



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

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## Committee on the Elimination of Discrimination against Women

### Consideration of reports submitted by States parties under article 18 of the Convention

Seventh and eighth periodic reports of States parties due in 2011<sup>\*,\*\*</sup>

#### Peru

[7 September 2012]

#### *Summary*

The present report describes the progress made and the challenges faced by the Peruvian Government in fulfilling the obligation to respect, promote and guarantee women's right to equality and non-discrimination as set out in the Convention in the past eight years, that is, during the period 2003–2011, with special focus on 2007–2011 and the results of action taken. The main report and three annexes are attached hereto.

The report has two parts, the first gives general information on the country, while the second gives information on each article of the Convention. Annex I contains replies to the comments and recommendations of the Committee on the sixth periodic report; annex II describes legislation issued during this period, organized by article of the Convention, with reference number, date and summary; annex III contains a Constitutional Court ruling and a Civil Chamber ruling on the regulations of military training establishments, in which pregnancy is still grounds for loss of cadet status.

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the secretariat.

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## I. General information

### A. Sociodemographic characteristics

1. The State of Peru consists of 26 regions, 195 provinces and 1,834 districts. According to the eleventh population and sixth housing census conducted in 2007 by the National Institute of Statistics and Information Science (INEI, 2008), the demographic weight of the coastal areas (Costa), the mountains (Sierra) and the forest areas (Selva) are respectively 54.6 per cent, 32 per cent and 13.4 per cent. Peru has a population of 28,220,764, 50.3 per cent women and 49.7 per cent men, while 75.9 per cent are urban and 24.1 per cent rural; 83.9 per cent of Peruvians speak Spanish and 15.9 per cent an indigenous language or dialect.

2. According to the second census of indigenous communities of the Peruvian Amazon carried out in 2007 (INEI, 2008), the Amazonian indigenous population comprises 332,975 inhabitants, 52.2 per cent (173,758) men, and 47.8 per cent (159,217) women, belonging to 60 ethnic groups, living in 1,786 indigenous communities in 11 regions and grouped into 13 linguistic families. This makes Peru the most heterogeneous country in Latin America.

3. According to the national demographic and family health survey (ENDES) 2010 (INEI, 2011), the country's population is relatively young: 30.2 per cent are under 15 years of age, 61.8 per cent are between 15 and 64 and only 8 per cent are over 65. There are significant differences between the urban and rural populations: the proportion of those under 15 in rural areas is 36.2 per cent of the total population, while in urban areas it is 27.6 per cent. The population aged between 15 and 64 in rural areas is 54.7 per cent, while in urban areas it is 64.9 per cent of the total population. The population aged over 65 in rural areas is 9.1 per cent of the total population, while in urban areas it is 7.5 per cent.

4. Women of childbearing age, that is, women aged between 15 and 49, comprise a quarter of the country's total population and 49.4 per cent of the female population. The proportion is higher in urban areas (52.5 per cent) than in rural areas (42.4 per cent). They account for 26.6 per cent of the total urban population and 52.5 per cent of the female urban population, and for 21.3 per cent of the total rural population and 42.3 per cent of the female rural population. In terms of households, 23.9 per cent are headed by women, a 4.4 per cent increase over 2000 figures: in urban areas, the proportion is 25.7 per cent, and in rural areas 19.9 per cent.

5. According to the 2007 census, internal migration stands at 20.2 per cent, while a total of 625,000 persons migrated to other countries between 2005 and 2010 – 50.5 per cent of them female; 51 per cent of this group were women aged between 20 and 39 (source: INEI). The main destinations were the United States (30.6 per cent), Argentina (14 per cent), Spain (13 per cent), Italy (10.3 per cent) and Chile (9.3 per cent). Remittances from migrants amount to approximately US\$ 1,400 and 1,500 million annually.

6. From 2003 to 2010, the poverty rate declined from 40 per cent to 19.1 per cent in urban areas, and from 75.2 per cent to 54.2 per cent in rural areas. In the Costa region, it fell from 37.9 per cent to 17.7 per cent; in the Sierra region, from 68.8 per cent to 49.1 per cent; and in the Selva region, from 64.1 per cent to 37.3 per cent. However, over 50 per cent of the population in six departments are still poor. In 2010, 51.8 per cent of persons with Quechua, Aymara or an Amazonian mother tongue and 25.8 per cent of Spanish-speaking people were poor and 35.9 per cent of households headed by speakers of Quechua, Aymara or an Amazonian language, or families of Quechua, Aymara or Amazonian origin, 30.2 per cent of Black, mulatto or zambo households, 18.8 per cent of White and 18.7 per cent of households of mixed descent were poor. Of the total number of

poor households, 20.1 per cent are headed by women. In rural areas, the poverty rate among households headed only by women is 49.9 per cent, and among those headed only by men 36.1 per cent. Extreme poverty fell from 8.6 per cent to 2.5 per cent in urban areas, and from 44.6 per cent to 23.3 per cent in rural areas; between 2005 and 2010, the number of extremely poor women heads of household increased by 2.3 per cent. From 2009 to 2010, the extreme poverty line increased by 4.3 per cent in the rural Costa region and by 4 per cent in the urban Sierra areas. The malnutrition rate among rural women is 7 per cent higher than among urban women.

## **B. Macroeconomic context**

7. According to INEI, Peru has had sustained economic growth, with a peak of 9.8 per cent in 2008, falling to 4 per cent in 2009, but then recovering to 8.8 per cent in 2010, and attaining 5.5 per cent in the first half of 2011; there were nine consecutive quarters of growth up until June 2011.

8. Income inequality has been narrowing since 2001: the national Gini coefficient developed by INEI stood at 0.52 in 2001 and 0.46 in 2010. Breaking down urban and rural areas, the coefficient was, respectively, 0.48 and 0.45 in 2001 and 0.42 and 0.41 in 2010.

9. According to the same source, the real average monthly per capita income for the poorest quintiles (1 and 2) rose by 40 per cent during the period 2009–2010 and for the richest quintile (5) by 20 per cent. This trend was further strengthened in 2011 when the current Government raised the minimum wage from 600 to 675 soles (a 12.5 per cent increase) in August 2011.

10. The incidence of poverty showed a decreasing trend, dropping from 42 per cent in urban and 78.4 per cent in rural areas (2001) to 19.1 per cent and 54.2 per cent, respectively (2010). Nationwide, the incidence of extreme poverty declined from 24.4 per cent to 9.8 per cent during the same period.

## **C. The political context**

11. During this period, there have been two presidential and congressional elections (2006 and 2011) and two regional and municipal elections (2006 and 2010). The Republic has had three Presidents: Alejandro Toledo Manrique of the Partido Perú Posible, whose term ended on 27 July 2006, Alan García Pérez, of the Partido Aprista Peruano, whose term ended on 27 July 2011 and Ollanta Humala Tasso of the Alianza Gana Perú, whose term is to end on 27 July 2016. Since January 2011, the provincial municipality and metropolitan region of Lima, the capital, have been run by Susana Villarán de la Puente of the Partido Fuerza Social, the first woman to be elected mayor of Lima. During the 2011 elections, the country also elected a woman Vice-President — Marisol Espinoza — and two women regional vice-presidents.

12. According to the Ombudsman's Office, a total of 252 social conflicts had been reported as of March 2011, 38 per cent of them violent. The most serious pitted villagers of indigenous and native origin in the Andean highlands and Amazon areas against mining, oil and timber companies. The events of Bagua (May 2009) revealed the exclusion and poverty of the Amazon populations and their struggle to defend their habitat and natural resources, in which women play an important role. One of the first measures of the current Congress was to adopt the Prior Consultation Act.

## **D. International commitments of the State of Peru**

13. The Peruvian Government has signed and ratified several international treaties guaranteeing the full exercise of women's human rights, especially as regards equality and non-discrimination, and protection from the prevention and punishment of gender violence, including by means of the Convention and its Optional Protocol and the Committee's recommendations, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

14. Peru has also signed the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment; the Convention on the Rights of the Child and its optional protocols, on the involvement of children in armed conflict, and on the sale of children, child prostitution and the use of children in pornography; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, on the right of indigenous peoples to prior consultation and participation in the utilization of natural resources; and General Assembly resolutions. It has also adopted the Beijing Declaration and Platform for Action, the Millennium Development Goals, the programme of action of the Cairo International Conference on Population and Development, the Quito Consensus, which is committed to the promotion and adoption of measures for parity for women in participation in politics, the Brasilia Consensus and the Andean Charter for the Promotion and Protection of Human Rights.

## **II. Application of the articles of the Convention**

### **Article 1**

#### **Definition of discrimination against women**

15. In the Act on Equal Opportunities for Women and Men, the State of Peru takes up the Convention definitions of equality and discrimination to the extent that the Act refers to sex discrimination. In line with these definitions, article 2 of Supreme Decree No. 027-2007 on mandatory national policies for government agencies establishes the obligation to promote equality between men and women through government policies, plans and practices. It also guarantees women's right to non-discrimination and the elimination of domestic and sexual violence, and promotes women's access to positions of power and decision-making in society and in public administration.

### **Article 2**

#### **Normative measures against discrimination**

16. Both the 1979 Constitution and the 1993 Constitution currently in force establish the right to equality and non-discrimination on grounds of sex. Similarly, the Code of Constitutional Procedure establishes equality and non-discrimination based on sex and sexual orientation as protected rights. In terms of criminal law, discrimination on the grounds of race, religion, sex, genetic factors, parentage, age, disability, language, ethnic or cultural identity, dress, political or other opinions, or economic status was made an offence under article 323 of the Criminal Code in 2006. In this context, 37 per cent of the regional governments have issued ordinances on the elimination of all forms of discrimination.

17. At the administrative and budgetary levels, analyses of the impact of spending in the 2007 Public Sector Finance Act and later budget Acts have included its impact on gender equity. The 2011 Public Sector Finance Act provides that programme evaluations in the context of results-based budgeting should include analysis of gender issues, targets and indicators, and that the Ministry of Finance should promote the use of mechanisms that incorporate the gender perspective in its annual budget planning, monitoring and evaluation policies. The General Act on the National Budget System also incorporated the gender perspective as a criterion for evaluating National Public Investment System (SNIP) projects on production and on access to markets, credit, employment and basic social services such as education, health and justice. As a result of these changes, 7 of the 25 regional governments now use the gender perspective in the evaluation of their budgets and 10 take gender gaps as a criterion for prioritizing budget allocations. Lastly, it is now required by law to include unpaid domestic work in the national accounts.

18. In the area of planning, the Government has created Plan Peru 2021 (also known as the Bicentennial Plan), a strategic development plan whose objectives include elimination of gender discrimination and full access by women to educational services and to public and private decision-making positions, and land ownership rights ensuring equal opportunities for men and women, with due regard for cultural diversity and the natural vocation of soils without attempting to change land use. The reporting period also saw the coming to term of the first and second National Equal Opportunities Plans for Women and Men; and work is being done on a participatory approach for the new National Plan for Gender Equality 2012–2017 for the Bicentennial. There has also been some progress in cross-cutting gender mainstreaming in the various programmes to combat poverty, such as in the Bases for the Strategy for Poverty Reduction and Economic Opportunities for the Poor, which includes policies to reduce discrimination and sex-based social gaps, enhance the efficiency of women's work and lay the foundations for women's development and their greater participation in decision-making on equal terms with men.

19. Continuing challenges include the further reinforcement of institutional compliance with the principle of non-discrimination on the basis of sex, gender, sexual orientation, age, ethnicity, race or social status; gender mainstreaming in all sectors of the executive branch; development of national, regional and local policies on equal opportunities for women and men and the full exercise of women's citizenship; continued application of gender equality as a criterion for investment in policies, plans, programmes and/or services, as well as expansion of regional government and municipality budgets; and continued elimination of obstacles to gender equality in national regulations.

### **Article 3**

#### **Mechanisms for the advancement of women**

20. Under Legislative Decree No. 1098, responsibility for women's affairs and social development were separated so that the Ministry of Women and Social Development ceased to exist and two ministries, a Ministry of Women and Vulnerable Groups and a Ministry of Development and Social Inclusion were created in its place. The Ministry of Women and Vulnerable Groups is responsible for promoting gender equality in the country.

21. Five sectors of the executive branch have created special gender equality units and intrasectoral commissions to implement public policy on equal opportunities for women and men: one unit in the Directorate of Fundamental Labour Rights and Occupational Health and Safety under the Ministry of Labour and Job Creation, a working group to implement national policy on equality in the production sector, an Observatory for Equal Opportunities between Women and Men in the Police and the Ministry of the Interior, a technical unit on gender, human rights and interculturality in the Ministry of Health, a

Multisectoral Committee for the Millennium Development Goals chaired by the Office of the President of the Council of Ministers, multisectoral monitoring committees for the National Equal Opportunities Plan for Women and Men 2006–2010, and a high-level commission for the National Plan to Combat Violence against Women, all of which are chaired by the Ministry of Women and Social Development.

22. At the regional level, there are several mechanisms for the advancement of women, including three regional observatories for women in the regions of Piura, Apurímac and Puno, devoted to the identification of, and dissemination of information on, the main gender gaps, and to collaboration with regional and municipal authorities as well as universities. Nineteen regional governments have regional councils for women. These are lead agencies in the formulation of public policies on equal opportunities between women and men in their region. Other public bodies that were created include the Amazon Region Office of Social Development and Equal Opportunities for the Junín Office of Social Development and Equal Opportunity, the Ayacucho Regional Institute for Women, the Arequipa Executive Office for Youth, Women and the Family and the Moquegua Office for the Development of Women, in addition to the regional committees and commissions for the advancement of women – six more bodies in all.

23. Finally, the Ministry for Women, the Ministry of the Interior and the Monitoring of Health, the National Elections Board, the National Registry Office and 11 regional governments have adopted regulations that provide for the promotion and use of inclusive language words and symbols and in official drafting, and in legal provisions issued by their constituent bodies and units.

24. The main achievements in women's development include the contribution made by the Ministry for Women and Vulnerable Groups to the design, development, implementation, follow-up and monitoring of policies at the three levels of government, and progress made in the field of regulations and in the development of sectoral, regional and local mechanisms for the promotion of women's right to equality, with the support of civil society. Challenges include the further strengthening of the Ministry for Women as lead agency, the continuing decentralization of policies on equality for women and men, collaboration with various women's organizations in implementing comprehensive policies, increasing allocations of financial and human resources, and the adoption of measures that would meet the needs of diverse groups of women.

#### **Article 4**

##### **Temporary affirmative actions**

25. Quotas for women in political life make sense since the formal recognition of the right to equality and non-discrimination on the basis of sex has failed to remove, within a reasonable period of time, the continuing effects of historical subordination and exclusion of women from the nation's political life. The Peruvian State has issued regulations institutionalizing and implementing the gender quota, i.e., a minimum percentage (30 per cent) of women or men in the lists of candidates for regional governments, municipalities and congressional bodies. The Political Parties Act also stipulates a gender quota (30 per cent) for elections of party officials. In the last elections, held on 10 April 2011, the National Elections Board adopted a resolution on a policy of strict verification of candidate lists and of non-registration if they failed to comply with the minimum quota for women, to ensure that gender quotas were met. This measure and the information and training actions by the Board and the National Elections Office, in partnership with civil society institutions, contributed to the successful implementation of the gender quota and the election of women to office at the local and regional levels. Directives of this kind have led

to greater women's participation and more women candidates, as evident from the statistics presented under article 7.

26. There have also been legislative developments on gender quotas in the election of men and women representatives to the regional and local councils, notably in the provincial municipality of Huancavelica, which issued an ordinance to ensure equal representation. These measures have given women leaders of grass-roots organizations such as the Vaso de Leche programme, mothers' associations, legal and health assistance providers, community facilitators against violence, and other peasant and indigenous organizations access to regional and local councils.

27. At the sectoral level, the Ministry of the Interior requires equitable distribution of managerial and senior positions in non-police bodies with the aim of placing women in at least 25 per cent of positions. The Ministry of Defence has created separate vacancy lists for men and women officers in combat units, services and personnel, with officer ranks in all grades. In the Ministry of Transport and Communications Special Project on National Transport Infrastructure, 27.3 per cent of the women occupy senior positions. The Ministry of Labour has ordered a 10 per cent increase in the budget allocation for youth training programmes for 16- to 24-year-olds that include young people with disabilities and/or young mothers with family responsibilities. One regional government (3.8 per cent) has issued an ordinance for the recruitment of women to 20 per cent of its posts. National Water Authority regulations make the inclusion of women in lists of applicants and on the boards of the Water User Boards and Irrigation Commissions mandatory. The National Development Cooperation Fund has guidelines on the formation of executive action groups that recommend that at least one in three members of the group should be a woman. This project-execution model has a direct impact on rural women's civic participation and integration. Women members of these bodies receive training and technical assistance in project management and administration, which gives them greater access to opportunities for participation at the community and district levels. Data for 2010 show that, of the 1,122 action groups created, 12 per cent were chaired by women, 33 per cent had women secretaries and 38 per cent women treasurers. In 2011, there were 616 women (19.6 per cent) and 2,520 men in the 784 representative bodies of action groups; 5 per cent of the action groups were chaired by women, 27 per cent had women secretaries, 33 per cent had women treasurers and 11 per cent of the staff in the Attorney General's Office were female.

28. The National Food Aid Programme (PRONAA) has also helped in the integration of women to community organizations. The Food Supplement Programme, for example, has trained women helping in canteens in such areas as the organization and management of the Food and Nutrition Programme for Outpatients with Tuberculosis and their Families (PANTBC). In 2011, women from 1,159 grassroots organizations were trained. PRONAA has also provided technical assistance to a total of 22,031 representatives of educational institutions and local government bodies, 67 per cent of whom (14,675) were women, in formulating consensus-based development plans, and running food security and child protection programmes.

29. In 2009, three bills on gender equality were presented to Congress: Bill No. 3670, which proposed that at least three of the seven members of the Constitutional Court should be women or men, and Bill No. 3682 on implementing gender quotas in appointing judges and magistrates to the judiciary. Another bill proposed an amendment to the organic acts on regional and municipal elections in order to ensure mandated preferential ranking for main and alternate candidates, so that the members of the minority sex do not find themselves at the bottom of the list.

30. In March 2011, the Elections Board introduced Bill No. 4708 on electoral quotas for women, an outcome of the amicable settlement in the case brought against the State of Peru before the Inter-American Commission on Human Rights by the Manuela Ramos



Movement and the Office of the Ombudsman. A somewhat modified version of the bill (Bill No. 268-2011-JNE) was presented to Congress later that year, in September, with a view to “regulating the application of electoral quotas for women” using the alternating system.

31. Most women in the Peruvian judiciary occupy low positions; women account for only 17 per cent of the Supreme Court, 27 per cent of the higher courts, 36 per cent of the various special divisions and 47 per cent of justices of the peace. They account for more than 50 per cent of staff at all levels of the Attorney-General’s Office, while over 40 per cent of ONPE employees are women. In the executive branch, by the end of the period July 2001–July 2006, two ministries (13 per cent), the Ministry of Women and Social Development and the Ministry of Health, were headed by women and for the first time a woman was elected president of the Council of Ministers. During the period July 2006–July 2011, there were six women ministers (40 per cent) at the beginning of the mandate — the Ministry of Women and Social Development, the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Trade and Tourism, the Ministry of Transport and Communications and the Ministry of Labour and Job Creation — but only three (17.6 per cent) at the end — the Ministry of Women and Social Development, the Ministry of Labour and Job Creation and the Ministry of Justice — with the last also occupying the post of President of the Council of Ministers; also, for the first time, there was a woman Minister of Finance. The current Government started its mandate with three women ministers, the Ministry of Women and Social Development, the Ministry of Culture and the Ministry of Education. For the first time, a woman of African descent was given a ministerial portfolio. As to women in the civil service, although conditions of competitions, recruitment and promotion are the same for both sexes, only four sectors (22 per cent) have more than 40 per cent women in decision-making positions: the Ministry of Foreign Trade and Tourism, the Ministry of Labour and Job Creation, the Ministry of Women and Social Development and the Ministry of Justice. As of July 2011, the Ministry of Energy and Mining had 7 women officials and directors, while the Ministry of the Interior had 12 women senior managers and 32 women working in the directorate general or equivalent. In December 2010, the Ministry of Production had 4 women in senior management positions and 32 in the directorate general or equivalent. In the Ministry of Foreign Affairs, 31.6 per cent of directorates general and offices are headed by women.

32. Six Peruvian embassies (11 per cent) and 11 consulates (17.5 per cent) are run by women, while 50 per cent of vice-consuls are women. Peru also has 147 women diplomats (22 per cent), 13 women in senior positions (25 per cent) and 22 women in executive positions (18 per cent).

33. There has been a gradual increase in women’s participation in the regional and local coordinating councils as well as in the number of senior positions in different autonomous sectors and bodies. The following have been identified as major limitations: political parties putting women in places where they are unlikely to be elected, gender stereotypes that limit women’s access to decision-making positions and the unequal use of time. The following targets have been set: 30 per cent of women in elected office, such as regional president, mayor and Congress; parity on the Technical Commission on the Participatory Budget, the regional and local councils, consensus-based development plans and local economic development plans; 50 per cent of decision-making positions in all public bodies; and promotion of the bill on electoral quotas for women using the alternating system.

## **Article 5**

### **Sociocultural patterns of behaviour and discrimination**

34. The Act on Equal Opportunities for Women and Men recognizes the need to root out practices, concepts and language justifying the superiority of a given sex, and commits the State to take positive measures to ensure de facto equality and incorporate and promote the use of inclusive language in official documents and written communications at all levels of Government. Guidelines on the promotion and use of inclusive language have been issued by the Ministry for Women and Vulnerable Groups, the interior and health ministries, the National Elections Board and the National Registry Office and 11 regions of the country.

35. To promote recognition of women as agents of development and change society's evaluation of women, 8 March, International Women's Day, has been institutionalized in 14 regions of the country (53.8 per cent).

36. The third strategic objective of the National Plan to Combat Violence against Women 2009–2015 deals with the need to bring about changes in sociocultural patterns that exacerbate violence against women, so as to establish new forms of interaction. The Radio and Television Advisory Board, which is part of the Ministry of Transport and Communications, has taken measures in collaboration with civil society, regional governments, municipalities, advertisers and the media to avoid sexism and incorporate the gender perspective in the media.

37. In addition to the above-mentioned achievements, the Government has also passed legislation encouraging changes in the way family responsibilities are shared. These include the Act on the Child Maintenance Arrears Register — a register to be kept by the judiciary, listing anyone owing more than three months' maintenance — and an Act on paid paternity leave for public and private-sector workers – four working days' paid paternity leave to enable fathers to attend to the mother and the newborn and reinforce parental bonds. The following targets have been set: improvement of monitoring mechanisms to guarantee paid paternity leave in the private sector, the use of inclusive language in all State sectors and institutions, the reinforcement of intersectoral work by the Ministry of Women and Social Development, the Ministry of Education and the Ministry of Health in conjunction with the Ministry of Culture for greater autonomy of women, and commitment from the media to broadcast responsible information on domestic violence, bring to light all forms of violence and support the dissemination and implementation of the National Plan to Combat Violence against Women 2009–2015 in coordination with the next Gender Equality Plan for 2012–2017.

## **Article 6**

### **Suppression of trafficking in women and sexual exploitation**

38. In 2007, the Act on Trafficking in Persons and Smuggling of Migrants, in which those offences were redefined, was promulgated. The offence is no longer seen in conjunction with procurement and is now considered an infringement of freedom within the framework of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The Act defines offences; provides for prosecution, prevention and protection measures for victims, witnesses and/or accomplices; sets out risk factors; specifies the various forms of exploitation – for example, the exploitation of children for the purpose of begging, organ trafficking and forced labour or services; and mandates special treatment for victims under 18 years of age. Supreme Decree No. 007-2008-IM,

regulating the Act and setting out the obligations of the various sectors of the executive branch and regional and local governments, was published in 2008.

39. The Act on the Public Defence Service, which provides for the legal defence by the Ministry of Justice of victims of trafficking in persons and smuggling of migrants, was also adopted. The Regulations of the General Act on the Labour Inspectorate also categorize the trafficking or kidnapping of persons as a very serious offence. The Public Prosecution Service has issued directives regarding trafficking in persons, abuse and violence, and adopted a guide on interview procedures for child and adolescent victims of sexual abuse, sexual exploitation or trafficking for the purpose of sexual exploitation. The regulations pertaining to the Act empowering the Ministry of Foreign Trade and Tourism to define offences in connection with the provision of tourism services also set out penalties for tour operators who encourage the sexual exploitation of children and adolescents.

40. A multisectoral standing working group on trafficking in persons, headed by the Ministry of the Interior, was established in 2004. It spearheaded the formulation and promulgation of the National Plan of Action to Combat Trafficking in Persons 2011–2016, with a view to reducing the number of trafficking cases, developing comprehensive intersectoral strategies to deal with the offence and involving society as a whole in prevention and prosecution. The National Plan is linked to the National Plan of Action for Children and Adolescents 2002–2010, the National Plan on Forced Labour, the National Plan for the Prevention and Eradication of Child Labour 2005–2010, the National Plan on Violence against Women 2009–2015, the National Human Rights Plan 2006–2010 and the Plan on Equal Opportunities for Women and Men 2006–2010.

41. In 2006, the Peruvian National Police established a statistical register of trafficking in persons and related offences and the Ministry of the Interior set up a toll-free tip line. A crime observatory was established, including units in Lima and the provinces, and the Public Prosecution Service runs an assistance programme for victims and witnesses. In 2009, the Directorate-General of the Peruvian National Police raised the department for trafficking in persons to the rank of division, thereby giving it national jurisdiction. Certain prosecutors have been assigned pretrial competence in tourism-related trafficking in persons. The Public Prosecution Service has set up two prosecutor's offices in Lima for crime prevention and community services, while 16 territorial directorates of the Peruvian National Police identify cases of trafficking and record them electronically. Regarding underage victims of sexual exploitation, the Ministry of Women's Affairs and Social Development runs a home for adolescent and women victims of sexual exploitation in Callao province and the region of Loreto. Furthermore, four regional governments (14.8 per cent) have issued ordinances to establish anti-trafficking networks.

42. Between 2004 and December 2011, 605 trafficking cases were entered on the statistical register, involving 1,831 victims, 92.68 per cent of whom were women. As to the Public Prosecution Service, it has dealt with 18,752 people nationwide. Tour operators signed 325 codes of conduct, including five agreements with the Ministry of Foreign Trade and Tourism regarding the sexual exploitation of children and adolescents in the tourism industry.

43. The Ministry of Foreign Affairs pushed for the inclusion in the final declaration of the Ministerial Meeting on Transnational Organized Crime and the Safety of Migrants, held in Mexico City in October 2010, of Peru's position regarding the development of joint regional action plans on the smuggling of migrants, trafficking in persons and other ordinary offences. The Ministry has also launched negotiations for bilateral cooperation mechanisms on migration and trafficking and has provided protection and assistance to Peruvian victims of trafficking.

44. The country's most significant achievements include the adoption of an Act and related regulations on trafficking in persons, the implementation of the statistical register of trafficking offences, the adoption of the National Plan of Action to Combat Trafficking in Persons 2011–2016, the roll-out of the “Chatea Seguro Chatea Pensando” (Chat Safe, Chat Smart) campaign for children and adolescents and the establishment of the Public Prosecution Service support programme for victims and witnesses. The main limitation is the weakness of the immediate victim care system, owing to a lack of special shelters and to small regional budgets for the implementation of tangible measures. The main challenges are: pursuit of the national roll-out of the Plan of Action to Combat Trafficking in Persons; the establishment of a special prosecutor's office for trafficking in persons; the use of technology to prevent online grooming of children and adolescents; the merger of the Ministry of the Interior and the Public Prosecution Service statistics systems on trafficking in persons; the strengthening of the justice system; the expansion of prevention campaigns, not only to cover sexual exploitation but also to spotlight other forms, including domestic exploitation; and the association of prevention efforts with campaigns on the right to a violence-free life, such as those provided for in the National Plan on Violence against Women 2009–2015.

## **Article 7**

### **Participation in political and public life**

45. The lack of identification papers limits women's access to education and health services, credit, property ownership and participation in public life. Access to identity documents is part of the Government's current strategic programming pursuant to the Act on Financial Balance and the Public Sector Finance Act. The National Registry Office's strategic programme and the National Plan for the Restitution of Identity 2005–2009 established a no-fee first-time registration process for the national identity document, thereby sparing those living in rural or outlying urban areas the need to travel, and issuance of documents to person with disabilities in poor areas covered by the Growth Strategy and Selva Region Plan. Of the 9,190,076 people to whom the Registry Office issued the national identity document in 2010, 49.66 per cent were women. Despite these efforts, the National Plan for the Restitution of Identity does not cover persons who have no form of documentation, who — as is often the case — do not know their place of birth or who do not have relatives. Two regional ordinances (7.7 per cent) and 53 municipal ordinances on free access to identification papers were issued in 2011.

46. Regarding rules and mechanisms for participation in political life, the National Elections Board has issued rules on the fulfilment of gender quotas by political parties and alliances. A set number of men and women must appear on congressional candidate lists in every electoral district, based on the number of seats in Congress, while in municipalities with lists of three candidates, at least one must be female or male. Two specific resolutions were adopted in preparation for the latest municipal elections: the first to regulate the registration of candidates in the 2010 regional and municipal elections, and the second to set guidelines for applying gender quotas to the election of regional and local councillors. In the rules of procedure of the National Elections Office (ONPE), the stated objective is to promote women's political rights, and thereby equality of opportunity with men. Participation of women is guaranteed in the regulations governing the election of civil society representatives to local or regional coordination councils, and 35 per cent of members of provincial and district coordination councils in 20 (i.e., 74 per cent) of the regional governments are women. Three regional governments have issued ordinances on the matter.

47. Training provided during the latest elections by the National Elections Board, ONPE, the Ministry of Women and Social Development and various civil society organizations resulted in more women turning out for the vote: the abstention rate was 39.3 per cent lower in the 2006 general elections than in 2001, 26.6 per cent lower in the 2006 regional elections than in 2001, 28.1 per cent lower in the 2006 regional and rural municipal elections than in 2002 and 10.42 per cent lower in the 2007 municipal by-elections than in 2002.

48. The Organic Act on Regional Governments, which provides for the full enjoyment of rights, equal opportunities, inclusion, civil society participation in local and regional coordination councils, and gender equality, was amended prior to the latest elections. Each province now constitutes a single electoral district, thus affecting the implementation of gender quotas.

49. The implementation of a gender quota in the latest congressional election reveals a negative trend. In the 2006 elections, women won 35 of the 120 seats (29.6 per cent), while in 2011, they won 28 of 130 (21.5 per cent). The number of female regional presidents fell from three in the 2002 regional elections (12 per cent) to zero in 2006 and 2010. The number of female regional councillors rose from 63 (27.6 per cent) in 2006 to 72 (28.1 per cent) in 2010. The number of female provincial mayors dipped from five (2.9 per cent) in the 2002 municipal elections to four (2 per cent) in 2006 and rose again to nine (4.6 per cent) in 2010, although their number remains paltry. The number of female district mayors rose from 46 (2.8 per cent) in 2006 to 60 (3.7 per cent) in 2010; however, 100 district councillorships were lost (2,317 down from 2,417) and the proportion of young, indigenous and native women fell. In order to correct the situation, Bill No. 00268/2011/JNE regulating the implementation of the gender quota in elections and mandating the alternation of male and female candidates on electoral lists, has been before the constitutional and regulatory commission of the Congress since September 2011.

50. Achievements include the promotion of women's participation in political life through educating and providing technical election assistance to private and civil society political entities, as well as the no-fee application for the national identity document, which has mainly benefited women in rural and peri-urban areas and women with disabilities. As can be seen, instituting a gender quota does not guarantee the effective representation of women, and limited awareness of equal opportunity policies hinders the implementation of such a quota. Wrapping up actions to provide proper identification to persons excluded from the civil registry, especially women, remains a challenge.

## **Article 8**

### **International representation**

51. Peru voted in favour of the resolution for the priority appointment of women to senior decision-making positions in the Organization of American States (OAS), with a view to women occupying 50 per cent of positions at all levels of OAS bodies, organizations and entities.

52. Regarding international representation, in 2011, 6 of Peru's 54 embassies (11 per cent) and 9 of its 36 consular offices (25 per cent) were headed by women, while 11 of the 63 consuls-general (17.5 per cent), 19 of the 88 deputy consuls-general, 4 of the 8 vice-consuls (50 per cent), 1 of the 7 permanent representatives, 11 ambassadors (9 per cent), 21 ministers (16 per cent), 26 minister-councillors (16 per cent), 21 councillors (21 per cent), 33 first secretaries (33 per cent), 19 second secretaries (25 per cent) and 16 third secretaries (30 per cent) were women. There were 147 women in the diplomatic service, or 22 per cent of total staff.

53. Concerning the participation of women in international affairs, the Ministry of Foreign Affairs has given priority to Peruvian women for nominations to decision-making positions in gender issues. In November 2010, Peru was elected to the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for 2011–2013.

## **Article 10**

### **Women's education**

54. Women and men have equal access to regular education. According to the 2010 national household survey, 91.8 per cent of men and 91.5 per cent of women aged 3 to 16 years living in urban areas attend school, while in rural areas the rates are 87.4 per cent and 86.4 per cent. According to the Ministry of Education, in 2010 the national enrolment rate for women was 70.5 per cent in early education, 94 per cent in primary education and 79.4 per cent in secondary education, while the equivalent rates for men were 70 per cent, 93.9 per cent and 79.1 per cent respectively. That same year, the enrolment rates for rural women were 62.8 per cent, 94.6 per cent and 67.2 per cent respectively, while the rates for urban women were 73.6 per cent, 93.7 per cent and 85.3 per cent respectively.

55. The rate of completion of secondary school for rural women between the age of 19 and 24 rose from 29.5 per cent in 2003 to 40.1 per cent in 2009, while the rate for rural men rose from 42.9 to 57.9 per cent. The aggregate dropout rate of rural women aged 13 to 19 rose from 25.7 per cent in 2003 to 26.9 per cent in 2009, while the rate for men dropped from 42.1 to 23.2 per cent; in other words, not only did the rate not fall for rural women as it did for men, but it rose by one percentage point. However, according to the 2010 demographic and family health survey, the average number of years of schooling completed by half of women of childbearing age was 10.1, that is, up to the fourth year of secondary education, or one year more than in 2000. The average is higher for women in the highest quintile (12.4 years), while women in the lowest quintile barely average 5.1 years. Urban women of childbearing age average the highest number of years of education (10.5 years), far surpassing their rural counterparts (5.6 years).

56. From a qualitative standpoint, the National Education Council, a specialist, independent advisory body of the Ministry of Education, designed the National Education Project 2021, with a view to overcoming gender discrimination in the education system. Gender equality education will be a cross-cutting theme of the national regular basic education curriculum.

57. In order to foster social interaction in rural areas between native mother tongues and Spanish and to guarantee timely access to school for rural girls, the Ministry of Education has carried out the “Warmi Warmakunapa Yachaynin” project in Ayacucho. The Allin Tayta multisectoral programme of the Ministry of Women and Social Development has helped develop the resilience of children aged 3 to 5 in 60 communities across three regions. In the same regions, “Punkunkunata Kichaspa: Opening doors for the education of rural girls” (1999–2003) helped improve the motor, psychoemotional and language skills of children under the age of 3, enabling them to complete primary education.

58. Legislative measures have been adopted to ensure that women's access to education is not interrupted by pregnancy. In 2010, Act No. 29600 was adopted to encourage the continuation of studies during pregnancy by mandating the adaptation of education services to the needs of pregnant adolescents and mothers and prohibiting their expulsion from school. The Constitutional Court has stated, in relation to the expulsion of a cadet from the national police academy, that any rule that defines maternity in the context of the education

system as an offence or fault constitutes gender discrimination and violates the fundamental rights to education, equality and unfettered personal development.

59. Peru has progressed in terms of access to basic education, although it still lags behind with regard to rural and disadvantaged women. Efforts have been made to ensure that maternity is not cause for expulsion from schooling. The challenge is to include comprehensive sex education in basic education, with a view to more egalitarian gender relations and better sexual and reproductive health outcomes.

## **Article 11**

### **Women's employment**

60. Rates of female participation in the labour market improved slightly in 2010. Women made up 44.16 per cent of the employed economically active population in 2010, up from 43.96 per cent in 2009. However, there is still a gap between the average monthly income of women and men. The income of women was 63.17 per cent that of men in 2008 and 65.39 per cent in 2010.

61. The State has made certain policies mandatory for State bodies and, in keeping with its policy of non-discrimination between women and men in the labour market, is committed to eliminating gender discrimination and barriers for persons with disabilities, the elderly, indigenous peoples, Afro-descendants and persons living with HIV/AIDS. In 2009, the Ministry of Labour and Job Creation fined 82 businesses for discrimination against women. Thanks to four Ministry projects (i.e. Building Peru, Pro-Youth, Upgrade Peru and Pro-Jobs), women accounted for no less than 30 per cent and as much as 50 per cent of all workers.

62. The State has improved its legal framework for the protection of maternity, although it has not yet extended these rights to female workers in special sectors. In 2006, more time off was granted for breastfeeding: between the end of the postnatal period and the child's first birthday, working mothers have the right to one hour per day for breastfeeding. Provision has been made for breastfeeding rooms in government institutions with 20 or more workers of childbearing age. In 2008, protection mechanisms were put in place for pregnant workers, which prohibit tasks that might jeopardize their health and/or the normal course of pregnancy. In 2011, provisions were made in respect of prenatal and postnatal leave for multiple births, the postponement of prenatal leave, the impact of changes to the expected delivery date, making use of postnatal leave, immediate holiday leave, special situations arising from premature birth and the rights of working mothers after maternity leave.

63. As part of the recognition of domestic work, the State has made efforts to disseminate information of the scope of the Act regarding domestic workers, dealt with enquiries and complaints and conducted labour inspections. In 2008 and 2009, the Ministry of Labour and Job Creation aired "Working for your rights" on the State-run television channel and "Labour Clinic" on the national radio station every Sunday. In 2009 and 2010, it rolled out the "Your experience counts" programme in 26 regions, resulting in the certification of 162 female domestic workers.

64. In order to improve access to social security, the State adopted Act No. 29426, establishing a special early retirement regime for the unemployed within the private pension scheme. The regime gives women better conditions than men, allowing them to retire at 50 rather than 55 years of age.

65. The legal framework on sexual harassment has also been improved. In 2009, the scope of protection was expanded to include interaction between peers, thus covering so-

called “hostile environment” sexual harassment: the intimidator’s behaviour, whether explicit or implicit, is considered harassment if it adversely affects the victim’s work and productivity. Almost half of executive bodies as well as the judiciary and some independent organizations have issued rules about harassment, and more than half of the regional governments have issued similar rules. Sexual harassment is punishable under the Act on the Disciplinary Code of the Peruvian National Police, and in the Armed Forces. The Ministry of Labour and Job Creation received 150 enquiries regarding sexual harassment in both 2006 and 2007. In 2009 and 2010, inspections were carried out pursuant to complaints by victims of sexual harassment in the workplace.

66. Peru has made progress in the participation of women in the labour market, although narrowing the pay gap remains a challenge. Legal gains were made mainly in the areas of maternity protection and guarantees against sexual harassment, but the rights of female domestic workers and women working in services, such as agricultural exports, need to be better monitored.

## **Article 12**

### **Women’s health**

67. According to the 2010 demographic and family health survey, 50.1 per cent of women use some form of birth control, and of those 34.7 per cent use modern methods and 15.4 per cent rely on traditional methods. The figures differ markedly for women who are married or in a relationship: 74.4 per cent use some form of birth control (75.2 per cent in urban areas and 72.4 per cent in rural areas), and of those 50.5 per cent use modern methods and 23.9 per cent rely on traditional methods. The family planning needs of 6.9 per cent of women who are married or in a relationship are not being met (6 per cent in urban areas and 9.1 per cent in rural areas); however, that figure is 3.3 per cent lower than in 2000.

68. Prenatal care provided by health professionals has risen by 30.8 per cent in the last two decades. In 2010, the national rate was 94.7 per cent (98.1 per cent in urban areas and 87.9 per cent in rural areas), 9.9 per cent higher than in 2000. Similarly, the number of hospital births has increased to 81.2 per cent. Nationally, 83.8 per cent of births are attended by a skilled professional, 95 per cent in urban areas and 63.7 per cent in rural areas – this is 10 and 35 per cent higher, respectively, than in 2002.

69. The State is implementing a National Strategic Plan for the Reduction of Maternal and Perinatal Mortality 2009–2015, and has prepared technical papers on local management. Measures adopted pursuant to the Plan have resulted in a 36 per cent reduction in maternal mortality between 2000 and 2010 (i.e. from 160 to 93 deaths per 100,000 live births).

70. The proportion of women becoming infected with HIV has significantly increased since the start of the pandemic. According to data from the Ministry of Health, the man-to-woman ratio was 12 to 1 in 1990, whereas it has been 3 to 1 over the last nine years and is holding steady. Peru has prioritized policies to reduce mother-to-child transmission, including mandatory screening for pregnant women and rapid testing for women who have not received prenatal care. As to prevention, according to the population and family health survey, the percentage of women of childbearing age who are married or in a relationship and who know how to avoid transmission of HIV has risen by 25.7 per cent in the past decade. In 2010, their use of condoms was 11.2 per cent overall, 13.98 per cent in urban areas and 4.9 per cent in rural areas. Access to retroviral treatment is guaranteed: 42 per cent of the budget is allocated to care and treatment.



71. In an effort to include an intercultural perspective in access to sexual and reproductive health, a technical paper on culture-sensitive guidance and counselling, a clinical guide on obstetric and neonatal emergencies and a protocol for vertical delivery have been prepared, along with the cultural adaptation of health facilities for maternal care in the form of rooms for traditional and vertical births, of which there are now more than 30,000. There are 411 homes for expectant mothers, mostly in rural areas, and 40 are to be built in the poorest areas, thanks to funding from the National Development Cooperation Fund (FONCODES).

72. The comprehensive health insurance covers women living in poverty, without discrimination, and covers treatment for Peruvians at various stages of life, including the prevention and treatment of women's sexual and reproductive health issues.

73. The Ministry of Health has included preventive mental health care in the comprehensive health insurance and has produced a protocol for the comprehensive treatment of victims of gender-based violence. A National Mental Health and Culture of Peace Strategy has been devised.

74. Peru has focused its efforts on reducing maternal mortality, leading to improved rates of attended births and prenatal care. Remaining challenges include improving other sexual and reproductive health indicators, such as access to contraception, the prevalence of HIV/AIDS and teenage pregnancy.

## **Article 13**

### **Economic and social life**

75. The State has set up programmes of limited scope and duration to support female entrepreneurship, some without a gender focus but that target workers in unstable employment. The Women's Training and Employment Programme run by the Ministry of Labour and Job Creation, later renamed Female Entrepreneurs 2005–2007, began with 519 women. In 2003, the Special Land Title Project, then under the Ministry of Agriculture, issued 273,708 certificates formalizing rural landownership, of which 60,000 (21.9 per cent) went to female producers. The Project was then taken over by the Commission for the Formalization of Informal Properties. Some 6,600 women were involved in the PROARTEX skills development project for craftswomen, which was established to generate income for women living in poverty or extreme poverty and ran from July 2001 to March 2005. The Support Project for Income-Generating Social Initiatives for Women Living in Poverty, of the National Office for Grassroots Cooperation, provided technical assistance to small local businesses run by women's associations. Between 2004 and 2009, FONCODES, operating in areas of poverty and extreme poverty both rural and urban, placed 8,479 women in the implementing units of social and economic infrastructure projects or in technical training.

76. A number of programmes are currently under way. Since 2003, "Provías Descentralizado", under the Ministry of Transport and Communications, has facilitated the establishment of 808 microenterprises for routine maintenance of rural roads, and these employ 1,265 women (24 per cent of total employees). Between 2007 and 2009, the Ministry for Women and Vulnerable Groups, through a project to improve productivity in hand weaving and create income-generating opportunities for female prisoners, provided technical assistance and market access to women detainee entrepreneurs at Santa Monica prison in Lima and the penitentiaries of Sullana in Piura and Socabaya in Arequipa. In 2009, it launched the "Made by Peruvian women" brand, which was institutionalized in July 2010.

77. The Rural Agricultural Development (AGRORURAL) programme of the Ministry of Agriculture ran a competitive grant fund to co-finance rural business projects, of which over 30 per cent were spearheaded by women entrepreneurs. Under “Techo Propio” (A Roof of Your Own), female-headed households get bonus points, increasing their access to housing that can also be used as a place of business or workshop.

78. There is no specific State policy regarding access to credit and markets, but more than 200 women entrepreneurs and business owners, both in rural and urban settings, were given the opportunity to take part in the 2008 Asia-Pacific Economic Cooperation summit in Peru. They received training, participated in negotiations with women business owners (e.g. coffee growers, craftswomen, clothing makers and weavers) from a range of countries and were introduced to business platforms, digital information technology and specific agendas for the greater involvement of women in economic activity and trade. They also helped roll out “Innovative Strategies”, a project to involve women in the digital economy.

79. Peru has made progress in women’s title to rural landholdings. Its goal is to set up new women’s programmes for access to employment and greater income and to underline the contribution of social organizations to local economies.

## **Article 14**

### **Rural women**

80. At the policy level, the Water Resources Act has changed the criteria for the allocation of votes by area of irrigated land. Now each hectare gives the right to one vote, whereas previously owners of up to 20 hectares were entitled to one vote, which discriminated against individual women producers with less than three hectares. This right, together with land titling, gives a broad economic base.

81. Income-generation and/or microenterprise programmes include the National Support Programme for the Very Poor (JUNTOS), which has provided support for rural women’s economic activities; the Social Production Development Project for Rural Areas, which has identified the status of female head of household as a priority condition for contracts; and the Sierra Exportadora programme of the Office of the President of the Council of Ministers, which has facilitated entry to the labour market for 343 craft workers, 65 per cent of whom are women. The Ministry of Agriculture, through the Rural Agricultural Development (AGRIRURAL) Programme (2003–2011), developed projects to support 3,700 rural business plans (2006–2011) involving 56,000 men and women in rural areas in 18 regions.

82. Through the “Mi Chacra Productiva” (Productive Smallholders) project (2009), which focused on building the productive capacity of women and rural families registered with JUNTOS, the State invested 10 million nuevos soles in 10 proven technologies with a view to addressing food insecurity, boosting incomes and facilitating entry to the market. Seventy-seven productive projects have been implemented in five regions with 6,592 rural families living in extreme poverty.

83. The Education for All National Plan 2005–2015 calls for the continuity, quality and completion of primary and secondary education in public schools located in poor rural areas. The National Literacy Programme has set itself the goal of reducing the illiteracy rate among the indigenous population in 1,600 districts from 11.4 per cent (in 2005) to less than 4 per cent (in 2011). In the Rural Education Quinquennium 2002–2006, resources were set aside and the Ministry of Women and Social Development, the Ministry of Education and the Ministry of Health jointly promoted the school attendance of rural girls as a social policy priority for the State; and technical meetings have been held since 2008 on

curriculum diversification with an emphasis on intercultural, gender and community participation in all local education management units.

84. Meetings have been held with women leaders and representatives of indigenous Andean, Amazonian and Afro-Peruvian organizations and communities, focused on improving the quality of education. Between 2006 and 2010, the National Literacy Programme benefited 2,821,743 illiterate people (76.9 per cent women), including 544,600 pupils in the first grade of the intermediate level of alternative basic education (77.4 per cent women) and 196,686 people (77 per cent women) in the second grade of the intermediate level of alternative basic education. In 2007, there were 1,037 rural teachers trained in gender equity, diversity, bilingual education and intercultural relations.

85. As a result, the proportion of rural girls and women aged 15 to 19 having completed primary education increased to 88 per cent in 2009. The gender gap in access to education is considered to be closed, although, young persons of both sexes in rural areas are less likely to have access to secondary education than their urban peers.

86. Illiteracy among the indigenous population aged 15 or more affects 33,963 people (19.4 per cent). Illiteracy rates by sex show that there are more illiterate — especially adult — women (28.1 per cent) than illiterate men (11.8 per cent). The proportion of those who have achieved some level of primary education is 47.3 per cent, while 28.7 per cent have achieved some level of secondary education.

87. As to sex education, the educational materials produced by the Directorate for Tutoring and Educational Guidance need to be contextualized, and will then be disseminated at all levels of education (preschool, primary and secondary) in rural areas, with the support of the Rural Education Directorate and the Directorate of Intercultural Bilingual Education. The Ministry of Health reported an increase in the number of hospital births in rural areas, from 56.5 per cent in 2009 to 63.9 per cent in 2011. It further reported 31,819 vertical deliveries in 2009, 461 homes for expectant mothers in 2009, as well as 15 specialist mental health teams in vulnerable communities.

88. Fifteen (57.7 per cent) regional governments have established 15 October as the Day of Rural Women. However, in rural communities, the contribution of women's daily work to the economy is still not visible as it is not considered productive work.

89. Developments include the enactment of the Water Resources Act, which gives a vote to small-scale women producers in irrigation associations, provides rural women with documents and supports rural women's enterprises. Major constraints include the absence of a gender-sensitive rural development policy in all sectors. Major challenges include the need to build capacity in health and education, protect and guarantee labour rights and decent work for rural women, integrate the gender perspective into the design and implementation of the fourth National Agricultural Census and guarantee landownership and tenure to rural women.

## **Article 15**

### **Equality before the law**

90. Article 2, paragraph 1, of the Constitution of Peru states that every person has the right "to equality before the law. No person shall be discriminated against on the basis of origin, race, sex, language, religion, opinion, economic situation or any other reason" and article 4 of the Civil Code stipulates that men and women are equal in the enjoyment and exercise of their civil rights. Domestic legislation recognizes equal rights for men and women, including civil rights, legal capacity, the same opportunities to exercise that capacity, the same rights to enter into contracts and manage assets, the same treatment in

judicial and administrative proceedings, the right to freedom of movement, and the freedom to choose their residence and domicile.

91. The Act on Equal Opportunities for Women and Men was adopted in 2007, providing a legally binding framework for the implementation of policies in this area. The President of the Council of Ministers reports annually to the Congress on the progress in implementing the Act, as well as to the Ombudsman's Office. Furthermore, Supreme Decree No. 027-2007-PCM establishes "equality between men and women" as a national policy whose implementation by government bodies is mandatory and which should be promoted in their policies, national plans and practices to guarantee women's right to non-discrimination and the elimination of domestic and sexual violence. The Decree provided the basis for the adoption of 15 ministerial decisions which officially establish indicators and goals for the policy and special bodies have been set up to manage gender-sensitive sectoral policies.

92. During this period, the Peruvian State adopted two equal opportunities plans for women and men, one for 2000–2005 and one for 2006–2010. The Gender Equality Plan is currently being developed, in an inclusive way, under the auspices of the Ministry of Women and Social Development.

93. The following initiatives have been taken:

(a) The Ministry of Women and Social Development, as lead agency for equal opportunities, has made progress in gender mainstreaming, particularly in the work of the Executive;

(b) The Ministry of the Interior has established the Observatory for Equal Opportunities for Women and Men in the Police and the Ministry of the Interior;

(c) The Ministry of Health has developed legislative instruments to manage health policies from an integrated gender, human rights and intercultural perspective, mainly in the areas of maternal health and domestic violence, and to a lesser extent in the area of sexual and reproductive health;

(d) The Ministry of Labour and Job Creation has established the Directorate for Fundamental Rights, Gender Equality and Equal Opportunities, and incorporated the issue of equal opportunities into its paper on strategic institutional planning 2010–2015. The section of that paper dealing with skills development includes training for women heads of household, for instance, through the National Employment Service (joint programme on youth, employment and migration); the promotion of gender-sensitive youth employment through the National Fund for Vocational Training and Employment Promotion; and the introduction of the goal of gender equality and women's empowerment in the programme Construyendo Perú (Building Peru);

(e) The Ministry of Production adopted equal opportunity targets for 2011;

(f) The Ministry of Transport and Communications, through the Provías Descentralizado project, the Telecommunications Investment Fund (FTEL) and the Radio and Television Advisory Board, has integrated the principle of equal opportunities for women into road management and into training in information and communication technologies, and has disseminated messages on this theme and on the need to build women's capacity.

94. Sixty-five per cent of regional governments (17 out of 26) have developed regional plans on equal opportunities for women and men; 5 governments have adopted guidelines on regional gender equality policies and 11 governments have approved the standardized use of gender-sensitive language. International Women's Day has been established by 84.6 per cent of regional governments (22) and the International Day of Rural Women has been

established by 46 per cent of regional governments (12). In addition, Regional Women's Councils have been set up by 19 regional governments (73 per cent).

95. The State has made progress in adopting gender equality legislation but the implementation of a gender equality policy is hampered by as yet insufficient budget allocations. The challenge remains to set the conditions to assess the impact of legislating, beyond the achievement of the goals themselves, and to take into account the diversity of Peruvian women in the development and implementation of policies.

## **Article 16**

### **Marriage and family relations**

96. Legislation is in place to promote shared family responsibilities and mandatory attendance at courses in relationships, self-esteem, parenting and domestic violence, and Act No. 28542 on the Strengthening of the Family protects the rights of each family member.

97. The State pursues a policy of raising youth and community awareness on the negative implications of early marriage and, under article 241 of the Civil Code, teenagers may not marry. Judges may waive this prohibition only if the individuals are at least 16 years of age, express the wish to marry and have their parents' consent.

98. There are also some discriminatory policies pending review. Under the Civil Code, the child of a married woman is presumed to be the child of her spouse even if she declares that it is not or if the woman is considered to be adulterous: paternity may thus be denied only by the male spouse. Women are also prohibited from marrying less than 300 days after the death of their spouse or the annulment of their marriage, with a view to protecting the identity of any children they may have. Similarly, a review is required of the rules and regulations of military training centres, which stipulate that in order to apply for, obtain or keep cadet status, women must not be pregnant. This is verified through an annual psychological and physical examination which includes a pregnancy test.

## **Violence against women and children**

99. Progress has been made in the adoption of legislation punishing the various forms of violence against women. During the period under review, the Criminal Code was amended to impose heavier penalties and incorporate offences committed mainly against women.

100. With regard to intimate partner violence, serious and less serious injuries resulting from domestic violence have been established as categories of criminal offence. Such offences now carry heavier penalties, provided that the relationship between the perpetrator and the victim is recognized under the Act on Protection from Domestic Violence.

101. On 27 December, Act No. 29819 was promulgated, amending article 107 of the Criminal Code to include the crime of femicide, stating: "Any person who knowingly kills their ascendant or descendant, whether biological or adoptive, their current or former spouse or partner, or a person with whom they are or have been in a relationship, including one where they do not live together, shall be sentenced to a term of imprisonment of not less than 15 years." However, that term cannot be less than 25 years where there are aggravating circumstances. It concludes: "If the victim of the described offence is or has been the spouse or partner of the perpetrator, or has been in a similar relationship with that person, the crime shall be termed femicide."

102. Regarding offences against sexual freedom, the law has been amended to include aggravating circumstances and heavier penalties, and life imprisonment for the rape of

children aged under 10. It should be noted that Act No. 28704 was adopted in 2006 to protect children and young persons by expanding the concept of sexual inviolability, defining as rape consenting sexual intercourse with or between persons aged from 14 to 17. This legislative decision fails to take into account the “sexual freedom” of young Peruvian persons and hinders the enjoyment of their sexual and reproductive health. The judiciary adopted Plenary Decision No. 4-2008/CJ-11 on non-application of that provision, thereby recognizing the “sexual freedom” of Peruvian adolescents.

103. The Criminal Code has been amended to recognize the offence of trafficking in persons as a violation of personal liberty, in accordance with the Trafficking in Persons Protocol; heavier penalties have been imposed on procuring, promoting of prostitution and pimping; in addition, the user or client has been established as a category of criminal offender, thereby penalizing anyone who purchases sexual services from young persons aged over 14 and under 18, thereby targeting not only the providers of such services but also users.

104. Sexual harassment is punishable by administrative penalties (reprimand, suspension or dismissal), whether it occurs in a hierarchical relationship or not (hostile – environment sexual harassment), provided that the incident occurs in a workplace, educational institutions or police and military institutions, or and even in work-like relationships. The rule allowing the complainant to be sued if their complaint is dismissed as unfounded is now being repealed.

105. The Peruvian State has adopted two successive policies, the National Plan to Combat Violence against Women 2002–2007 and the National Plan to Combat Violence against Women 2009–2015. The latter recognizes the following forms of violence against women: domestic violence, sexual violence, femicide, sexual harassment, trafficking and homophobia. Moreover, equality between men and women is considered to be a mandatory national policy which includes the elimination of domestic and sexual violence (Supreme Decree No. 027-2007-PCM); and a target for the reduction of violence against women was set in the National Equal Opportunities Plan 2006–2010. In addition, the National Plan of Action to Combat Trafficking in Persons 2011–2016 was adopted in 2011, establishing the gender perspective and equality as its guiding principles.

106. The National Plan to Combat Violence against Women is aimed at coordinating the activities of the sectoral bodies and other public authorities (the judiciary and legislature), as well as the various levels of government (national, regional and local), to combat violence. It has a baseline and indicators, and for the purposes of implementation and evaluation, a high-level multisectoral commission and a national working group were established. The former includes ministers, deputy ministers and representatives of the judiciary and the Public Prosecution Service, and the latter comprises technical experts from the competent sectors and civil society institutions. By 2010, 11 regional consultation forums and 3 intersectoral round tables had been held.

107. At the regional and provincial levels, three regional plans to combat violence against women have been adopted and ordinances on the prevention of domestic violence have been issued in 10 regions (38.5 per cent), 32 provincial municipalities (16.4 per cent) and 49 district municipalities (2.7 per cent). The status of implementation of the Plan is illustrated by the work of the Ministry of Women and Social Development, the Ministry of Health, the Ministry of the Interior, the Ministry of Labour, the Ministry of Education, the Ministry of Foreign Affairs and the National Election Board, and by the activities carried out at the regional level.

108. Since 2004, the Ministry of Women and Social Development has implemented the Comprehensive Plan to Prevent Domestic and Sexual Violence with a view to establishing regional, provincial, local and community consultation mechanisms. This was merged with

the Plan to Promote New Forms of Social Harmony and Democratic Relations and, since 2009, covers 100 per cent of the regions, 132 (67.7 per cent) of the provinces and 567 (30.9 per cent) of the districts. As at June 2010, there were 189 networks involving State and civil society actors (thematic round tables, monitoring networks and committees, and regional women's councils).

109. A pilot project in the Ayacucho region has produced positive results, with the adoption of the Ayacucho Regional Plan to Combat Violence against Women and the establishment of the Ayacucho Regional Mechanism to Prevent and Address Domestic and Sexual Violence.

110. With regard to the budget, between July 2006 and June 2011, the Ministry of Women and Social Development invested 84.5 million nuevos soles in activities to prevent and address domestic and family abuse, and the budget allocated to the National Programme to Combat Domestic and Sexual Violence increased by 266 per cent between 2006 and 2010 from 10,631,703 to 38,924,773 nuevos soles. In 2009, this represented 1.83 per cent of the Ministry budget, which itself accounted for 1.2 per cent of the national budget. Achievements include the establishment of the Strategic Programme to Combat Domestic and Sexual Violence (Act No. 29465), which encourages the State to address these forms of violence using a "results-based budget" approach. Its implementation is pending.

111. The State, through the demographic and family health survey, produces a flow of information on the prevalence of physical, psychological and sexual violence against women by their last partner or spouse, disaggregated by region, area, age group, level of education and income quintile. According to the 2010 survey, the number of women subjected to violence by their partners and former partners decreased by 2.6 per cent compared to 2004–2006, from 41 to 38.4 per cent.

112. In addition, there are administrative registers of cases of violence against women (at the Ministry of Women and Social Development, Ministry of Justice, Ministry of Labour and Job Creation, Ministry of the Interior and the Public Prosecution Service). According to the demographic and family health survey, only 26.8 per cent of women victims of physical violence report it to a public authority – despite an increase of 7.4 per cent over the past 10 years. This shows that there are still many women who never report the matter to a public authority.

113. The administrative registers contain information on domestic and sexual violence and, to a lesser extent, trafficking and sexual harassment. The Ministry of Women and Social Development dealt with 192,211 cases of domestic and sexual violence — 87.9 per cent of which affected women — between 2006 and 2010, through the women's emergency centres. It also answered 46,586 enquiries on domestic and sexual violence and family law, on the Línea 100 helpline. Between 2008 and June 2010, the Ministry of Health recorded 11,518 cases of domestic violence in 11 regions of the country, in the context of the Sentinel Epidemiological Surveillance of Domestic Violence. In 2010, the Ministry of Justice, through the people's legal advice centres, dealt with 1,234 cases of domestic violence (92.5 per cent women) and 277 cases of violation of sexual freedom (69.7 per cent women), while public defenders assisted 346 women victims of domestic violence and 181 women victims of violation of sexual freedom. In the same year, the Ministry of Labour and Job Creation, through its advisory service, replied to 111 enquiries concerning sexual harassment.

114. In 2010, the National Police of Peru dealt with 95,000 complaints of domestic violence, 90 per cent of them from women. The number of complaints of violation of sexual liberty was 5,273, 4,945 from women and 328 from men. Between 2008 and 2010,

the Public Prosecution Service registered 366,578 complaints of domestic violence and 67,443 complaints of violation of sexual freedom.

115. The information provided on femicide since 2008 by the Public Prosecution Service and since 2009 by the Ministry of Women and Social Development is more detailed than for the other forms of violence mentioned, thus demonstrating the importance of the political decision in setting up this type of register. The femicide register of the Crime Observatory of the Public Prosecution Service has been recognized by the Economic Commission for Latin America and the Caribbean (ECLAC) as a “best practice in public policy for the Gender Equality Observatory” and a cooperation agreement has been concluded with the ECLAC for the use of its statistical data, thereby making it a benchmark for the region.

116. In the period 2006–2011, a series of awareness-raising activities was carried out. The Ministry of Women and Social Development run campaigns for the International Day for the Elimination of Violence Against Women, including house-to-house surveys in Lima and the provinces to identify and refer cases of violence. Awareness-raising and training activities were also initiated by the Ministry of Women and Social Development, the Ministry of Health, the Ministry of the Interior and the Ministry of Justice for local government officials and authorities, health personnel, teachers, police facilitators and justice officials, essentially on the issues of domestic violence and trafficking. The Ministry of Women and Social Development has established partnerships with the mass media in provinces and districts to promote the dissemination of messages free of gender stereotypes and against violence against women. In the same period, 72,017 prevention-awareness events were organized and attended by 429,290 people.

117. As at December 2011, the Ministry of Women and Social Development operated 148 women’s emergency centres and a helpline (Línea 100) for victims of domestic and sexual violence, as well as an institutional rehabilitation centre for men brought to trial who have decided to give up violence. The Ministry also liaises with the shelters set up by civil society and arranges State support. The women’s emergency centres are multidisciplinary care centres which provide legal, psychological and social support. They follow the Comprehensive Care Guidelines (Ministerial Decision No. 189-2009-MIMDES) and have branches in the country’s 25 regions (source: Register of cases of domestic and sexual violence and care provision, women’s emergency centres; prepared by: National Programme to Combat Domestic and Sexual Violence).

118. The Ministry of Health has adopted a Protocol on Violence against Women and Sexual Violence as part of the National Guidelines for Comprehensive Sexual and Reproductive Health Care (Ministerial Decision No. 668-2004/MINSA) and the Technical Guidelines for the Comprehensive Care of Victims of Gender Violence (Ministerial Decision No. 141-2007/MINSA). The National Police of Peru follows the Manual of Police Procedures in Family Intervention (Ministerial Decision No. 1724-2006-DGPNP/EMG-PNP), which sets out the intervention procedure for police in cases of domestic violence and in the provision of assistance to children and teenage victims of offences against sexual freedom.

119. In 2006, the reparations policy for victims of the internal armed conflict of 1980–2000 was adopted with the establishment of the Comprehensive Reparations Plan (Act No. 28592). It recognized victims of sexual violation but not, however, other forms of sexual violence recorded by the Truth and Reconciliation Commission. As a result, the Reparations Board entered into the Central Register of Victims of the Violence persons subjected to sexual slavery, forced union, forced prostitution and forced abortion. As at 16 May 2011, there were 1,657 recorded cases of rape (1,638 women and 19 men), 428 cases of other forms of sexual violence (287 women and 141 men) and 560 cases in the process of registration.



120. Between March 2007 and September 2011, the high-level multisectoral commission responsible for coordinating reparations awarded collective reparations in 1,672 cases, to a total of 164,574,784.27 nuevos soles. This has been the main form of reparation provided by the State in recent years. Individual financial reparations began to be awarded in 2011 under Supreme Decree No. 051-2011-PCM, which set the maximum amount of reparation at 10,000 nuevos soles, including for victims of rape, and provided for the winding-up of the Reparations Board. State review and improvement of the system for awarding reparations, including collective reparations, is pending.

121. It should be noted that the General Directorate for Displaced Persons and a Culture of Peace of the Ministry of Women and Social Development has recorded 11,490 displaced women who, as such, are entitled to free comprehensive health insurance and inclusion in the Register of Victims of the Reparations Board. Furthermore, the database on Registered and Accredited Internally Displaced Persons contains 45,888 applications from heads of household, 64 per cent of them women.

122. Among other things, the Peruvian State has achieved consistency between domestic law and the international human rights system, and has adopted a national policy to combat violence against women (the National Plan to Combat Violence against Women 2009–2015) with follow-up and evaluation mechanisms already in place at the national level and under way at the regional level. It is important to strengthen the statistical system in order to determine the prevalence of intimate partner violence against women, following the model of the femicide register. With regard to violence during the internal armed conflict, improvements have been made in the regulatory framework for granting full reparation to victims, particularly victims of sexual violence. Key challenges include the need to continue to implement the National Plan to Combat Violence against Women and to grant full reparation to victims of violence during the internal armed conflict. It is also important to ensure the consistency of the Criminal Code with the Rome Statute of the International Criminal Court and to punishing hate crimes against persons with a non-heterosexual orientation or gender identity.

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