to Prosecutorial Order No. 01-MP-1FSPA-LAMB of the First Higher Appellate Criminal Prosecutor's Office, Order No. 4 was revoked, the legal challenge was upheld and the preliminary investigation was extended;

(g) Pursuant to Order No. 6, the preliminary investigation was extended exceptionally by 60 days in order to undertake the following investigative steps:

(1) The General Command of the Seventh Infantry Brigade was ordered to submit a legalized copy of the documents set out below, with the warning that any unjustified failure to comply with the order would be notified to a superior authority and that, in the event of a repeated failure to provide the documents, charges would be brought for resisting or disobeying the public authorities:

(i) A list of the military personnel responsible for maintaining or re-establishing public order in Celendín, setting out in detail their deployment in the protest area and the respective ranks of the personnel concerned;

(ii) The record of the firearms and ammunition issued to army personnel, mentioning specifically those who were armed with Galil rifles;

(iii) The plan of operations for the military actions undertaken;

(2) The regional police authorities of Cajamarca were ordered to comply with requests for the documents listed below, with the warning that non-compliance would result in those responsible being required to appear before the prosecutor:

(i) A statement by Colonel Carlos Sangama Rojas, who was in command of the military force stationed in the Coliseo Nacional theatre in Celendín on the day of the events;

(ii) Statements by army personnel Jorge Ramos Paredes and Edgar Gutiérrez Hanco, and Commander Juan Reategui Izquierdo, the chief of the Celendín District Police Headquarters.

48. Lastly, there is no record of any preliminary investigation or court proceedings relating to sexual offences against girls allegedly committed by members of the security forces during the state of emergency.

(7) Please describe the mechanisms in place to monitor alternative care settings. Please also explain the process by which children or adolescents are placed in alternative care settings and the bodies involved in that process, and how it is ensured that such decisions are reviewed regularly.

49. Pursuant to Ministerial Decision No. 177-2006-MIMDES, the Ministry for Women and Vulnerable Groups, through the National Family Welfare Institute, is responsible for conducting investigations of child abandonment to ensure the child receives the protection of the law. Although the process of transferring responsibility — from the judiciary to the Ministry — for children and adolescents presumed abandoned has not been completed in some regions, meetings have nonetheless been held with the National Directorate on Adoptions with a view to concluding a joint protocol between the Ministry of Women and the judiciary for following up and resolving all cases involving children and adolescents presumed abandoned, with a view to ensuring that the public authorities are properly aware of their situation and that the principle of the best interests of the child is duly applied.

50. Protective investigations of children presumed abandoned are supplemented by administrative investigations conducted by the Child Protection Investigation Unit which is responsible for forwarding case files to the courts for a ruling, after the Public Prosecution Service has given its opinion on the matter. In accordance with the right of appeal to a higher court, which is provided for in article 139 of the

Constitution, such rulings may be subjected to review (the administrative procedure is regulated by Supreme Decree No. 011-2005-MIMDES).

51. On 21 and 22 August 2015, the judiciary held a regional plenary meeting on family matters, which was attended by 51 senior judges from the judicial districts of Ayacucho, Cañete, Callao, Huánuco, Huancavelica, Huaura, Ica, Lima, Lima East, Lima North, Lima South, Pasco and Ventanilla. Various topics were discussed at the meeting, including: (a) judicial declarations of abandonment and loss of parental authority; (b) the competence of family courts under the Act on Protection from Domestic Violence and its application in cases of domestic abuse; (c) compliance with the time limits set out in article 249 of the Code on Children and Adolescents for judicial declarations of abandonment; and (d) interruption of the statute of limitations period in cases involving youth offenders.

(8) Please provide further information on the steps taken to ensure an inclusive education for all children and adolescents with disabilities at all education levels. Please also provide information on the progress made towards realizing the rights of children and adolescents with disabilities as they relate to health, leisure and culture, participation and accessibility. Please say in particular what progress has been made in indigenous and rural areas.

52. Article 35 of the Act on Persons with Disabilities (Act No. 29973) provides that persons with disabilities have the right to receive quality inclusive education that meets their needs and helps them realize their potential in a context of genuine equality of opportunity. Accordingly, the Ministry of Education and the regional governments ensure that students with disabilities are provided with the support services they need to enjoy that right.

53. Article 36 of the Act states that the Ministry of Education and the regional governments are responsible for ensuring that school infrastructure, furniture and equipment are adapted for persons with disabilities and for supplying adapted and accessible educational materials. Article 37 provides that all educational institutions across the national education system as a whole are required to adapt curriculums and methodology and to provide reasonable accommodation so as to ensure that students with disabilities are able to gain access to the system and, once they have done so, remain within it.

54. Furthermore, article 10 of the Education Act (Act No. 28044) states that an intercultural and inclusive approach is required in order to achieve universality, quality and equity in education and that steps should be taken to ensure that students are provided with equal opportunities to achieve their all-round development and satisfactory learning outcomes. Article 13 of the Act states that a combination of factors are required to achieve quality education, including infrastructure, equipment, services and educational materials that are adapted to the pedagogical requirements of each establishment and accessible for persons with disabilities.

55. Article 13 further states that it is the responsibility of the State to ensure access to inclusive, quality education for persons with disabilities, on an equal basis with others, across the system as a whole. Accordingly the Government has taken various measures to that end; it has, for example, ensured that infrastructure, furniture and equipment are properly adapted to the needs of persons with disabilities, distributed accessible, appropriate materials, made available properly trained teachers and supported the teaching of Braille, sign language, and other modes and formats of communication.

56. At the eighth session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, held in New York, the Ministry of Education made a presentation on the following actions:

- Policy, programme or project implemented: Budget Programme 106 – Inclusion of children and young people with disabilities in basic and technical/vocational education;
- Goal: Adequate inclusion in basic and technical/vocational education of children and young people with disabilities up to the age of 29 years;
- Responsible body: Directorate-General for Specialized Educational Services, through the Directorate for Special Basic Education;
- Scope of application: Priority regions (Ica, Callao, Metropolitan Lima, Ayacucho, Tumbes, Cajamarca, Arequipa, Piura, La Libertad and San Martín);
- Results achieved for 2014: The percentage of children and young people with disabilities up to the age of 29 years receiving educational support in the 10 priority regions was 23 per cent;
- Current status: Under implementation;
- Budget implemented in 2014: 8,989,656 nuevos soles;
- Budget for 2015: 20,407,937 nuevos soles.

Achievements

Inclusive education institutions

57. The following materials were distributed:

- 108 modules for professionals working for the Support and Advisory Service for Students with Special Educational Needs;
- 442 methodology guidance modules for inclusive education institutions;
- Special materials for students by type of disability (363 kits for those with hearing disabilities, 360 for those with motor disabilities and 231 for those with visual disabilities);
- 2,948 texts in Braille to a total of 445 students with disabilities.

58. Support was provided to 6,425 families of students with disabilities in public inclusive education institutions (standard basic education, alternative basic education and technical/vocational education establishments) with a view fostering their active and committed participation in the education of their children (10 regions).

Special basic education centres:

(a) Materials, equipment and furniture were distributed to 107 special basic education centres and 6 special basic education resources centres in the regions of Metropolitan Lima, Callao, Ayacucho, Ica, Tumbes and La Libertad;

(b) A total of 342 staff members of special basic education centres completed level III of a training programme for special education specialists;

(c) Support was provided to 5,925 families of students with disabilities enrolled in special basic education centres.

Early intervention programmes:

(a) Materials, equipment and furniture were provided for 24 early intervention programmes in the regions of Metropolitan Lima, Callao, Ayacucho, Ica, Tumbes and La Libertad;

(b) A total of 160 staff involved in early intervention programmes completed level I of the training programme for special education specialists;

(c) Support was provided to 1,194 families of students with disabilities enrolled on an early intervention programme (10 regions).

Projected results for 2015 — inclusive education institutions:

(a) 1,014 methodology guidance modules will be distributed to inclusive education institutions;

(b) 800 kits containing special materials will be distributed to students with visual and hearing disabilities;

(c) Braille and large-print texts will be supplied to 1,000 students with visual disabilities;

(d) Support will be provided to 9,030 families of students with disabilities enrolled in inclusive education institutions (standard basic education, alternative basic education and technical/vocational education establishments) in the country's 26 regions with a view to fostering their active and committed participation in the education of their children.

Special basic education centres:

(a) Materials, equipment and furniture will be distributed to 223 special basic education centres and 20 special basic education resources centres in 20 regions;

(b) A total of 342 staff members of special basic education centres will take part in the training programme for special education specialists;

(c) Support will be provided to 13,749 families of students with disabilities enrolled in a special basic education centre in 16 regions.

Early intervention programmes:

(a) Materials, equipment and furniture will be provided for 35 early intervention programmes in 20 regions;

(b) A total of 160 staff involved in early intervention programmes will complete level III of the training programme for special education specialists;

(c) Support will be provided to 2,126 families of students with disabilities enrolled on an early intervention programme in the country's 26 regions.

59. Lastly, mention should be made of article 4 (h) of the Act on Persons with Disabilities (Act No. 29973), which sets out the principle of “respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities”, with which the policies and programmes of the various sectors and levels of government must comply.

- (9) Please provide updated information on the steps taken to prevent the growing number of pregnancies and maternal deaths among teenagers. In particular, please elaborate on measures taken to guarantee access to sexual and reproductive health services for children and adolescents, to ensure that such services are confidential for adolescents — including those under 14 years of age — and to prevent teenage deaths caused by clandestine abortions. Please also provide information on suicide prevention programmes for children and adolescents (and for pregnant teenagers in particular), mental health programmes and programmes to prevent drug use.**

60. The Ministry of Education reports that sex education is a cross-cutting theme in social and personal development courses in primary and secondary schools, which include such topics as body awareness and reproductive health.

61. The Ministry of Health operates a family planning programme entitled “Plan Your Future”, which addresses sexual and reproductive health issues and provides information on family planning services. These services are seen not only as key to improving the health of women and children but also as a human right.

62. In recent years, the Ministry of Health has made great efforts to improve the range of services on offer and to meet the various needs of the population with regard to sexual and reproductive health. It has, for example, developed strategies to reduce maternal mortality and to improve people’s quality of life and health. To that end, it has increased the range of contraceptives available to include implants, monthly injectables and female condoms.

63. One of the goals of the health sector is to increase by 50 per cent the use of contraceptives among teenage mothers. As part of efforts in that regard, the authorities have put in place a system to monitor pregnant women and provide them with postnatal care.

64. Lastly, the Ministry for Women reports that proposals to reform the Code on Children and Adolescents, which are currently being considered by Congress, include the possibility of minors being able to obtain health or contraceptive services without parental consent.

- (10) Please clarify whether the obligation to conduct environmental impact studies of mining projects (as stated in para. 248 of the State party’s report) also applies to other large-scale projects, and whether there is also an obligation to analyse their impact on children’s health and development. Please indicate whether any studies have been conducted on the impact on children’s right to health of hydroelectric projects on the Marañón River and of mining projects in La Oroya and Celendín and, if so, what the result was. Please also provide information on measures taken to protect the large number of children with high levels of lead and other heavy metals in their blood, particularly in the areas of La Oroya, Cerro de Pasco and Cajamarca.**

65. The Ministry of Energy and Mining, through the Directorate-General of Mining and Environmental Affairs, is the body responsible for assessing and approving environmental and social studies related to mining.

66. There is a duly regulated and implemented three-step procedure for environmental certification in the mining and electricity subsectors. Compliance with all aspects of the procedure is required for any projects or operations that may have an environmental impact (Act No. 27444 on the National Environmental Impact Assessment System and Supreme Decree No. 019-2009-MINAM — Implementing Regulations).

67. However, the obligation to carry out environmental impact studies for mining projects does not apply to major projects in other productive sectors, since project proposals submitted under environmental management instruments in those sectors must be in accordance with regulations in the sector concerned, as well as the Act on the National Environmental Impact Assessment System.

68. While environmental impact studies for mining projects provide for an analysis of the impact on the health of the general population, including children, there is no express requirement that they should analyse their impact on the health and development of children. However, when assessing a particular environmental study, the authorities can request a specific analysis of a project's impact on the health and development of children, if they consider it relevant.

69. Regarding the second question, the Environmental Evaluation and Accounting Office is responsible for directly overseeing the activities of the mining subsector (large- and medium-scale mining) and the electricity subsector, among other production and extractive industries. Its tasks include monitoring compliance with environmental obligations in production units and, in general, assessing their environmental performance.

70. The environmental obligations monitored by the Office are set out in environmental regulations establishing the maximum permissible limits for contaminants present in gaseous emissions and effluents produced by mining activities:

- *Gaseous emissions*: Ministerial Decision No. 315-96-EM/VMM sets the maximum permissible limits for lead (Pb) and arsenic (As) in atmospheric emissions from mining units equipped with fixed emission sources (chimney stacks);
- *Mining and metallurgical effluents*: Ministerial Decision No. 011-96-EM/VMM, as amended by Supreme Decree No. 010-2010-MINAM, sets the maximum permissible limits for the following heavy metals: total Pb, total As, total cadmium (Cd) and total mercury (Hg).

71. The above-mentioned substances have a potential impact on the environment and are considered toxic when they exceed the maximum permissible limits. Accordingly, as part of its supervisory functions, the Office monitors the atmospheric emissions and mining and metallurgical effluents from mining units where lead and other heavy metals are present in order to determine whether the maximum permissible limits have been exceeded.

72. These maximum permissible limits are complemented by national environmental quality standards for water and air. The standards establish the threshold concentration levels of substances present in the air or water below which exposure poses no risk to the atmosphere or human health.

73. If monitoring by the Office indicates that maximum permissible limits have been exceeded or national environmental quality standards have not been met, a technical report to that effect is sent to the Directorate of Monitoring, Penalties and Incentives. The Directorate then proceeds to examine the case and, where appropriate, initiate administrative proceedings with a view to imposing fines on those responsible for any violations found to have taken place.

74. The Directorate of Monitoring, Penalties and Incentives is the body responsible for investigating the La Oroya case and for imposing any penalties relating to administrative offences. In this connection, the Directorate conducted two administrative proceedings leading to sanctions, which found violations of the commitments made under the Environmental Adaptation and Management Programme

for the La Oroya metallurgical complex. The violations, which related to the health and development of children in the area, are set out below.

<i>No.</i>	<i>Case</i>	<i>Decision at first instance</i>	<i>Behaviour subject to penalties</i>	<i>Decision at second instance</i>	<i>Penalty</i>
1	257-09-MA/E	601-2013-OEFA/DFSAI	<p>The mining permit holder failed to carry out a socioeconomic assessment of housing conditions or a clinical assessment of children living in La Oroya Antigua.</p> <p>The mining permit holder failed to carry out a clinical-epidemiological and laboratory assessment of newly arrived children.</p> <p>The mining permit holder failed to implement the Casaracra Day Camps programme for children with levels of lead between 45 and 69.9 µg/dl and higher than 70 µg/dl.</p> <p>The mining permit holder failed to clean housing occupied by children with blood lead levels higher than 45 µg/dl.</p> <p>The mining permit holder failed to provide children under 6 years of age with dietary supplements containing proteins, calcium, vitamin C, zinc and iron.</p> <p>The mining permit holder failed to conduct social and nutritional assessments of children under 6 years of age who took part in the annual blood screening programme and to follow-up on those children on paediatric, growth and development,, psychological, and social and nutritional assessment programmes.</p>	019-2014-OEFA/TFA-SEP1	600 taxation units for each of the undertakings that were found to have been violated, among which are those that are listed herein.
2	1659866	103-2011-OEFA/DFSAI	The mining permit holder failed to assess the potentially critical levels of exposure to emissions from the La Oroya metallurgical complex in schools and public areas.	004-2014-OEFA/TFA-SEM	300 taxation units

- (12) Please provide information on the steps taken to take into account the views of indigenous children and adolescents in matters affecting them and to lift them out of their situation of particular vulnerability, which is especially serious with regard to chronic malnutrition, child and maternal mortality, anaemia and HIV/AIDS. Please also provide information on specific measures to ensure that quality intercultural bilingual education is available at all levels, along with services tailored to students' particular culture and language.**

75. With respect to ensuring the availability of quality intercultural bilingual education, the Ministry of Education and the Ministry of Culture are the State bodies responsible for coordinating the application of the measures set out in the guidelines on the implementation of public policies for the Afro-Peruvian population. Guideline 3, which deals with the full enjoyment by Afro-Peruvians of their economic and social rights, provides for measures to ensure that cultural diversity is fostered and that the contribution of Afro-Peruvian culture to the construction of the Peruvian nation is recognized and reassessed within the national curriculum framework, regional curriculums and educational materials.

76. The Ministry of Culture is currently working on the adoption of the National Development Plan for the Afro-Peruvian Population, which envisages the inclusion within the national curriculum framework of activities that highlight the contribution of Afro-Peruvian culture to the construction and development of Peruvian society from the colonial era until the present. The Plan also provides for measures to foster the establishment of forums to recognize, reassess and bring to the fore the contribution of the Afro-Peruvian population to the construction of the Peruvian nation.

77. A guide to culturally appropriate public services was approved by Ministerial Order No. 124-2015-MC of 8 April 2015. In addition, a video library of cultures has been developed as an educational resource for use within the standard basic education system (2015: a total of 1,000 schools nationwide – Agreement No. 018-2015-MINEDU). Furthermore, the Ministry of Education and the Ministry of Culture have drafted proposed guidelines regarding the establishment of intercultural universities, which will provide a forum for the promotion of intercultural education.

- (13) Please provide information on the measures taken to protect children and adolescents adversely affected by illegal coca cultivation and drug trafficking. In particular, please indicate whether any studies have been conducted on the extent of the problem and what steps have been taken to prevent the use of children and adolescents in the production and transportation of drugs, to protect them from the violence — including sexual abuse — they are subjected to, to provide them with psychosocial support and to make alternative livelihoods available to their families.**

78. In 2013, as part of a package of measures to prevent the use of children and adolescents in the production and transportation of drugs, the Executive Anti-Drug Directorate of the Peruvian National Police conducted a series of information and training sessions on preventing drug trafficking and use within the framework of the following programmes: For a Future against Drugs, Together against Drugs, For a Peru without Drugs and Police Officers against Drugs. The sessions were delivered to a total of 100,994 children and adolescents in schools, as well as police officers, neighbourhood groups and the community in general, in Lima, Ayacucho, San Martín, Abancay, Junín, Cusco, Arequipa, Iquitos and La Libertad.

79. In 2014, the number of sessions increased by 120 per cent. They were attended by a total of 230,448 persons, including children and adolescents in schools, teachers, parents, police officers and trainees, neighbourhood watch groups, armed forces personnel, neighbourhood groups and the community in general, in Lima, Aguaytía,

Huánuco, Tingo María, Junín, Satipo, Pangoa, Mazamari, La Merced, Huanta, Chimbote and Callao.

80. Steps were also taken to strengthen capacities to prevent illicit drug trafficking. To that end, training was provided for 2,328 police officers in Lima, Tingo María, Cusco, Mazamari, Huanta and Chimbote; 1,692 trainees at police academies and police technical schools in San Bartolo, Chimbote and Lima; 1,717 members of the army's special forces; and 278 members of neighbourhood watch groups in Lima, San Luis and Callao.

- (14) In the light of paragraph 332 of the State party's report, please provide information on the results achieved thus far in implementing the National Strategy for the Prevention and Elimination of Child Labour 2012–2021 and provide a current list of jobs prohibited for adolescents. In particular, please provide information on measures taken to combat child domestic labour and child labour in gold mines. Lastly, please also explain whether any steps are being taken to follow up on the situation of children and adolescents rescued from child labour and whether any evaluation is conducted of family support programmes to eliminate child labour.**

81. Regarding measures to combat child domestic labour and child labour in gold mines, mention should be made of a programme to formalize small-scale mining activities that has been developed under the terms of the third final and transitional provision of Act No. 27651 on the formalization and promotion of small-scale and artisanal mining, as amended by article 1 of Act No. 28992, which prohibits the employment of persons under 18 years of age in mining operations. The Ministry of Energy and Mining provides basic training assistance to small-scale and artisanal mining operations, in accordance with Legislative Decree No. 1105 and Ministerial Decision No. 290-2012-MEM/DM. The training programmes, which are intended for operators who are in the process of formalizing their activities in Metropolitan Lima, address the dangers of child labour.

- (15) Please provide information on the implementation of the National Plan for the Prevention and Treatment of Adolescents in Conflict with the Law 2013–2018. Please also describe the measures taken to establish a sufficient number of specialized family courts and to create specialized juvenile justice units within the Attorney General's Office, the Public Defender's Unit and the police force. Please provide information on mechanisms to monitor the juvenile detention centre, the complaint mechanisms available and the number of complaints of ill-treatment registered and legal proceedings taken. Lastly, please report on the practical application of alternative non-custodial measures and the social reintegration of children in conflict with the law.**

82. The Ministry of Justice and Human Rights, through the Public Defence Directorate, provides free legal assistance for youth offenders in its 32 district directorates throughout the country. It is currently dealing with cases involving youth offenders in Lima (7 cases), Lima South (1), Lima North (1) and Callao (2).

83. In criminal cases, the Public Defence Directorate coordinates with the Directorate for Criminal Policy of the Ministry of Justice when appointing public defenders to units that deal with youth offenders. To date, public defenders have been appointed in the following districts: El Agustino (Lima East), Villa María del Triunfo (Lima South), José Leonardo Ortiz (Lambayeque) and El Porvenir (Trujillo). Assistance, in the form of consultations, talks and campaigns to help young offenders, is provided across the country in the 10 youth assessment and rehabilitation centres that have been established.

84. Government agencies have also worked in coordination with international cooperation partners to provide training on issues related to youth offenders. For example, under an agreement between the Ministry of Justice and the Swiss branch of the organization Terre des Hommes, public defenders for criminal cases received training on the topic of restorative justice.

85. With a view to preventing antisocial behaviour by raising awareness of risk factors such as the consumption of alcohol and illegal drugs, membership of criminal gangs or pernicious youth gangs, and bullying, in 2014 citizen participation offices, regional offices of the National Police (in La Libertad, Huancavelica, Cusco, Apurimac, Pasco, Ucayali, Huallaga, Callao, Lima North, Huacho) and the National Police units in Puerto Inca and Espinar organized a number of educational, sports, recreational and information events, which were attended by 20,666 pupils, 9,627 parents, 40 members of the National Police and 1,064 community representatives.

86. In January 2015, the National Police, through its Domestic Violence Directorate, ran an introductory workshop on restorative juvenile justice for 40 members of the National Police (23 women and 17 men) in coordination with Terre des Hommes, as part of an inter-institutional agreement with the Ministry of the Interior.

87. The Ministry of the Interior, in coordination with the Public Prosecution Service, has established units for youth offenders in two National Police stations, in the districts of El Agustino (2008) and Villa María del Triunfo (2015). Between 2013 and July 2015, the two stations dealt with 104 young offenders between the ages of 14 and 17 years.

88. The José L. Ortiz National Police station in Chiclayo, in the department of Lambayeque, has been selected to pilot the introduction of youth offender units in police stations in the Lambayeque police region. The pilot unit is in the process of being set up.

Oversight mechanisms for youth detention centres

89. National oversight of youth centres is provided for in the operational plan adopted for each fiscal year. In 2015, under the activity “Policy and administrative oversight for youth centres at the national level”, the plan sets a target of 31 supervisors for youth assessment and rehabilitation centres and youth guidance services. Oversight involves checking policy compliance in each centre, as well as monitoring and follow-up action to ensure that the activities and tasks set out in the centre’s operational plan are carried out and the practical and financial goals are met.

90. According to article 16 of the Organic Act on the Office of the Ombudsman, youth centres are public service bodies that are required to supply any information requested by the Ombudsman and to facilitate inspections of the centres by the latter. They are also subject to the oversight and monitoring of the Public Prosecution Service.

Alternatives to deprivation of liberty, and social reintegration measures

91. Care is provided in an open regime for young people of either sex who are complying with non-custodial socio-educational orders. This type of care is provided in centres called youth guidance centres.

92. Non-custodial care involves a number of organized daytime activities, with a flexible timetable adapted to the needs of the young people concerned. The important thing is that they work together with community networks, which reinforces the process of rehabilitation and reintegration of the young person in conflict with the law.

As at 20 August 2015, there were nine youth guidance centres, in Rimac, Lima, Huaura, Tumbes, Iquitos, Cañete, Ica, Arequipa and Lima East.

93. The National Council on Crime Policy adopted the *Puedo* (“I can”) policy on juvenile justice, which falls under the National Plan for Young People in Conflict with the Law (2013–2018) adopted by Supreme Decree No. 014-2013-JUS. This comes at a time when, according to the Information System for Prosecutors (SIATF) of the Public Prosecution Service, the number of young offenders rose from 14,647 in 2007 to 21,222 in 2011. Most of these offences were crimes against property, which affects the public perception of victimization and insecurity.

94. The main impact sought is to reduce the numbers of young people in conflict with the law. Action is therefore planned in three areas: (1) prevention; (2) the administration of justice; and (3) social reintegration. In each of these areas, the general policy is translated into targeted impacts such as: a reduction in cases of antisocial behaviour; an effective, rights-based justice system; successful social rehabilitation of young people in conflict with the law; and reparations for victims.

95. In the area of prevention, three levels of action are envisaged. The first level concerns the child population, and involves coordinating and directing the National Plan of Action for Children and Adolescents. The second concerns “secondary prevention”, and deals with the young people at greatest risk of falling foul of the law as a result of factors such as domestic violence, school dropout and gang membership. The third level, “tertiary prevention”, deals with young people who have already had a brush with the law and seeks ways to prevent them from reoffending.

96. In 2014, some 250,000 soles were spent on implementing the *Puedo* policy, to the benefit of a large number of young people between the ages of 15 and 19 in the following districts: El Porvenir (18,849 young people); José Leonardo Ortiz (19,464); El Agustino (18,368); and Villa María del Triunfo (40,236).

97. In 2015, the *Puedo* policy is due to be implemented in six places. The local plan for Chimbote was started up in June, for the benefit of 19,591 young people between the ages of 15 and 19: the other five places are San Sebastián and Santiago (Cusco), Paucarpata (Arequipa), Chilca (Huancayo), Callao and San Juan Bautista (Huamanga).

98. The National Council on Criminal Policy was established by Act No. 29807 of 30 November 2011 to produce evidence-based policies and guidelines on crime control and reduction. The Council is chaired by the Ministry of Justice and Human Rights, whose Directorate-General for Crime Policy provides the secretariat.

99. At its meeting on 3 September 2013, the Council approved the conduct of analytical studies as a basis for formulating crime policy, with a focus on the following offences: crimes against property, human trafficking, illegal mining, sexual violence against minors and contract killings. It had previously approved work on a policy guideline on criminal offences committed by juveniles.

100. The Council proposed to approach the study of those offences in a considered fashion, on the basis of analysis that would explain their root causes and the factors that affect their incidence. It also drew up a participative policy in the form of policy prescriptions and guidelines that were proposed to the various sectors and bodies involved in the system of social control and, in particular, those directly involved in the prevention, investigation and punishment of crime, in the criminal justice system and in the application of penalties and security measures, with a view to establishing guiding principles with a common objective.

101. As part of this comprehensive approach, the policies and strategies developed by the Council take a broad-brush approach that places crime prevention front and centre of all the policies drawn up. Peru has the following public policies in place:

- (1) The *Puedo* policy (National Plan for Young People in Conflict with the Law);
- (2) National policy on crimes against property;
- (3) National policy on human trafficking and related forms of exploitation;
- (4) Prison policy.

102. As far as strategies go, the following institutions have been set up:

- (1) National Crime Observatory;
- (2) Inter-agency Committee on Crime Statistics.

103. In September 2014, under the *Accede* Programme to Modernize the Justice System, a Teenage Mothers Unit was set up in the youth assessment and rehabilitation centre in Santa Margarita. The unit is for teenage mothers and their young children, and is in line with the reformed system for dealing with young people in conflict with the law. It covers 308 m² on two floors, and is fully equipped with breastfeeding facilities, nappy-changing table, kitchen, multi-purpose room, cot room, play area and rooms for the teenage mothers.

104. The possibility of obtaining a student grant from the Regional Labour and Employment Directorate was publicized, with five grants being offered to youngsters in conflict with the law from the youth assessment and rehabilitation centre in El Tambo (Junín). The recipients of the grants can take courses on food industries, industrial electronics and auto mechanics, among others.

105. The youth assessment and rehabilitation centre in El Tambo houses over 150 youth offenders. This was made possible thanks to coordination by the judiciary's Youth Centres Division, which seeks to equip youth offenders with the knowledge and skills needed for a particular trade, to enable them to formulate viable plans for their future.

106. The judiciary is also promoting agreements with regional and municipal authorities on the implementation of various programmes, including youth guidance services, aimed at making custodial sentences a last resort and promoting the rehabilitation of young people in conflict with the law and their reintegration into society.

Part II

Updated information on:

(a) New bills or enacted pieces of legislation and their accompanying regulations

107. Table 1 lists the bills submitted between 1 January and 1 September 2015 that are classed as submitted, assigned to a committee and placed on the legislative agenda; bills that have been shelved, withdrawn or rejected are not included.

Table 1
Bills relating to the rights of the child

<i>Number</i>	<i>Summary</i>	<i>Date of submission</i>
04138/2014-CR	Proposes to amend paragraph (d) of article 248 of the Code on Children and Adolescents (Act No. 27337), with the aim of guaranteeing the well-being and all-round development of children or adolescents who have been abandoned, who are up for adoption and who are covered by article 248 of the Code	26/01/2015
04141/2014-CR	Proposes an amendment to article 183 of the Criminal Code, on obscene displays and publications	26/01/2015
04262/2014-CR	Proposes to regulate entry by children under 18 years of age to hotels, boarding houses or any other establishment providing accommodation of any kind	06/03/2015
04281/2014-CR	Proposes to amend article 7 of Act No. 26872, the Reconciliation Act, as amended by article 1 of Legislative Decree No. 1070, in order to safeguard the best interests of children in receipt of maintenance	11/03/2015
04303/2014-CR	Prohibition of corporal punishment and any other act that might injure or cause physical, spiritual or psychological harm to a child or adolescent	17/03/2015
04420/2014-CR	Proposes to amend article 121-B of the Criminal Code, with regard to increasing the penalties for physical and/or psychological mistreatment of children and adolescents	15/04/2015
04445/2014-CR	Proposes to insert a second paragraph in article 2 of the Code on Children and Adolescents to protect the unborn child and children conceived through rape	23/04/2015
04448/2014-CR	Proposes to amend and insert various articles in the present Criminal Code regarding offences related to prostitution, and especially to the commercial sexual exploitation of minors	23/04/2015
04477/2014-CR	Proposes to insert an article 14 in Act No. 30162, the Foster Care Act	30/04/2015
04485/2014-CR	Proposes to amend article 481 of the Civil Code, regarding the criteria for applying for and setting the level of maintenance	06/05/2015

<i>Number</i>	<i>Summary</i>	<i>Date of submission</i>
04517/2014-CR	Proposes to protect pregnant minors who have been abandoned and who are living in extreme poverty	19/05/2015
04518/2014-CR	Proposes to guarantee and establish a framework for the prevention of physical and psychological punishment, as a fundamental part of the rights of the individual recognized in the Constitution	19/05/2015
04521/2014-CR	Proposes to establish a register to provide pregnant minors with legal safeguards; access to the register will be restricted and the confidentiality of the information therein will be guaranteed	19/05/2015
04608/2014-CR	Proposes to amend article 22 and insert articles 108-C and 108-D in the Criminal Code, with the aim of including contract killing and incitement of a minor to engage in contract killing as separate offences, as well as lifting the age-related limitations on criminal liability for both offences	17/06/2015
04627/2014-CR	Proposes a law that would make contract killing an offence and amend the Criminal Code and Decree-Law No. 25475 so as to establish contract killing and human trafficking for purposes of sexual exploitation and the use of minors in terrorist acts as aggravating factors in the crime of terrorism	19/06/2015
04668/2014-CR	Law amending the Code on Sentence Enforcement by abolishing prison benefits for those guilty of crimes against sexual integrity where the victim is a minor	10/07/2015
04693/2015-CR	Law amending Chapter IX of Title IV of the Second Part of the Criminal Code	04/08/2015

Source: Bills posted on the Congressional website; compiled by the Research Unit.

108. Table 2 presents a list of the laws and legislative decisions published between 1 January and 1 September 2015. It should be pointed out that, although every effort was made to check the relevant sources, it was not possible to identify the regulations related to these pieces of legislation.

Table 2
Laws and legislative decisions relating to the rights of the child

<i>Type</i>	<i>Number</i>	<i>Summary</i>	<i>Date of publication</i>	<i>Regulation</i>
Law	30297	Act establishing the use of child restraints in motor vehicles	06/01/2014	-
Law	30300	Act repealing Act No. 30288, promoting access by young people to the labour market and social protection	28/01/2015	-
Law	30311	Act enabling couples living in a de facto union to adopt minors declared by a court to have been abandoned	18/03/2015	-
Legislative decision	30312	Legislative decision adopting the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization	22/03/2015	-
Law	30314	Act on the prevention and punishment of sexual harassment in public spaces	26/03/2015	-
Law	30315	Act amending various articles of Act No. 26300, on the rights to civic participation and control	07/04/2015	-
Law	30323	Act limiting the exercise of parental authority for committing serious offences	07/05/2015	-
Law	30328	Act establishing educational measures and other provisions	29/05/2015	-
Legislative decision	30330	Legislative decision adopting the Agreement on Mutual Assistance in Criminal Matters between the Government of the Republic of Peru and the Government of the French Republic	05/06/2015	-

Type	Number	Summary	Date of publication	Regulation
Law	30332	Act establishing the temporal application of the provisions on prison benefits contained in Act No. 30262, amending the Code on Sentence Enforcement, the Organized Crime Act and the Act on Trafficking in Persons and Smuggling of Migrants	06/06/2015	-

Source: Official Gazette (*Diario Oficial El Peruano*) and Peruvian System of Legal Information (SPIJ); compiled by the Research Unit.

(b) New institutions, their mandates and funding

109. No new bodies or institutions have been set up.

(c) Newly adopted and implemented policies and programmes and their scope

110. On 28 October 2015, a national plan for a cross-cutting intercultural approach was adopted in Supreme Decree No. 003-2015-MC. The plan is intended to guide, coordinate and establish the mechanisms for State action that will guarantee the exercise of the rights of the country's culturally diverse population groups, particularly indigenous peoples and Afro-Peruvians, by promoting a State that recognizes the inherent cultural diversity of Peruvian society, acts in a culturally sensitive manner and helps advance social inclusion, national integration and the elimination of discrimination.

111. The application of this national policy is compulsory in all government sectors and institutions, which must align their rules and regulations with it. As far as the private sector and civil society are concerned, the policy serves as a guide.

(d) Recent ratifications of human rights instruments

112. One treaty ratified recently by Peru is the Convention on the Reduction of Statelessness of 30 August 1961, which was ratified in Supreme Decree No. 057-2014-RE of 16 October 2014 and which entered into force for Peru on 18 March 2015.

113. Peru co-sponsored the following the Human Rights Council resolutions: "Strengthening efforts to prevent and eliminate child, early and forced marriage" (A/HRC/RES/29/8); "Unaccompanied migrant children and adolescents and human rights" (A/HRC/RES/29/12); "Rights of the child: towards better investment in the rights of the child" (A/HRC/RES/28/19); "Preventable mortality and morbidity of children under 5 years of age as a human rights concern" (A/HRC/RES/27/14); "The right of the child to engage in play and recreational activities" (A/HRC/RES/27/15); "Rights of the child: access to justice for children" (A/HRC/RES/25/6); and "Ending violence against children: a global call to make the invisible visible" (A/HRC/RES/25/10).

114. At the sixty-ninth session of the General Assembly of the United Nations, Peru co-sponsored the following resolutions: "Rights of the child" (A/RES/69/157); "Protecting children from bullying" (A/RES/69/158); "Migrant children and adolescents" (A/RES/69/187); "Intensification of efforts to eliminate all forms of

violence against women and girls” (A/RES/69/147); “Child, early and forced marriage” (A/RES/69/156); and “Trafficking in women and girls” (A/RES/69/149). It also voted in favour of the resolution “United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice” (A/RES/69/194).

115. In the setting of the Organization of American States, Peru voted in favour of the “Declaration on Violence against and Exploitation of Children” (AG/DEC. 76 (XLIV-O/14)), which stated that “any new post-2015 global development agenda must deal with violence against and exploitation of children”. Peru also supported the adoption of the following resolutions: “Prevention and eradication of sexual exploitation and smuggling of and trafficking in boys, girls, and adolescents of both sexes” (AG/RES. 2828 (XLIV-O14); and “XXI Pan American Child Congress” (AG/ (RES. 2836 (XLIV-O/14)).
