

Peru

(Exceptional Session)

454. The Committee considered the fifth periodic report of Peru (CEDAW/C/PER/5) at its 583rd and 584th meetings, held on 15 August 2002 (see CEDAW/C/SR.583 and 584).

(a) *Introduction by State party*

455. In introducing the fifth periodic report, the representative of Peru noted the following significant changes that had occurred during the period covered by the reports: the large number of norms, policies and mechanisms adopted relating to discrimination against women and the special interest paid to women's political participation through the establishment of 30 per cent quotas in an effort to include a minimum number of women or men on candidate lists for the National Congress.

456. With regard to legislation, the representative of Peru referred to the ratification of the Optional Protocol to the Convention of 9 April 2001 and other international human rights instruments and to the legislation on the civil rights of adolescents adopted in 1999, which corrected the discriminatory difference in the legal age for marriage, the Educational Development of Rural Girls and Adolescents Act, promulgated in 2001, aimed at eliminating discrimination in the area of education with special attention to rural areas, the Act granting compulsory health insurance to women in grass-roots social organizations, a police directive on avoiding sexual harassment which establishes a procedure for administrative sanctions when such cases arise within the National Police and the Law relating to Educational Policy in the Area of Human Rights, which establishes a national plan for the human rights dissemination and education.

457. The representative of Peru also mentioned, in the area of civil legislation, the adoption of an act establishing new grounds for divorce and an act withdrawing the possibility of conciliation procedures in cases of domestic violence, and said that the Act on Equality of Opportunity, the act setting forth criminal penalties for sexual harassment and the act withdrawing the possibility of conciliation in cases of domestic violence were currently under debate.

458. With regard to new mechanisms, the representative of Peru stressed the importance of the establishment of the Ministry of Women and Social Development, whose mandate was to promote gender equality and equality of opportunity, principally for adult women of full age, children, adolescents and other social groups suffering discrimination or exclusion, as well as the establishment and upgrading of the post of Deputy Public Defender for Women's Rights of the Office of the Public Defender. In this context, she also referred to the establishment of an agency for combating discrimination against policewomen and the Commission on Women of the Congress of the Republic, in addition to various cross-sectoral and inter-institutional bodies working on coordination and cooperation for the advancement of women's rights.

459. With regard to policies recently instituted, the representative of Peru referred to the signing in July 2002, by the different political forces in the country, of the Governance Agreement, which contains 29 concerted State policies for the next 20 years; the eleventh policy, supported by the Ministry of Women and Social Development, refers explicitly to the promotion of equal opportunities without discrimination. The representative also noted the adoption of numerous plans, including the 2002-2007 National Plan of Action against violence towards women, the National Plan of Action for Children and Adolescents, which was intended to be a framework document for actions,

programmes and strategies which the different sectors and institutions of government and civil society would be responsible for implementing to ensure the human rights of Peruvian children and adolescents and the 2000-2006 National Plan for Adults of Full Age, which contains special measures for adult women of full age and takes their conditions and gender needs into account in the framework of a proposal for healthy ageing.

460. The representative of Peru went on to inform the Committee of the promulgation in February 2000 of the National Equal Opportunity Plan for Women and Men 2000-2005, in response to international commitments accepted by the Peruvian State, the coordination, follow-up and evaluation of which was under the responsibility of the Ministry of Women and Social Development. She also referred to the inter-ministerial commitment for the Advancement of Women, signed by the heads of the various ministries on International Women's Day, 8 March, in order to help achieve equality of opportunity for women.

461. The representative of Peru then listed a series of programmes conducted, including the National Programme against Family Violence and Sexual Abuse, the National Wawa Wasi Programme which provided comprehensive day care for children under three years of age whose mothers worked, the national PRO JOVEN programme of the Ministry of Labour and Promotion of Employment, which in 1996 began to dispense vocational training to young men and women with special emphasis on disabled youth and women with family responsibilities, PROFECE, a female employment consolidation programme, BONOPYME, which focused on businesses with fewer than 20 workers, in which most of the small and microscale businesses were run by women, and, lastly, the literacy programme, which was transferred to the Ministry of Education in 2002, which had a total of 44,200 women beneficiaries in 2002.

462. In conclusion, she listed various diagnostic and other studies carried out to gain a full appreciation of the various problems affecting Peruvian women and, on that basis, undertake policy design and implementation, including a diagnostic study on the situation of rural women and gender and racial stereotypes.

(b) *Concluding comments of the Committee*

Introduction

463. The Committee expresses appreciation to the State party for its fifth periodic report, which followed the Committee's guidelines on the preparation of reports, as well as for the frank and open oral presentation given by the State party. The Committee also commends the breadth of the replies to the written questions put by the Committee to the State party, which provided additional information on the status of implementation of the Convention in Peru.

464. The Committee commends the State party for having sent the delegation headed by the Adviser for Gender Affairs and Human Rights in the Ministry of Women and Social Development.

Positive aspects

465. The Committee congratulates the State party on the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 9 April 2001 and on the conduct of campaigns to publicize its content.

466. The Committee commends the State party on the efforts made to implement the Convention through the formulation and adoption of numerous programmes, laws, plans and policies for the advancement of women, including the Educational Development of Rural Girls and Adolescents Act promulgated in 2001, the 2002-2006 National Plan for Adults of Full Age,

which contains special measures for adult women of full age, the 2002-2007 National Plan of Action against violence towards women and the National Programme against Family Violence and Sexual Abuse created in April 2001.

467. The Committee welcomes the strengthening of national machinery, in particular the creation of the Ministry of Women and Social Development, and the upgrading of the post of Deputy Defender for Women's Rights.

468. The Committee commends the State party for the establishment of norms envisaging a minimum quota of 30 per cent for women on candidate lists for the National Congress, which resulted in an increase in the participation of women in decision-making at the municipal level and in their representation in Congress.

469. The Committee notes with satisfaction the inclusion of the promotion of equal opportunities without discrimination in the "Governance Agreement", which contains 29 concerted State policies for the next 20 years.

Principal areas of concern and recommendations

470. Although the Committee welcomes the creation of the Ministry of Women and Social Development with responsibility for overseeing fulfilment of the international commitments concerning women's rights, it is concerned to note that the Ministry does not play its rightful role as guiding and normative agency for the formulation and development of policies and programmes to promote equality, or have a large enough budget. It is also concerned that the Ministry does not have an explicit mandate enabling it to guarantee and require the various sectors of government to promote plans and programmes geared to gender equality.

471. The Committee encourages the State party to strengthen the role of the Ministry of Women and Social Development as a guiding and normative body, with an adequate budget, and to give it the necessary funding for the formulation and development of policies and programmes geared to gender equality. The Committee also recommends that the State party should give the Ministry greater authority within the framework of the State institutions to ensure effective gender mainstreaming in all sectors of government and to promote gender equality.

472. The Committee is concerned that, although the report states that the National Equal Opportunity Plan for Women and Men 2000-2005 remains in force, the Plan lacks a strategic vision designed to achieve fundamental changes in the status and position of women and that policies have not been proposed to the State for the promotion of equality and gender mainstreaming in the various sectors of government.

473. The Committee recommends that the process of review and consultation should continue for the elaboration of a new plan, including civil society and in particular women's organizations, with a view to its prompt approval scheduled for 2002.

474. Although there is a new poverty relief strategy for 2001-2006, the Committee is concerned about the lack of poverty eradication programmes geared specifically to the female population.

475. The Committee recommends that the State party include a gender perspective in poverty eradication strategies and programmes and, when appropriate, introduce temporary special measures, in conformity with article 4, paragraph 1, of the Convention, with a view to eradicating poverty among women, especially rural women.

476. The Committee is concerned that, although there is an Act for prevention, protection and attention to violence in the family and another Act requiring public criminal proceedings in cases of crimes against sexual freedom, as well as a National Programme against Family Violence and Sexual Abuse, the figures for violence towards women are still very high. The Committee is

concerned that there is no centralized register for sex crimes, that proper attention has not been given to sexual abuse and that incest has not been characterized as a specific offence. Moreover, the Committee is concerned about the lack of specific legislation to combat sexual harassment.

477. The Committee requests the State party to take into account General Recommendation No. 19 on violence towards women, and to guarantee systematic implementation of the National Programme of Action and of all the laws and measures relating to violence towards women and to monitor their impact. The Committee also urges the State party to guarantee that such violence will be prosecuted and punished with due speed and severity and to ensure that women subjected to such violence receive compensation and immediate protection and that the conciliation procedure envisaged in the law on family violence is not used to exonerate the perpetrators. The Committee recommends that the State party should conduct campaigns to increase awareness, including zero-tolerance campaigns, with the aim of making violence towards women socially and morally unacceptable. The Committee recommends that the State party should reinforce measures to guarantee that public officials — in particular the judiciary, health sector workers, police and social workers — are alert to all types of violence towards women. The Committee also recommends that the State party should collect specific data on all types of violence against women. The Committee requests the State party to categorize incest as a specific crime under the Penal Code and to promulgate specific legislation to combat sexual harassment.

478. The Committee notes with concern that gender-based discrimination persists in the labour market, including limited and low-level job access for women and their reduced access to resources and new technologies. The Committee is also concerned about wage discrimination and vertical and horizontal segregation. The Committee is concerned at the precarious conditions of women working in the informal sector and at part-time work, who have no labour protection, no access to social security and no due respect for their labour rights. It is also of concern to the Committee that legislation preventing discrimination in employment appears to be based on criminal penalties only and that appropriate civil remedies do not exist.

479. The Committee recommends that the necessary measures should be taken to guarantee implementation of the provisions of article 11 of the Convention and application of the International Labour Organization Conventions, in particular those on non-discrimination in employment and equal remuneration for women and men. The Committee recommends that measures should be taken to eliminate occupational segregation, in particular through education and training.

480. The Committee is concerned that, although progress is observed in the composition of Congress and in local government, as a result of the provisions adopted, the participation of women in Congress, in the judicial area and at the country's senior levels of politics and administration still seems inadequate.

481. The Committee recommends that strategies should be adopted to increase the number of women involved in decision-making at all levels, through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and that the State party should strengthen its activities to promote women to posts of responsibility in both the public and private sectors, with special training programmes and publicity campaigns on the importance of women's participation in development planning and decision-making.

482. The Committee is concerned about the situation of women's health and particularly their reproductive health. The Committee is especially concerned about the disappearance of the Women, Health and Development Programme. The Committee notes with concern the high maternal mortality rate and particularly mortality resulting from illegal abortions, including among

adolescents, and the requirements that may prevent women from obtaining medical treatment in abortion cases. The Committee is also concerned about the inadequacy of sex education and the limited dissemination, availability and supply of all contraceptive methods, particularly among indigenous women and in the most vulnerable sectors of the population, as well as among adolescents. The Committee notes with concern that the rate of HIV/AIDS infection among women is increasing, particularly among young women.

483. The Committee urges the State party to consider the possibility of reviving the Women, Health and Development Programme. The Committee recommends that the State party should give priority to the situation of the adolescent population and also urges it to adopt measures to strengthen the family planning programme and to guarantee access to sexual and reproductive health services, attending to the information needs of the population, particularly adolescents, by pursuing programmes and policies geared to increasing knowledge about various contraceptive methods and their availability, on the understanding that family planning is the responsibility of both partners. It also urges the State party to promote sex education for the entire population, including adolescents, giving special attention to efforts to prevent and combat HIV/AIDS and to improve the dissemination of information about risks and ways of transmission.

484. The Committee notes with concern that, in the period covered by the report, mention is made of numerous cases of sterilization of women without prior informed consent, using psychological violence or the promise of financial incentives, thus affecting women's right to decide the number and spacing of their children. The Committee is also concerned that, although the Deputy Defender for Women's Rights and other organs have condemned these practices, those responsible have not been punished.

485. The Committee recommends that all necessary measures should be taken to continue to provide the service of surgical sterilization so as to give women the right of free choice as regards their reproductive health, after they have been duly informed of the medical details and consequences of the operation and have given their consent. The Committee also recommends that a recurrence of these incidents should be avoided in the future. It further recommends that efforts should be continued to bring before the courts the persons responsible for this violation of the right to health.

486. The Committee is concerned about the dearth of information on the treatment of women and girls and the exploitation of prostitution.

487. The Committee requests the State party to include information and data in its next report on steps taken to prevent and combat trafficking in women and girls and the exploitation of prostitution, and on steps taken to protect and, where applicable, rehabilitate and reintegrate women and girls who are victims of these abuses. The Committee urges the State party to apply the laws prohibiting the exploitation of the prostitution of women.

488. The Committee notes with concern that the minimum age at which a girl can legally contract matrimony — 16 years, and in exceptional cases 14 years — is very young, resulting in serious risks to girls' health and preventing them from completing their education.

489. The Committee urges the State party to take measures to raise the minimum legal age for girls to contract matrimony in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a "child" as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State party to conduct awareness-raising campaigns on the negative implications of early marriage for the health and education of girls.

490. Despite the reduction in the general illiteracy rate, the Committee expresses its concern at the high rate of illiteracy in the female population, especially in rural areas. Another matter of concern to the Committee is the high number of school dropouts among girls and adolescents in rural areas.

491. The Committee requests the State party to set up programmes specially designed to reduce female illiteracy, in particular among women and girls in rural areas, and to keep girls in school.

492. The Committee is concerned at the persistence of traditional stereotypes associated with women's and men's roles and responsibilities in the family and in society in general.

493. The Committee requests the State party to design and implement comprehensive educational programmes and to urge the communications media to help modify cultural patterns of conduct in the publicizing and planning of entertainment in relation to women's and men's roles and responsibilities, in accordance with article 5 of the Convention. The Committee also recommends that policies should be developed and programmes implemented to ensure the elimination of stereotypes associated with traditional roles in the family, workplace, politics and society in general.

494. Although the Committee recognizes that the State party is taking action in the Amazon region, through the National Institute for Family Well-Being, primarily for children and adolescents living in situations of risk or abandonment, it is concerned that there are no specific programmes for indigenous women.

495. The Committee recommends that the State party should strengthen the current programme and set up specific programmes for indigenous women in order to improve their economic, social and family situation and develop their economic skills, and to promote respect for their rights on an equal footing with men.

496. The Committee is concerned at the lack of data in the reports on the emigration of women and girls, in order that their rights may be ensured on an equal footing with those of men.

497. The Committee requests the Government to include data in its next report on the emigration of women and girls and on the measures the State is adopting to ensure their protection.

498. The Committee is concerned that the report does not contain sufficient information on the situation of women belonging to minority groups, in particular women of African descent.

499. The Committee requests the State party to provide information in its next periodic report on the situation of women belonging to minority groups, especially on the situation of women of African descent in terms of health, education and employment.

500. The Committee requests the State party to respond to the specific concerns expressed in these concluding comments in its next periodic report, in accordance with article 18 of the Convention. The Committee urges the State party to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

501. Taking into account the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against

Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

502. The Committee requests the State party to widely disseminate these concluding comments, in order to inform the Peruvian population, especially public officials and politicians, of the steps that have been taken to ensure de jure and de facto equality of women and of other measures that need to be taken to that end. It also requests the State party to continue to disseminate widely, especially among women's and human rights groups, the Convention and its Optional Protocol, the General Recommendations of the Committee, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".