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**IOM SUBMISSION TO THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF**

**MIGRANTS UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

1. **INTRODUCTION**

Peru ratified the International Covenant on Civil and Political Rights on April 28th, 1978. The main responsibility of Peru, as part of this Covenant, is to respect and ensure the rights of all persons on its territory and jurisdictions, including nationals and non-nationals alike, according to article 2.1 of the Covenant. In order to accomplish these responsibilities, the State needs to provide legislative measures and other kind of actions as stated in article 2.2 of the Covenant.

This document will deliver information about the steps that Peru has taken to ensure migrant rights and the support that the IOM Mission in Peru has provided to assist the Government of Peru to strengthen migration management. In addition, it will provide a set of recommendations.

1. **STATISCAL INFORMATION**

***Emigration and Immigration***

It is estimated that approximately 3.5 million Peruvians have emigrated abroad. This number represents nearly 10% of the country’s total population, estimated at around 30 million. Seven countries concentrate almost 90% of Peruvian emigrants: The United States of America (31.5%), Spain (16.0%), Argentina (14.3%), Italy (10.1%), Chile (8.8%), Japan (4.1%) and Venezuela (3.8%). Official figures state that, on the period from 1990 to 2011, a total of 2 444 634 Peruvians left the country and have not returned. On that same time period, Peru received a total of 24,054 million dollars in remittances.

As far as immigration is concerned, approximately 63 316 foreigners reside in the country. The majority of them are mainly from the United States (12.4%), China (8.7%), Argentina (7.2%), Bolivia (6.3%), Spain (6.1%) and Chile (5.0%). Even though Peru is a country of origin, there has been a small increase in the number of immigrants coming to the country, especially in the past five years. The social characteristic of Peru’s immigrant population shows that: 7.3% are between 0 and 14 years old and 2.4% are 15 to 19 years old. About 68.3% are adults between 20 and 54 years old; and 22.9% have 54 and over 80 years; 39.8% are women and 60.2% are men. Approximately 14% of immigrants have become Peruvian nationals[[1]](#footnote-1).

It is worth mentioning that this information is a result of the statistical data from the Government of Peru. The National Institute of Statistics of Statistics (INEI by its Spanish acronym) and the General Department of Migration and Naturalization (DIGEMIN by its Spanish acronym, now the “Superintendence”[[2]](#footnote-2)) have being working with the technical cooperation of IOM since 2006 to produce studies about migration[[3]](#footnote-3). On a yearly basis, IOM, INEI and DIGEMIN (now the Superintendence) have been collecting, analyzing and publishing statistical information on Peruvian emigration and immigration in order to generate a better understanding on migration flows in the country.

***Internal Migration and Internally Displaced People***

Internal migration from rural to urban areas began a rapid increase in the mid-20th century, mainly prompted by upheavals in the agricultural sector and the growth of industry, trade and services in the cities. By 2010 the number of internal migrants reached 6.5 million. The population that resides in Lima, the capital, went from 800 000 people in 1940 to 9 million today. Nowadays, Peru´s urban residents account for 76% of the total population and the remaining 24% still resides in rural areas[[4]](#footnote-4).

As far as Internally Displaced People are concerned, Peru suffered an internal armed conflict from 1980 to 2000. During this period, Peru’s Truth and Reconciliation Commission estimated that approximately 600,000 people were forced to move out of their homes because of the internal conflict; 80% of them were members of native and peasant indigenous communities. In addition, the Truth and Reconciliation Commission estimated that there were 70,000 victims of the internal conflict; 75% of them were members of native and peasant indigenous communities[[5]](#footnote-5).

1. **MIGRATION MANAGEMENT AND CROSS-CUTTING ISSUES**

Peru implements an immigration policy as well as a policy to protect and provide services to Peruvians abroad. The first one is part of the domestic policy under the responsibility of the Ministry of Interior and the Ministry of Foreign Affairs. The second one is under the supervision of the Ministry of Foreign Affairs. In recent years, the Government of Peru has taken important steps in order to improve migration management. Among these important steps in the past four years, it is important to mention:

* The creation of the “Inter-sectoral Roundtable for Migration Management” in 2011 according to Supreme Decree No. 067-2011-PCM. The Roundtable gathers public institutions, civil society and international cooperation agencies in order to provide a space for institutional coordination for the management of migration. Some of the roundtable’s functions includes: propose guidelines on migration and to endorse specific measures and strategies to ensure migrant rights and duties. IOM participates in this roundtable.
* Taking into account the number of Peruvians living abroad, it is important to mention that the Government of Peru has designated as part of its national budget for 2013 a total of 134 million new soles to improve the consular services provided by the Ministry of Foreign Affairs[[6]](#footnote-6).
* Progress is being made with regards to the right of work for migrants since Peru approved a new institutional structure for the Ministry of Labor. On 2009, this Ministry started to be responsible for the planning and the regulation of labor migration[[7]](#footnote-7) as an exclusive function of its competence. This governmental function aims to guarantee the labor rights of migrants and their families[[8]](#footnote-8). On 2010, the Ministry created, by Supreme Decree No. 004-2010-TR, the Department of Labor Migration which is in charge of accomplishing this specific Ministry’s mandate through nineteen tasks. The responsibilities[[9]](#footnote-9) of this Department include the design of guidelines, mechanisms, programs and procedures to ensure the rights of potential migrants, migrants and their families, returnees, Andean migrants and immigrants, including a comprehensive perspective of the State’s obligations to respect and ensure the right to work.
* On 2011, the Ministry of Labor approved General Directive N°.001-2011-MTPE/3/17[[10]](#footnote-10) which regulates the Information and Orientation Service “INFOMIGRA” with five lines of work according to the needs of five types of migrants: a) Peruvians interested in working abroad; b) Peruvian residents and workers abroad; c) Peruvians who want to return; d) Andean workers in Peru or Andean citizens interested in working in Peru; and e) Immigrants working in Peru or foreigners interested in working in Peru. INFOMIGRA was an initiative assisted by IOM through the Program Youth, Employment and Migration of the MDG Achievement Fund.

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| **WEBSITE: INFOMIGRA -“MIGRANT SERVICE ORIENTATION”** |
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* As part of the INFOMIGRA Program, a Basic Guide for the Worker Migrant was also published[[11]](#footnote-11).
* The Ministry of Labor, as part of the national decentralization process, implemented a plan to enforce the labor migration management of regional and local governments[[12]](#footnote-12). IOM and ILO provided technical assistance to achieve this end. IOM was in charge of the workshops on labor migration management through the MDG Achievement Fund. The beneficiaries of this capacity building activity where the authorities and officers of the regions of Tumbes, La Libertad, Tacna, Lambayeque, Piura, San Martín, Moquegua, Cajamarca and Amazonas.

* The Ministry of Labor’s Department of Labor Migration also elaborated a Glossary on Labor Migration Management as a tool for all public officers from regional and local governments. This tool used as a reference the IOM Glossary on Migration.
* Even though Peru has made very important efforts to ensure the rights of labor migrants, Peru has not ratified the Migration for Employment Convention Nº 97-ILO and Migrant Workers (Supplementary Provisions) Convention Nº 143- ILO.
* On December 2012 and through Supreme Decree N° 020-2012-TR, the Ministry of Labor approved specific norms to regulate private employment agencies, including job offers abroad. This measure was necessary since there have been documented cases of Peruvians travelling abroad through private employment agencies who have suffered labor abuses and exploitation.
* On 2011, Peru adhered to the “MERCOSUR Agreement on Residence for Nationals of States Parties”, strengthening its international relations with Brazil, Uruguay, Argentina and Paraguay. This agreement aims to promote regular residence accreditations for nationals of the states belonging to this agreement. In addition, this agreement recognizes and enforces: a) equal right treatment (civil, political, economic, social and cultural rights); b) right to family reunification; c) equal treatment as nationals; d) social security; e) right to the transfer of remittances; and f) the rights of nationality and education for the migrant´s children[[13]](#footnote-13). Peru has yet to implement the agreement.
* During 2012, Peru has made imports steps to enforce the bilateral cooperation with other States in order to ensure the rights to health and to social security. Peru has signed with Ecuador[[14]](#footnote-14), Uruguay[[15]](#footnote-15) and Chile[[16]](#footnote-16), specific agreements to implement the Iberoamerican Convention of Social Security. The bilateral agreements allow Peru to cooperate with these countries in order to guarantee equal treatment and preservation of rights for social security. Equal treatment means that all people have the same social security rights and obligations in the legislation of each of the States, under the same conditions. Regarding to right to health, Peru and Ecuador have made an important effort to guarantee that their nationals, as immigrants in the other country, have access to health services[[17]](#footnote-17).
* In order to improve DIGEMIN’s functions, the Government of Peru decided to transform it into an autonomous National Superintendence of Migration through Legislative Decree Nº 1130 on December 6th of 2012. Its scope of functions includes the participation in the national migration policy, the internal and border security of the country, and the border control management. The Superintendence is still in its reform phase.

***Border Management and Migration Control***

Peru has in its 10 123 kilometers of international border line fifteen border checkpoints and seventeen immigration checkpoints within the country’s territory, including the ones located at international airports. On 2011, DIGEMIN (now the Superintendence) registered the international movement of 11,383,489 people (entries and exits) through Peru’s borders and immigration checkpoints.

IOM Peru has developed trainings to enforce the knowledge and technical capacities of migration officers, especially those who work at the border lines. Even though IOM recognizes the institutional efforts of DIGEMIN (now the Superintendence), IOM has also identified a lack of adequate labor conditions, the need for better infrastructure and the necessity to increase the quality of service. For example, the lack of technology, internet access and sometimes the limited electric and telephone services in the border and immigrations checkpoints constitute a problem in itself. Because of these structural limitations, the services that DIGEMIN (now the Superintendence) has been providing have not been as efficient as they should be in order to guarantee secure and human conditions for the international movement of people.

Another cause of vulnerable conditions in the management of migration lies in the inadequate internal regulation of the DIGEMIN´s (now the Superintendence) functions and the lack of tools for internal coordination. It is expected that the efforts to reform DIGEMIN into a new National Superintendence of Migration and the work of the Inter-Sectoral Roundtable for Migration Management will help to overcome these structural and institutional problems in a progressive and consistent manner for the benefit of migrants, nationals and immigrants alike.

On the other hand, the Ministry of Foreign Affairs, as part of its decentralization process and for a better promotion of foreign policy, has created offices in five Peruvian border regions: Iquitos, Puno, Piura, Tumbes and Tacna. Moreover, with the purpose of providing better access to consular services and also to promote better international relations with neighboring countries, the Ministry developed a border network of Consular Offices located in neighboring countries near the border with Peru: Machala y Macara (Ecuador), Leticia (Colombia), Rio Branco (Brazil), La Paz (Bolivia) y Arica (Chile). On June 2011, Peru approved the Framework Law for Border Integration and Development No. 29778 and created the National System for Border Development and Border Integration.

***IOM’s support to the Government of Peru***

Last year, IOM published the “Peru Migration Profile 2012”[[18]](#footnote-18). The Migration Profile underscores the need for the Government of Peru to strengthen its institutional capacity to address migration challenges, including the development of a national policy, as well as procedures for mainstreaming the rights of migrants[[19]](#footnote-19). In this respect, it is necessary to implement a comprehensive migration policy that integrates strategies about immigration, emigration, voluntary return, migration and border management as well as migrant rights and border security.

Even though some of these activities have already been mentioned in previous paragraphs, some of IOM’s initiatives to support the Government of Peru include:

* IOM is currently supporting the Ministry of Foreign Affairs in conducting the first global survey of Peruvians residing abroad. This survey aims to provide information about the needs of nationals living abroad, analyze the possibilities of developing and implementing co-development projects and find out their perceptions about consular services. The survey’s results are expected to be published during the first semester of 2013.
* IOM has been conducting studies, in close coordination with the Government of Peru, to study and analyze migration flows for policy making.
* IOM has conducted numerous trainings for public officials on migration management and border control in order to build the capacities of Peruvian institutions.
1. **SELECTED ISSUES CONCERNING IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

***Article 2***

In relation to article 2.2(b) and (c), Peru’s current immigration law does not have a specific mechanism to allow foreigners to contest DIGEMIN’s (now the Superintendence) administrative decisions. In that respect, it is recommended that the current immigration law is revised and that regulations to implement it are developed.

The National Plan of Human Rights

The Ministry of Justice approved the National Plan of Human Rights 2006-2010 through Supreme Decree Nº 017-2005-JUS which included migrants. The Plan was extended for one more year, until December 2011, accordant to Supreme Decree Nº 021-2010-JUS[[20]](#footnote-20). The result that was expected for the inclusion of migrants involved the enforcement of mechanisms for the protection and the promotion of migrant rights. In total, six of the nine actions suggested by the Plan sought to ensure the rights of Peruvians emigrating abroad. However, it is worth to mention that no specific action was included to ensure the rights of immigrants residing in Peru. For this reason, the Plan was not comprehensive.

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| **THE NATIONAL PLAN OF HUMAN RIGHTS:** **Actions to ensure Migrant Rights**  |
| Rights of Peruvians Abroad | A3. Information Campaigns for Peruvian communities abroad. A4. Early Warning System (EWS) to become aware of emergencies that could affect Peruvians abroad.A.6 Simplify consular services procedures and reduce their cost. A.7. Develop coordination mechanisms between the private and the public sector in order to facilitate the transfer of remittances. A8. Simplify customs procedures to stimulate voluntary return and reintegration. A9. Information Campaigns against the discrimination of Peruvian migrants in foreign countries. |
| International Relations Policies | A1. Ratify international law regarding the rights of migrants with the purpose to include them into Peruvian law.  |
| Border Management | A5. Promote the inclusion of civil society in the meetings of Border Committees.  |

The Government of Peru is yet to publish the 2012-2016 National Plan of Human Rights.

***Article 6***

Peru’s Truth and Reconciliation Commission established a set of recommendations to provide reparations to the victims of the internal armed conflict that the country suffered from 1980 to 2000. The Government of Peru has taken important steps to implement this set of recommendations such as the creation of the “Integral Reparations Plan” (PIR by its Spanish acronym) and a registry of the victims of the internal armed conflict. However, there have been many delays in its implementation. Just to provide an example, there are problems with the implementation of health reparations and it has been reported that medical establishments are turning down victims that have the right to access health services under the PIR. In that respect, it is recommended that the Government of Peru assigns the necessary financial and technical resources to fully implement the PIR.

***Article 8***

Peru’s Constitution prohibits trafficking in persons in Article 2.24. On 2007, Law No. 28950 titled "Law against Trafficking in Persons and the Smuggling of Migrants” was approved. It was regulated on November 2008 by Supreme Decree No. 007-2008-IN.

In Peru, there is a predominance of internal trafficking. Victims are mobilized from their homes to the cities where they are exploited. The main sources of demand, transit and destination for victims of trafficking in the country are the geographical areas where illegal activities are conducted such as illegal logging, informal mining, drug trafficking, smuggling, among others. Trafficking victims are also taken to urban centers. Despite this predominance, Peru is also an origin country where victims are captured and taken abroad for sexual and labor exploitation. All Peruvian regions have registered cases of internal trafficking and foreign victims have also been identified primarily from Colombia, Ecuador, Bolivia, China, and Dominican Republic.

The actions taken by the Peruvian State to institutionalize mechanisms for preventing and prosecuting this crime includes:

1. The creation of the Permanent Multisectoral Working Group against Trafficking in Persons through Supreme Decree No. 002-2004-IN.
2. The creation of the "System log and crime statistics of human trafficking and related crimes (RETA by its Spanish acronym)" by Ministerial Resolution No. 2570-2006-IN/0105 and the approval of the board of "Procedures for admission, registration, query and reporting RETA system data through Ministerial Resolution No.129-2007-IN/0105.
3. The Ministry of the Interior, in coordination with the IOM, implemented a hotline to help the fight against human trafficking. The hotline is 0800-2-3232. The hotline started on March 13, 2006 at the headquarters of the Ministry. Since 2009, the Ministry of Interior is completely in charge of the hotline.

In addition, Peru has begun a process of medium-term planning of actions from the national government and regional governments in the fight against human trafficking:

1. With IOM’s support, the National Action Plan against Human Trafficking 2011-2016 was finally approved by the Supreme Decree Nº 004-2011-IN on October 2011.
2. 15 boards, commissions or regional networks have been created. Three Regional Plans have been approved[[21]](#footnote-21).

On 2011, 767 victims have been registered by the Public Ministry which is responsible for the prosecution of the crime. The National Police registered al total of 1960 victims from 2004 to April 2012 but the mechanisms to register investigation cases still need to be improved. The Public Ministry is redesigning its “Criminal Observatory” which will become a Specialized Data Base for human trafficking cases and IOM is assisting this technical process through a project funded by Canadian Cooperation.

It is recommended that the Government of Peru places special emphasis on the following:

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| Prevention | * Special attention should be taken to combat the root socioeconomic causes of human trafficking such as exclusion and lack of education.
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| Prosecution | * Law enforcement officials need to improve their knowledge and response to human trafficking cases.
* There is confusion between trafficking and other crimes during the criminal process presented before the Judicial System.
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| Protection / Assistance  | * Lack of a specialized strategy to assist human trafficking victims with a gender approach that includes female and male victims.
* There needs to be more coordination between the institutions responsible to assist the victim.
* Return and Reintegration mechanisms need to be created for victims of internal and international trafficking.
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To summarize, even though the Government of Peru has taken important steps to fight human trafficking such as the establishment of a National Plan and the approval of a law against this crime and its regulation, steps still need to be taken against this crime. Throughout the years, IOM has been supporting the Government of Peru in the fight against human trafficking. Even though some of these activities have already been mentioned in previous paragraphs, some of IOM’s initiatives in the fight against this crime include:

* Support for the development of the National Action Plan against Human Trafficking 2011-2016
* Support for the establishment of the anti-human trafficking hotline
* Support for the development of Madre de Dios’ and Ayacucho’s regional action plans against human trafficking
* The development and implementation of informational campaigns to prevent this crime
* Research studies to better understand the dynamics of this crime for policy makers
* A guide for school professors which includes educational booklets in order to teach students how to protect themselves from this crime
* An operational and a procedures guide for judges and prosecutors to provide them with meaningful tools to better prosecute this crime.

***Article 10***

In Peru, 3% (1,542 people) of the penitentiary population are foreigners. According to the National Penitentiary Institute (INPE by its Spanish acronym), 83.3% of them are men and 16.6% are women[[22]](#footnote-22). They come from 45 countries, the majority from Spain, Colombia, Mexico and Bolivia. There are also people from the Philippines, China and South Africa, to name a few. The main difficulties that this population has to face during the judicial process and deprivation of their liberty are in some cases, their lack of Spanish language skills and a lack of knowledge about the Peruvian judicial process[[23]](#footnote-23).

Article 2.19 of the Peruvian Constitution states that all foreigners have the right to use their own languages in the presence of Peruvian authorities. Language is very important to ensure the due process of immigrants who do not speak Spanish. In addition, most of the immigrants that are deprived of their liberty enter Peru as tourists and, when their sentence ends, they become irregular migrants. In that respect, the Immigration Law and the New Criminal Procedure Code should be revised to improve an easy return for those foreigners once they complete their sentences.

***Articles 12 and 13***

Peru´s Constitution recognizes the individual’s right to choose his/her place of residence and the right to free movement according to its article 2.11.

Immigration Law Nº 29157 was approved in 1991 and it was later reformed by Legislative Decree Nº 1043 on 2008, maintaining separated functions on migration matters between the Ministry of Interior, through DIGEMIN (now the Superintendence), and the Ministry of Foreign Affairs. Just to give an example, 12 of the 22 immigration categories are being provided by the Ministry of Interior[[24]](#footnote-24) and the other 10 by the Ministry of Foreign Affairs[[25]](#footnote-25). This separation has created some confusion and better coordination mechanisms need to be established between DIGEMIN (now the Superintendence) and the Ministry of Foreign Affairs.

After almost 23 years, Peru’s Immigration Law has not been regulated. The lack of clear regulations to implement the law has caused problems on a day-to-day basis since it is sometimes up to the public officer to decide on its interpretation. In fact, DIGEMIN (now the Superintendence), in its Institutional Strategic Plan 2012-2016 recognized the lack of updated legislation as well as the necessity to build capacities of their technical personal, the lack of interconnection among some of its border control offices, the inexistence of an evaluation plan, and the collapse of its peripheral register system. Moreover, it is aware of the current threats like the increasing operations of smuggling and trafficking criminal organizations as well as the problems caused by internal corruption[[26]](#footnote-26).

In order to improve DIGEMIN’s functions, the Government of Peru decided to transform it into an autonomous National Superintendence of Migration through Legislative Decree Nº 1130 on December 6th of 2012. Its scope of functions includes the participation in the national migration policy, the internal and border security of the country, and border control management. The Superintendence is still in its reform phase. Nowadays, 56 administrative procedures are being reviewed, which includes the public services offered to nationals and non-nationals. IOM is providing support to this newly created entity to develop its internal structure. In addition, IOM, through the project: “Border Development Project” currently implemented with the Government of Australia’s Department of Immigration and Citizenship (DIAC), is strengthening the capacities of DIGEMIN officials to fight transnational crimes.

Promotion of Peruvian Voluntary Return

During the last 12 years, the return of 232 559 Peruvians has been registered, mainly from Chile (34%), United States (18.2%), Argentina (10.5%), Spain (8.1%) and Bolivia (6.1%)[[27]](#footnote-27). Approximately 45% of the returns were registered since 2009 and this percentage constitutes an indicator of the increasing number of Peruvians who have been returning to their home country in recent years. In addition, it is important to notice that 54.9% of the Peruvian returnees are women and 45.1% are men, mainly between 20 and 49 years old (67.2%)[[28]](#footnote-28).

In an attempt to provide services and promote the socioeconomic integration of returnees, Peru is currently discussing the approval of a law that will grant specific benefits to this population. The Peruvian Congress’ Commission of Foreign Affairs has in agenda five bill proposals related to the return of Peruvian nationals. Four of them are from different political parties[[29]](#footnote-29) and one of them is an initiative from the Executive, through its Ministry of Foreign Affairs with proposal No. 01540, which is currently part of the Commission’s Agenda. This proposal, known as the “Law for the economic and social reintegration of returning migrants”, aims to facilitate the return of Peruvians living abroad, regardless of their immigration status, through incentives and proper actions for economic and social reintegration in Peru.

During 2012, IOM Peru, through its Migrant Assistance and Movement Program, assisted 63 Peruvian return cases from Italy, Belgium, Morocco, Switzerland, United Kingdom and Canada. It is expected that approximately 126 returnees from Italy, Belgium, Switzerland, Canada and Spain will benefit from AVRR programs on 2013.

Refugee and Asylum

Peru ratified the Protocol of the Statute of Refugees on 1983 and, since 2002, has a specific Law for Refugees[[30]](#footnote-30) and a specific Law of Asylum[[31]](#footnote-31). However, better mechanisms need to be developed in order to speed up the processing of applications and to provide basic services to applicants in vulnerable conditions.

Peru hosts between refugees and asylum seekers, citizens of more than thirty nationalities from Latin America, Africa, Asia, Eastern Europe and Middle East. With regards to the age of these individuals, 18 years or less account for 13%, between 18 and 59 years 76%, and over 60 represent 11% of them. By 2010, the number of asylum applications from Colombian citizens was 285 and approved reached a total of 105 Colombians. For instance, 67 applications submitted by Cubans are pending and 128 were approved. Many Cuban refugees in the 1980s formally reside in Peru as asylanten[[32]](#footnote-32).

Internal Migration and Forced Displacement

The Ministry of Woman and Vulnerable Populations has the mission of creating and implementing the national policy to guarantee the human rights of specific groups in special circumstances of vulnerability such as forced displacements and internal migrants[[33]](#footnote-33). The specific function in this matter is:

*“Develop and promote the national population policy giving priority to the internal migration policy, voluntary or forced internal migration, as well as to the prevention, protection and assistance to displaced persons and internal migrants.”* DS.º 1098. Art. 5.g.

Peru already has a law (N° 28223, approved on 2004) and its regulation (Supreme Decree N° 004-2005-MIMDES) for the treatment of internally displaced persons which takes into account the “Guiding Principles on Internal Displacement”. It is important to remember that internal migrants and internally displaced persons are groups that require different and specific measures in order to achieve the effective exercise of their rights, particularly the right to liberty of movement and freedom to choose their residence. In that respect, it is important the Government of Peru develops specific strategies for internal migrants.

Forced displacement in Peru is mainly a result of the internal armed conflict (1980-2000) and natural disasters such as floods, landslides and earthquakes. As far as emergency prevention and response, a relevant step that Peru has taken is the improvement of the National System for the Management of Disasters[[34]](#footnote-34). This system has as the main guiding principle the following statement:

*“The human person is the supreme goal of Disaster Risk Management and therefore his/her life and physical integrity, their production structure, property and the his/her environment must protect from potential disasters and hazardous events that may occur.”*

The disaster management processes includes the reconstruction to ensure the economic, physical and social recovery of affected areas which is consistent with the right to return to the home place before the disaster occurred or to be relocated if need be.

IOM is part of Peru’s National Humanitarian Network which involves the cooperation among the government, civil society and international organizations. IOM Peru co-leads the Camp Management Cluster and provided assistant to 1,096 families displaced by the flooding in Loreto (2012) and provided assistance to 137,196 persons affected by the earthquake in Ica (2007).

1. **RECOMMENDATIONS FOR CONSIDERATION BY THE COMMITTEE**

IOM respectfully recommends the Human Rights Committee to urge Peru to:

* Develop and implement a comprehensive migration policy to guarantee the rights of Peruvian migrants abroad and immigrants in the country. In this respect, it is recommended to approve and publish the National Human Rights Plan 2012-2016 which should include the treatment of migrants. In addition, Peru’s Immigration Law needs to be revised and regulations for its implementation should be clearly developed.
* Improve administrative procedures for the entry and exit of migrants under the rights base approach and the security approach. Mainly, strengthen the institutional capacities of the newly created National Superintendence of Migration and its decentralized offices.
* Increase the State's presence in the nation's borders and promote a rights-based approach for the treatment of migrants.
* Develop and implement a policy for the reintegration of Peruvian returnees.
* Regarding human trafficking, design a comprehensive strategy to provide services to the victims of this crime, including the safe return of the victims to their countries of origin when applicable.
* Continue the process of optimizing the management of labor migration in the context of the functions of the Ministry of Labor and continue its decentralization process.
* Ratify ILO Conventions 97 and 143.
* Analyze the possibility of creating a visa that will grant humanitarian status for migrants that are in the country’s territory and cannot return to their countries of origin because of the consequences of natural disasters or because they were victims of human trafficking.
* Fully implement the Integral Reparations Plan for the victims of the internal armed conflict.
1. This statistical information can be found at: <http://www.oimperu.org/oim_site/documentos/Esta902011.pdf>; [↑](#footnote-ref-1)
2. Supreme Decree Nº 1130, dated December 6, 2012 created the National Superintendence of Migration which replaced DIGEMIN. The new Superintendence is still in its reform phase. [↑](#footnote-ref-2)
3. <http://www.oimperu.org/oim_site/documentos/Esta902011.pdf>; <http://www.oimperu.org/docs/emigracion2010digitalFINAL.pdf>; <http://www.oimperu.org/docs/Estadisticas1990-2008.pdf>;

<http://www.oimperu.org/docs/Estadisticas1990-2007.pdf>

<http://www.oimperu.org/docs/Estadisticas1990-2005.pdf> [↑](#footnote-ref-3)
4. IOM: Peru Migration Profile 2012. Page 31-32 [↑](#footnote-ref-4)
5. The Truth and Reconciliation’s report is available at http://www.cverdad.org.pe/mwg-internal/de5fs23hu73ds/progress?id=i8cppxiZK2 [↑](#footnote-ref-5)
6. Law Nº 29951. Law of the National Public Sector Budget 2013. <http://www.mef.gob.pe/index.php?option=com_docman&task=doc_download&Itemid=0&gid=9372&lang=es> [↑](#footnote-ref-6)
7. Ley de Organización y Funciones del Ministerio de Trabajo y Promoción del Empleo. Ley Nº 29381 <http://www.trabajo.gob.pe/archivos/file/normasLegales/LEY_29381_2009.pdf> [↑](#footnote-ref-7)
8. Article 7.7 of the Law N°29381 [↑](#footnote-ref-8)
9. [http://www.mintra.gob.pe/migrante/direccion\_ migracion\_laboral 1.php](http://www.mintra.gob.pe/migrante/direccion_%20migracion_laboral%201.php) [↑](#footnote-ref-9)
10. <http://www.mintra.gob.pe/archivos/file/SNIL/normas/2011-03-05_002-2011-MTPE_1340.pdf> [↑](#footnote-ref-10)
11. <http://www.mintra.gob.pe/migrante/pdf/Guia_Basica_Migrante_Laboral.pdf> [↑](#footnote-ref-11)
12. <http://www.mintra.gob.pe/migrante/pdf/crece_contu_region.pdf> [↑](#footnote-ref-12)
13. <http://www.mintra.gob.pe/migrante/pdf/convenio_bilateral/adhesion_mercosur_peru.pdf> [↑](#footnote-ref-13)
14. Published at the Peruvian Official Journal on December 7th 2012. [http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc01\_2011.nsf/d99575da99ebfbe305256f2e006d1cf0/194ef471ab4bbc3005257ac90071dcc3/$FILE/RL29950.pdf](http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc01_2011.nsf/d99575da99ebfbe305256f2e006d1cf0/194ef471ab4bbc3005257ac90071dcc3/%24FILE/RL29950.pdf) [↑](#footnote-ref-14)
15. Published at the Peruvian Official Journal on December 11th 2012. [http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc01\_2011.nsf/d99575da99ebfbe305256f2e006d1cf0/b61c8f5b6e7a5d7605257ad0004ea862/$FILE/RL29958.pdf](http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc01_2011.nsf/d99575da99ebfbe305256f2e006d1cf0/b61c8f5b6e7a5d7605257ad0004ea862/%24FILE/RL29958.pdf) [↑](#footnote-ref-15)
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17. Lesgislative Resolution Nº 29945. Published at the Peruvian Official Journal on November 25 th 2012. [http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc01\_2011.nsf/0/66e61d142fc391d905257ac200562ea8/$FILE/RL29945.pdf](http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc01_2011.nsf/0/66e61d142fc391d905257ac200562ea8/%24FILE/RL29945.pdf) [↑](#footnote-ref-17)
18. <http://www.oimperu.org/oim_site/documentos/Perfil_Migratorio_Peru_2012.pdf> [↑](#footnote-ref-18)
19. <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2012/pbn-listing/peru-migration-profile-confirms.html> [↑](#footnote-ref-19)
20. Ministry of Justice and Human Rights. Institutional Operational Plan 2012. Page. 9 (<http://sistemas3.minjus.gob.pe/transparencia2/POI%202012.pdf>) [↑](#footnote-ref-20)
21. Madre de Dios, Ayacucho and La Libertad. [↑](#footnote-ref-21)
22. INPE. Statistical Report August 2012. [↑](#footnote-ref-22)
23. INPE. Statistical Report August 2012. Report No 154-2011 from the Peruvian Ombudsman. [↑](#footnote-ref-23)
24. These categories include: Tourist, artist, student, independent, business, religious, worker, renter, member of the crew, designated worker, resident´s family, and immigrant. [↑](#footnote-ref-24)
25. These categories include: consular, interchange, refugee, official, official´s family, journalist, business (ABTC), diplomatic, cooperation, and asylum. [↑](#footnote-ref-25)
26. Directorial Resolution Nº 119-2012-IN-1601, February 13th, 2012. Pag. 10 (<http://www.migraciones.gob.pe/informacion/transparencia/Planeamiento_y_organizacion/Planes_Politicas/PEI/Plan%20Estrat%C3%A9gico%202012-2016.pdf>) [↑](#footnote-ref-26)
27. IOM. Peru Migration Profile 2012. Page. 110 [↑](#footnote-ref-27)
28. IOM. Peru Migration Profile 2012. Page. 111-112 [↑](#footnote-ref-28)
29. Bill of Law No. 00360 (Fujimorismo); Bill of Law No.1542 (Nationalismo- Gana Peru); Bill of Law No.01596 (Concertación Parlamentaria); Bill of Law No. 01610 (Accion Popular) [↑](#footnote-ref-29)
30. <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/1938> [↑](#footnote-ref-30)
31. <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/1720> [↑](#footnote-ref-31)
32. IOM. Peru Migration Profile 2012. Page. 116 [↑](#footnote-ref-32)
33. Legislative Decree Nº. 1098, January 20th 2012. <http://www.mimp.gob.pe/files/transparencia/lof/lof_mimp_2012.pdf> [↑](#footnote-ref-33)
34. [http://www.indeci.gob.pe/objetos/secciones/MQ==/Mw==/lista/MzEx/MzEy/201110131528221.pdf](http://www.indeci.gob.pe/objetos/secciones/MQ%3D%3D/Mw%3D%3D/lista/MzEx/MzEy/201110131528221.pdf) [↑](#footnote-ref-34)