

Peru

(19th session)

292.The Committee considered the combined third and fourth periodic reports of Peru (CEDAW/C/PER/3-4) at its 397th and 398th meetings, on 6 July 1998 (see CEDAW/C/SR.397 and 398).

Introduction by the State party

293.The representative of Peru informed the Committee that, since 1990, women's access to education, employment and health care services in Peru had improved. The right to equality before the law and freedom from discrimination had been entrenched in the 1993 constitution, and the Government of Peru had introduced legislative measures to ensure *de jure* equality to women and to encourage their full participation in the social, political and economic development of the country. The representative acknowledged that, despite the introduction of these and other policies designed to respond to the current socio-political and economic changes, structural inequalities persisted.

294.The representative noted recent legislative changes, including the statutory definition of discrimination, legal provisions guaranteeing pregnant adolescents and mothers access to education, the obligation to ensure that candidates' lists for all public elections included a minimum of 25 per cent of women or men, the removal of all protective measures relating to women's employment and the reform of the penal code provision allowing rapists to avoid prosecution by marrying their victims.

295.The representative described institutional mechanisms to ensure implementation of these legislative guarantees, including the Ministry for the Advancement of Women and Human Development established in 1996 and the Special Office for the Defence of the Rights of Women within the office of the Special Ombudsperson.

296.The representative stated that, of the 5 million women living in poverty, 18 per cent live in extreme poverty but that the Government had committed itself to a 50 per cent reduction in the rate of extreme poverty by the year 2000.

297.The representative informed the Committee that domestic and sexual violence continued to be a serious problem. However, only a fraction of victims reported incidents of abuse. He noted approaches which had been introduced to eradicate violence against women, including the 1993 Domestic Violence Act, awareness-raising campaigns, the establishment of police offices for women, training of members of the police force, prosecutors and judges and the creation of shelters.

298.The representative stated that women living in rural areas, particularly those belonging to indigenous groups, remained marginalized and had higher rates of maternal mortality, adolescent pregnancy and illiteracy than women living in Peru's urban centres. The representative noted that among the illiterate population in Peru, 72 per cent were women, the majority of whom were rural, indigenous women. Integrated literacy programmes had been designed and were being implemented by the Ministry for the Advancement of Women.

299.The representative noted that economically active women were primarily concentrated in trading, the hotel and restaurant sectors, agriculture and manufacturing; most women were over-represented in the lower income bracket.

300.The representative indicated that pregnancy rates among adolescents were high, particularly among indigenous groups and that the maternal mortality rate was high at 261 deaths per 100,000 live births, but that this was being addressed through the implementation of an emergency plan. In addition, the Programme for Reproductive Health and Family Planning for 1996–2000 had guaranteed access to an integrated range of services designed to address, *inter alia*, maternal health, contraception and sexually transmitted diseases.

301.The representative stated that, during the past 10 years, there had been significant displacement from rural communities to urban centres and that the Government was currently seeking to identify internally displaced persons. Many displaced persons, the majority of whom were women, had been returned to their places of origin and the Ministry for the Advancement of Women had provided emergency support and reintegration programmes to women heads of households.

302.The representative concluded by reaffirming his Government's commitment to the implementation of the Convention and to providing the Committee with all the necessary materials to assist it in its task.

Concluding comments of the Committee

Introduction

303.The Committee expresses its gratitude to the Government of Peru for the comprehensive and frank information contained in its third and fourth periodic reports, as well as in the supplementary report, explaining current policies, projects and programmes for implementation of the Convention. The Committee also welcomes the comprehensive answers to the questions posed by the pre-session working group, which had provided further information regarding the situation of Peruvian women and the obstacles which continued to impede implementation of the Convention.

304.The Committee stresses the need to include, in subsequent reports and on an ongoing basis, comparative statistical data for men and women covering different periods so as to be able to assess meaningfully and in appropriate depth changes in the situation of Peruvian women.

305.The Committee welcomes the Peruvian delegation, headed by the Deputy Minister for the Advancement of Women and Human Development.

Positive aspects

306.The Committee notes the efforts made by the Peruvian Government to promote compliance with its commitment to implement the Convention, notwithstanding the difficult situation being faced by the country owing to the economic crisis and terrorist violence.

307.The Committee notes that since the entry into force of the 1993 constitution, the Government of Peru has been introducing significant new legislation together with reforms in current legislation to promote compliance with the Convention, including the establishment of the Office of the Ombudsman, establishment of the independence of the judiciary, and Act No. 26260 on Domestic Violence, which represents a fundamental advance in confronting a serious problem in Peruvian society.

308.The Committee views as especially significant the establishment of the Ministry for the Advancement of Women and Human Development as a mechanism for the advancement of women in the country and the attainment of gender equality. In that regard it listened with great interest to the policies and programmes being undertaken by the Government, as well as its objective of implementation as quickly as possible of the follow-up programme to the Beijing Platform for Action and the Cairo Programme of Action.

309. The Committee emphasizes collaboration by Peruvian civil society as a whole and in particular by women's non-governmental organizations; in that regard, it considers that their ties with the Ministry for the Advancement of Women and Human Development offers a suitable framework for implementation of the Convention.

Factors and difficulties affecting implementation of the Convention

310. One of the main obstacles to full implementation of the Convention is poverty, which affects 44 per cent of Peruvian women. The situation is worsening, with 18 per cent of women living in extreme poverty. Long-term poverty as a result of structural adjustment policies divorced from social development, debt-servicing and the aftermath of terrorism has led to a serious deterioration in the quality of life of millions of women, who have no access to education, medical and hospital services, employment and the basic resources needed for subsistence. Notwithstanding the national strategy for poverty alleviation introduced by the Government, the feminization of poverty is a reality in the country, and is worsening in rural areas and indigenous settlements, as well as in areas declared emergency zones. Although the Committee notes that government macroeconomic indicators show progress, and that there has been a distinct reduction in the percentage of people classified as poor, more than half the country's population (13 million) suffer from poverty or extreme poverty.

Principal subjects of concern and the Committee's recommendations

311. The Committee notes with great concern the situation of women who have been displaced from their places of origin with their families as a result of terrorist activity. It takes note of the programmes being implemented by the Government to return such women to their places of origin or to settle them where they currently resided.

312. The Committee recommends that the greatest possible care should be given to such women, who, in the main, were heads of household, and who should be the beneficiaries of programmes to promote their participation in the labour force together with access for them and their families to education, health care, housing, drinking water and other essential services.

313. The Committee notes with concern that, notwithstanding the introduction of significant legal changes for implementation of the provisions of the Convention, inequality between men and women is still a reality in Peru.

314. The Committee recommends the formulation of a working strategy involving training, publicity and legal literacy regarding the new legal provisions to achieve de facto compliance with legislation promoting the rights of women. It also recommends systematic dissemination of the Convention at all levels, to men and women in communities, and in particular to all government authorities and persons responsible for its implementation. There is also a need for penalties against those infringing current legislation.

315. The Committee notes that, under the 1993 constitution, international agreements form part of national legislation. It is not clear whether, in order to implement this provision, the Convention has been adopted by Congress.

316. The Committee recommends that an explanation be given in the next report as to whether the Convention is already incorporated in legislation, whether the judiciary has the authority to implement Convention provisions before the courts, what degree of access there is for women to the Convention and to the Ombudsman and, lastly, whether cases of discrimination have been resolved by the courts with reference to the Convention.

317. The Committee notes the prevalence, throughout Peruvian society, of socio-cultural patterns of behaviour that perpetuated prejudices and discrimination against women. The Committee draws attention to the fact that, despite the legislative changes and the commitment of the Government of Peru to implement the Convention, change would not come about in practice unless efforts are made to change society's attitudes to and prejudices with respect to women.

318. The Committee recommends, as a matter of priority, the inclusion in gender equality programmes of a component to promote the gradual elimination of such harmful stereotypes, and a general awareness-raising

campaign to eradicate them. It suggests prioritizing those sectors with the greatest impact on the population, such as the various levels of education, the mass media, health sector agencies and workers, community leaders and others.

319. The Committee expresses concern as to whether the definition contained in Act No. 26772, which establishes what is meant by discrimination, is consistent with article 1 of the Convention relating to direct and indirect discrimination. It also expresses concern at a clause in the Act which defined discrimination as “the act of according different treatment to people, without there being any objective and reasonable justification, on the basis of race, sex, ...”.

320. The Committee recommends that “any objective and reasonable justification” be used only as a basis for the implementation of temporary special measures which accelerate the de facto equality between women and men. It further requests the Government of Peru to include information on the manner in which the criterion of “objective and reasonable justification” has been implemented and whether a definition of discrimination reflecting article 1 of the Convention is now an enforceable part of the law.

321. The Committee observes that article 4 is being misinterpreted and that no distinction is being made between protective measures and the definitions of affirmative temporary special measures contemplated in the Convention. However, reference is made, in the supplementary report, to the requirement that, as an affirmative action measure, 25 per cent of the candidates on the lists of candidates for election to Parliament must be women.

322. The Committee recommends that the Government take steps to help increase the access of women to management and, in particular, decision-making posts. The Committee requests that the next report contain the results of the steps taken to increase the access of women to Parliament through the requirement of a 25 per cent quota for women in the lists of candidates.

323. The Committee is concerned at the lack of information on the migration of Peruvian women abroad and on the protection afforded to them by the Government, given the new problem created by the vulnerability of such women to exploitation and discrimination.

324. The Committee requests information on the issue in the next periodic report.

325. The Committee expresses concern at the effects of regulating prostitution and wishes to know whether such regulation has the effect of protecting the rights of prostitutes and preventing them from falling victim to violence, trafficking and exploitation and from contracting diseases or whether, on the contrary, it protects the health of the clients and makes it easier for them to obtain sexual services.

326. The Committee recommends that the next periodic report contain information on:

- (a) Any increase or decrease in the number of women prostitutes;
- (b) The existence of under-age prostitutes;
- (c) The situation of women who engage in prostitution without meeting the established requirements, and that of their clients;
- (d) The number of women and men who have been accused, arrested, tried and convicted for offences relating to prostitution and trafficking in persons;
- (e) Sociological characteristics of women engaged in prostitution;
- (f) The prevalence of sexually transmitted diseases and other diseases among prostitutes.

327. The Committee expresses concern at the fact that, although the report mentions Act No. 26260 on domestic violence, it does not make reference to any specific measures taken to deal with cases of violence, including incest, the incidence of which is extremely high. Moreover, the Committee is deeply disturbed by the instances of sexual violence against rural and indigenous women and the high rate of sexual abuse of teenagers and girls in emergency zones.

328.The Committee recommends that the Government take the necessary practical measures to implement the Act and make necessary efforts to treat the victims and to provide training to police officers, members of the army, and court, medical and paramedical personnel, psychologists and nursing staff whose job it is to treat the victims. The Committee also recommends that official records be kept and the necessary monitoring system be established so as to make it possible to evaluate the magnitude of the problem and how it is evolving. The women's police offices have been a valid initiative to deal with such situations but they appear to be insufficient.

329.The Committee emphasizes the vital importance of education in improving the situation of women. It notes with concern that drop-out rates among girls are very high, particularly in poor urban areas and in rural and indigenous areas.

330.The Committee recommends that programmes be undertaken to curb and reverse that trend and, where such programmes exist, it recommends that they should be made more systematic.

331.The Committee notes with concern that illiteracy rates among women are very high and it stresses the importance of focusing on educating women so that they can exercise their rights as citizens.

332.The Committee recommends that particular attention be paid to literacy programmes and that they be implemented in a sustained manner and it requests that information on progress made in that area be included in the next report.

333.The Committee expresses concern at the situation of women in the employment area and it draws attention to the need for programmes and projects designed to increase the access of the working female population in the labour force and to increase the number of women in all occupational categories, since they are currently concentrated mainly in commerce, services and jobs where the pay is extremely low. Many women are underpaid and they are paid less than men for work of equal value.

334.The Committee recommends that greater efforts be made to achieve the principles of equal pay and equal pay for work of equal value, to educate women so as to enable them to enter the labour force, to provide training and re-training programmes so as to encourage women to gain access to non-traditional jobs, to guarantee their right to social security and thus to ensure that women are able to be active agents in the development of the country.

335.The Committee notes with concern the high percentage of women heads of household in Peru and the need for systematic programmes to meet the needs of such women.

336.The Committee requests information on the outcome of the efforts made in that sector.

337.The Committee notes with concern that maternal and infant mortality and teenage pregnancy rates are high and that preventable diseases are common, all of which contributed to serious flaws in the Peruvian health system. It notes that the main factor which affected women primarily in the most disadvantaged sectors is lack of resources to avail themselves of medical care when needed and with the necessary speed.

338.The Committee recommends that all efforts be made so that such women may exercise their right to health and receive proper care and the necessary information from medical and paramedical personnel as part of basic respect for their human rights.

339.The Committee notes with concern that there is a close link between the number of abortions performed and the high maternal mortality rate, and it stresses that criminalizing abortion does not discourage abortions, but rather has the effect of making the procedure unsafe and dangerous for women.

340.The Committee recommends that the Government of Peru review its law on abortion and ensure that women have access to full and complete health services, which include safe abortion, and to emergency medical attention when complications arise from abortions. The Committee also requests that information be included in the next periodic report on the implementation of these measures and on the health services that are available to women who need emergency medical attention as a result of complications arising as a result of abortion.

341.The Committee expresses concern at the lack of information and lack of access to adequate contraception among poor women in urban and rural areas, indigenous women and teenage girls.

342.The Committee recommends the establishment of family planning programmes that emphasize sex education, use of adequate contraception and responsible use of sterilization services where necessary, with the patient's express authorization and after the consequences of such procedure had been fully explained.

343.The Committee recommends the implementation of programmes to prevent cervical and breast cancer, which are also major causes of mortality among women, and programmes to prevent the spread of HIV/AIDS, as well as to treat this disease.

344.Despite the support given by Peru to microcredit, the report does not describe activities in this area, which are extremely important and necessary in order to improve the status of women living in poverty, primarily in rural areas.

345.The Committee requests that the next report contain an account of the results of the programmes implemented by the Ministry for the Advancement of Women and Human Development, other government bodies and non-governmental organizations, and also statistics comparing the situation of women with that of men and comparing the situation in the period covered by the next report with that in the period covered by the present report.

346.The Committee requests the wide dissemination in Peru of the present concluding comments in order to make the people of Peru, and particularly Government administrators and politicians aware of the steps that have been taken to ensure de facto equality for women and the further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.