

## PERU

### CEDAW A/45/38 (1990)

252. The Committee considered the initial report of Peru (CEDAW/C/5/Add.60) at its 163<sup>rd</sup> and 166<sup>th</sup> meetings, on 30 and 31 January 1990 (CEDAW/C/SR.163 and 166).

253. The representative of Peru, introducing the report, recalled international efforts to overcome discrimination and achieve the full participation of women but that that had taken place in the context of economic difficulty relating to development. His country had had to cope with a difficult development problem but had given particular attention to improving the status of women. Peru supported the Convention for Peru's Constitution provided in article 2 that women and men had equal rights under the law. Under Peruvian jurisprudence, the Convention would prevail over national law should there be a conflict. Different cultures and values existed in Peru and the report reflected that diversity. For that reason, elimination of discrimination against women called for a special effort.

254. Regarding women in political life, women constituted 5.5 per cent of the lower house of parliament and 4.8 per cent of the senate, there were three ministers and many other women in high positions in the public service, including one of the four under-secretaries-general in the diplomatic service. He noted that in the forthcoming elections, there were many female candidates who had decided to run despite the threats and danger that that decision implied for them.

255. He further said that the de facto situation of women fell short of the expectations of the Convention, although the Government was making efforts to achieve equality. The economic situation of the country, in the face of the debt crisis, the impact of drug trafficking and terrorism had all combined to restrict the country's capabilities and the understanding of the international community of that situation was necessary, and the elimination of discrimination against women would be possible only if the developed countries co-operated to help eradicate poverty and violence.

256. He further stated that after the general description of the country, the report described constitutional provisions as well as the civil code. It then examined issues relating to the family, including issues of status, property and divorce. It examined representation in elected offices. It noted gaps in legislation concerning women's participation in the labour market. It described assistance in the health area to vulnerable groups, which had not succeeded as expected. Regarding rural women, the report emphasized the absence of protective measures and the use of agricultural co-operatives.

257. He stated that the questions posed by the Committee would be particularly useful in helping to prepare the second periodic report. The initial report reflected the Government's commitment to the elimination of discrimination against women, but was not intended to justify what had not been achieved.

258. On general issues, the Committee requested information on the extent to which the Convention had been disseminated in the country and on measures taken to eliminate discriminatory laws that continued to exist in the legal codes. Further information was requested on the type of governmental or inter-ministerial mechanisms that had been developed in order to promote equal rights and co-ordinate government efforts for the advancement of women, especially in the light of the elimination of the National Committee of Peruvian Women that had been established in 1976. The importance was noted to activate the Convention in those movements of social and economic crisis and as legal element of the defence of the rights of women in Peru.

259. Regarding article 2, it was noted that information had reached the Committee from non-governmental organizations indicating possible violations of human rights of women under detention and being made by the Government to combat terrorism in the country. A confirmation of the truth of those reports was requested along with the measures being taken by the Government to remedy that situation. In addition, information was requested about the intention of the Government to establish a national machinery for the advancement of women and of efforts to adjust legislation to eliminate discrimination, especially about any laws that discriminated against indigenous women.

260. Concerning article 4, information on the extent to which temporary special measures were being used in the fields of education and work was requested.

261. Questions were asked about the extent to which traditional structures impeded the progress of women, in the context of article 5, and how far the Government utilized the mass media and other methods of information dissemination to make women aware of the Constitution or other laws favouring them, especially women in the rural areas. Information on the extent to which men shared in domestic work was requested.

262. With reference to prostitution, in terms of article 6, information on the extent of the problem, its relation to poverty and measures taken to deal with the problem, including the use of health cards, was requested.

263. With regard to article 7, information on the extent to which women voted, particularly in relation to their proportion in the population, was requested as well as on any impediments to that, such as illiteracy. It was noted that women seemed conspicuously absent from the formulation of government policy, and information on measures to increase their participation in decision-making was requested, as was data on the proportion of women who were candidates for parliament in relation to those elected. Questions were asked about the size of the women's movement, including the housewife committees and mothers' clubs, and their use as the vehicle for extending the literacy, political, health and education programmes.

264. Questions were asked concerning the legal basis for the transfer of nationality within the meaning of article 9, whether that discriminated against women and any measures to eliminate discrimination against women in terms of article 10.

265. Concerning employment and article 11, information on the extent to which equal pay for work of equal value was applied in law and practice, as well as any positive legislation to ensure equality in employment was requested, together with information about whether protective provisions of the law might lead to discrimination against women, legal protection for domestic workers and whether Peru was a party to ILO Conventions.

266. Regarding article 12, information was requested on the legal provisions relating to abortion, the number of clandestine abortions and the extent to which women had access to family planning programmes and to public health services, especially maternal and child health and in the rural areas. It was asked whether the rates of infant and maternal mortality had decreased.

267. Information about steps taken to remove discriminatory laws about contracts was requested within the context of article 13.

268. With reference to women in the rural areas, under article 14, it was asked whether women were recognized as heads of family for the purpose of land tenure and whether they had equal access to loans, training and extension services. In addition, information was requested about the effect on rural women of illiteracy as well as the role of women's clubs in the rural area; and, further, whether there were special programmes both to solve the problems of rural women and protect them during any civil strife.

269. With regard to article 15, clarification was requested about the National Population Policy and particularly the meaning of the phrase "responsible paternity."

270. On article 16, questions were asked about the basis for the differential minimum age of marriage between women and men and particularly its lowering. A question was also asked about the regulation of adoption, particularly international adoption. The legal status of *de facto* families (consensual unions) was requested, as well as the incidence and trends of those unions, whether adultery, as a ground for divorce, was treated differentially for women and men. Information about the extent of violence against women was requested.

271. In response to the questions, the representative of the Government of Peru reiterated that the report ought to be seen in the national context where the country was suffering a grave economic crisis, arising from problems of the external debt burden that had significantly reduced the resources available for development, a continuing problem of terrorism and civil strife and a continuing problem with drug trafficking. The lack of resources had, for example, made it impossible for the report to have been presented by one of the specialists concerned with the issue since travel funds had not been available.

272. Concerning general issues as well as those raised under article 2, he stated that in terms of legal norms the Constitution provided for equality and the Convention also had direct standing in domestic law, but that the Constitution was more recent than many of the laws in the Civil, Criminal and Commercial Codes which, therefore, often contained legal provisions contrary to the Constitution and the Convention. Those codes had not yet been reviewed, but the legal norm,

enforced by the country's courts, was for any law contrary to the Constitution to be considered null and void. In terms of national machinery, it had been decided to disband the National Council of Peruvian Women and replace it with a decentralized structure with women's units in the various ministries, which, regrettably, could boast of scant resources. There was an emerging consciousness of the need for a central body, a view held by all political parties, and as a result, changes were expected after the forthcoming elections. He noted that terrorism had inflicted a major toll of deaths, primarily among the rural poor, including men, women and children. The Government had not condoned violations of human rights and, indeed, had ratified all human rights Conventions. Whenever any allegation of violations of human rights had been levelled, investigatory commissions had been established and there had been instances of civil penalties for those in the military or civil authorities found to have engaged in such practices. Regarding dissemination of information about the Convention, however, he noted that the scarcity of resources had dictated that other priorities had to be followed.

273. Concerning prostitution, with regard to article 6, it was stated that it had a social basis related to the socio-economic situation of women in which there was a lack of employment opportunities. It was difficult to change that situation through laws, although laws existed, for example, to punish the prostitution of minors. Solution to the problem was only possible through changing the root causes.

274. On article 7, the fact that women participated in the electorate in a lower proportion relative to their numerical strength in the population was acknowledged, but it was also noted that there had been increased participation recently deriving from women's increasing participation in work and in the trade unions. There were, however, no data on differences between the voting pattern of women and men since no figures were kept, although it could be noted that in the most recent election over 70 per cent of the eligible electorate in general had participated.

275. Regarding article 8, the representative stated that there had been efforts to increase the proportion of women in the diplomatic service and the representation of women was among the highest in the Latin American region, including offices at the top levels of the foreign ministry.

276. On the issue of nationality, under article 9, it was noted that in Peru the principle of both jus solis and jus sanguinis applied to determine nationality and, accordingly, there was no difference between women and men, as Peruvian citizens could pass nationality to their children through their registration.

277. Regarding education and article 10, it was stated that under the Constitution, 10 per cent of the public budget must be allocated to education. Universal primary education was a goal and out of a population of 20 million in 1985, 7.7 million were students, 80 per cent of them in free, State-funded institutions. There had been an average annual growth of 4.8 per cent in matriculation and one effect had been a decline by 1987 of illiteracy to 13 per cent of the population from a figure of 60 per cent at an earlier time.

278. In response to questions on article 11, it was stated that the legal structure did not permit inequality in the workplace, but there was considerable de facto discrimination due to attitudes and

customs and, although some measures had been taken, the problem persisted. Some special efforts had been undertaken to help women within the context of the economic crisis, including a programme to support temporary work through public works in which 76 per cent of the participants were women, direct support in the form of comedores populares most of whose members were women, and joint artisanal workshops, as well as a programme to provide subsidized foods.

279. Concerning article 12, the representative stated that abortions were legal only to protect the life of the woman, and there was a high number of clandestine abortions. In terms of family planning, the general population law referred to responsible paternity in the sense of an equal responsibility for both women and men, and family planning had been added to secondary school curriculum, but there were no programmes to make contraceptive devices available. The effect of the general lack of resources to provide health services could be seen in the return of incidences of tuberculosis, a disease that had almost disappeared in the 1970s.

280. With reference to rural women and article 14, it was noted that much of rural property was collectively held and women were among those permitted to obtain land under the system. The development of mothers' clubs, a self-help initiative of women themselves, which involved multiple economic efforts by women, had been a major development. Under the regionalisation policy, representatives of mothers' clubs were included by law in regional assemblies.

281. The existence of violence in the family, in terms of article 16, was acknowledged but it was stated that all violence was a crime but that violence inflicted by a family member was regarded more seriously and punished accordingly. There was a body in Peru entrusted with the responsibility referring to the national and international adoption procedures.

282. The Committee acknowledged the economic difficulties faced by Peru, but noted that it was particularly at times of national stress that women's strengths were needed and in that context, the importance of women's self-help movements and solidarity was stressed, both for the achievement of equal rights and of national development. In view of the constraints in providing detailed answers and information, it was decided to request the representative of the Government to transmit the Committee's questions to the appropriate national authorities who would in turn send answers to the Committee through the Committee's secretariat in Vienna.

283. The Committee noted that the report, while reflecting the difficult situation, had been prepared from a feminist perspective. It noted the scarcity of resources to implement programmes and that, when the economic and political situation improved, there would be the possibility to address the recommendations and concerns of the Committee.

## **CEDAW A/50/38 (1995)**

398. At its 275<sup>th</sup> meeting, on 27 January 1995, the Committee considered the second periodic report of Peru (CEDAW/C/13/Add.29).

399. In presenting the report, the representative underlined the importance that the Government of Peru attached to the implementation of the Convention, which it had ratified in 1982. She informed the Committee that she was presenting an updated version of the second periodic report, which had been submitted in 1991. The representative focused on the main features of Peruvian society, highlighting the wide differentiation existing between rural and urban areas, with specific laws for each, and the efforts to include these differences in the Constitution of 1993, including some ancient customs of the indigenous population. She highlighted the fact that terrorism, economic recession and hyperinflation had nearly led the country to a state of collapse, to which the Government had reacted with emergency measures for political stabilization and reconstruction of the country. The main measures taken included structural changes in the economy and in international economic relations, the promotion of human rights and democracy and the adoption of a new constitution adapted to the economic, political and social changes that had occurred during the past few years. She pointed out that the new Constitution was being implemented through the development of rules and institutions that would ensure its viability. Since 1993, a Programme for the Elimination of Poverty, financed from both national and international resources, was being implemented in the most affected areas of the country and with specific focus on education, health and justice.

400. The representative reported on the main current aspects of women's life in Peru. The public visibility of women was evident in the large number who participated in various levels of decision-making and as community leaders. This was explained by the high level of participation women have had during the past decade, as professional and community leaders, in actions for defense against violence and of providing for the basic needs of the people. She reported that the Government gave special importance to women's organizations and non-governmental organizations, for which it had created a law ensuring the support and financing of their activities. She informed the Committee that a Permanent Commission on Women's and Children's Rights had been created in the Ministry of Justice. This Commission, which has a coordinating function between the State and civil society, develops and disseminates studies and promotes the defense of human rights for women and children as well as legislative changes, and coordinates and promotes actions regarding women and children in coordination with the executive, civil society and international organizations. It evaluates its activities and develops a platform of action for women. The Commission includes members from governmental institutions, the Church, the private sector and non-governmental organizations concerned with issues related to women and children.

401. She also pointed out that, as a result of terrorism, there had been a growing number of women heads of households. Equality in access to education had nearly been reached and girls represented 50 and 40 per cent of students enrolled in primary and secondary levels of education, respectively. Women's access to formal market labour continued to be restricted by their parenting activities, which were not yet shared by men. Although, at the national level, fertility had declined and more

women knew about methods of contraception, there was a wide difference between rural and urban areas. She stated that the Constitution gave equality between women and men clear legal support and that the Civil Code, the Labour Code and the Children's Code were under review. The Government had appointed a growing number of women to top decision-making levels in all sectors of the executive, legislative and judicial systems.

#### General comments

402. The members of the Committee welcomed the fact that Peru had ratified the Convention without any reservations, that the Convention was an integral part of domestic Peruvian legislation, and that, in the event of any conflict, the Convention would prevail.

403. Members noted that Peru's second report did not take into account observations made by the Committee on the first report and did not even follow the Committee's guidelines. The representative emphasized that, in 1990, at the time of the preparation of the second report, the country's situation had been especially difficult and had impeded the normal functioning of several institutions. She informed the Committee that subsequent reports would take into account the guidelines for the preparation of the reports.

404. When the initial report was submitted, the Committee, while recognizing the enormous difficulties facing the country, had asked for more detailed information concerning the existence of women's organizations. Members noted that the current report did not provide relevant information on that point. Members also asked whether the report had been published. In reply to a question as to whether non-governmental organizations had been consulted, the representative informed the Committee that in Peru there were 110 women's non-governmental organizations, including eight networks, and that common action was being developed in order to promote a new social perception of women, gender perspective in social and economic policies and women's participation in decision-making.

405. Members expressed concern that the lack of official statistics on the status of women, to which the report referred, was a source of sexist prejudice which impeded the understanding of the situation of women in Peru. They wanted to know what the Government was doing to update or improve data pertaining to the status of women. The representative replied that subsequent reports would include statistics on women which were collected in the 1993 national census. The National Institute of Statistics and Computing had formed the Inter-institutional Commission for the System of Social Indicators on Children, Youth and Women for the generation and systematization of statistics on these groups.

406. In the context of legal initiatives undertaken since the initial report, one member asked which of the two Acts - No. 25011 and No. 23506 - afforded better protection against discrimination. The representative replied that law No. 23506, concerning habeas corpus and amparo, had been promulgated in 1982. That law had been modified in 1989 through law No. 25011, and in 1992 by legislative decree No. 25433. Those laws seek to guarantee individual freedom to men and women which can be enforced through the Constitution. She noted that, consequently, women can enforce the rights established in the Convention through those laws.

## Questions relating to articles

### Article 2

407. Article 101 of the Constitution provides that international treaties subscribed to by Peru shall subsequently form an integral part of national legislation, and that the Convention thus supports and protects women against all forms of discrimination. In reply to concerns raised by the Committee relating to the real force of this provision, the representative stated that, effectively, the Constitution of Peru provided that international treaties concluded by Peru formed part of municipal law, and, accordingly, article 2, which established that everybody is equal and cannot be discriminated against by reason of sex, was part of the law of the land. She agreed that despite the increase in the integration of women in public life during 1990, de facto inequality between women and men was still persistent.

408. Asked about the specific content of the equality clause in the National Population Law and whether recourse was available in the event that national equality legislation was not applied at the local level, the representative said that the National Population Law established equality between men and women where family planning was concerned and provided recourse to courts.

409. The report stated that relatively minor provisions of the former Civil Code concerning women had been retained in the new Code, which was promulgated in 1984. Members of the Committee requested information on how many cases had been heard by the courts under the new Civil Code with a view to halting activities that discriminate against women. The representative said that the Civil Code of 1936, which discriminated against women, had been replaced by the 1984 Civil Code after the promulgation of the 1979 Constitution, and that the main changes introduced concerning discrimination were with respect to married women. She informed the Committee that there was no information on cases of discrimination or their prosecution by the judiciary and that studies are required in this regard.

### Article 3

410. As to the new Constitution which entered into force in December 1993, various concerns had been expressed with respect to a number of elements, especially the fact that the principle of fundamental equality had been eliminated and that economic, social and cultural rights had been omitted from the category of fundamental rights. It was also pointed out that, by and large, the State no longer shouldered the responsibility for social welfare, such as the provision of health services, education and land redistribution; it was feared that all this had negative repercussions for women and had affected their status. The representative emphasized that the 1993 Political Constitution of Peru included chapters on "The Fundamental Rights of the Person", "Social and Economic Rights" and "Political Rights and Obligations". These three chapters made specific reference to the role of the State in the area of employment, health, education, security, public services and infrastructure. Furthermore, she pointed out, the Government had given priority to the elimination of poverty by the establishment of a large programme of public expenditure on education, health and basic justice. This social policy put special emphasis on the most vulnerable sectors of the population,



specifically women and children. Furthermore, article 4 of the Constitution clearly stated that the community and the State are both responsible for the protection of abandoned children, adolescents, mothers and the elderly. Following the 1993 Constitution, land distribution was effected through market mechanisms.

411. As to the questions of specific integrated policies for women, the representative informed the Committee of the public policy regarding women and its objectives. These include: access to decision-making, equality and equity in the benefits of development, equality with men in political participation and citizenship, incorporation of gender equity in the mainstream of public policies and elimination of cultural and attitudinal sex stereotypes. She further emphasized that the Government was coordinating its action with that of women's NGOs, specifically in nutrition, health, education programmes and in rural areas. She also made reference to other coordinating activities around specific issues.

412. Asked whether a Police Commissioner's Office for Women has been created and, if so, how it operated, the representative replied that, since 1988, the Government had opened 12 women's police offices. These offices, which have the support of women's NGOs, offer affected women legal, psychological and social advice. These actions have the support of women's NGOs.

#### Article 5

413. Members of the Committee noted that human rights organizations had documented cases of rape perpetrated against rural and indigenous women in areas subject to civil strife. There are reports of 40 instances of rape allegedly committed by security forces in the course of interrogations in such areas. It had been estimated that only 10 per cent of all rape victims officially reported the crime because it is difficult to prosecute perpetrators. There were also reports of rape by members of Shining Path. In reply to requests for more information about the causes of violence experienced by these women and preventive action that has been taken, the representative informed the Committee that, according to investigations carried out by the Government and NGOs women had been the victims of terrorist activities by the Shining Path and the Revolutionary Movement of Tupac Amaru, as well as in some instances by the security police force. Investigations were under way to prosecute such crimes.

414. Peruvian non-governmental organizations have compiled very thorough data on violence against women, and members of the Committee wanted to know what concrete steps or initiatives the Government had taken to protect the fundamental human rights and dignity of women and the physical integrity of its citizens. In reply, the representative said that law No. 26260, promulgated in 1993, established the legal framework to confront domestic violence. That law, which was currently being implemented and disseminated, had been accompanied by the creation, in the capital, of advice centres for women. Other measures were being implemented, including changes in school curricula, campaigns for the dissemination of the law and its importance and the opening of a greater number of women commissioner's offices.

#### Article 6

415. When the initial report had been considered, further information had been sought with respect to the extent of prostitution, the role played in that phenomenon by poverty and the steps taken to combat it, including the establishment of health identification cards. While the current report described a disturbing increase in the number of women engaged in drug-trafficking and terrorism, no mention was made of the problem of prostitution, even though the aforementioned activities generally led to prostitution. The representative was requested to inform the Committee whether houses of prostitution were widespread and health checks effective. The representative informed the Committee that the Penal Code regulated prostitution and included obligatory sanitary control. She pointed to studies carried out by NGOs and to studies planned by the Government to obtain more information and statistics on this issue. Child prostitution was condemned in the legal code.

416. Replying to a question as to whether the Ministry of Justice had taken any steps to improve the condition of female prisoners, the representative said that women prisoners represented nearly 10 per cent of the total of prisoners and that they were placed in prisons exclusive to women, mostly attended by women officers. Supreme resolution No. 047-92-JUS specified that children of female prisoners up to the age of three could be accommodated in separate child-care centres. She noted that many of the leaders of the terrorist movement were women. She also noted that training programmes in human rights were developed for police officers in this respect.

#### Article 7

417. Asked about specific measures taken by the Government to increase women's participation in the decision-making process, the representative informed the Committee that the Government had appointed two women ministers and increased women's visibility by nominating them to various levels of decision-making in central government and its autonomous agencies.

418. Regarding the request for specific information on women in the various sectors of public affairs, and especially in politics, she informed the Committee that in 1979 the right to vote had been extended to illiterates, who were mostly women. However, the political participation of women was very low and its growth slow; she quoted statistics showing that at the local level, in the country and Lima, respectively, 5 per cent and 11.6 per cent of mayors were women. In 1990, women represented 40 per cent of members in the professional organization of accountants, and 20 to 25 per cent of members in professional organizations of doctors, lawyers, architects and odontologists. However, she also emphasized that the political crisis had placed many women in leadership positions in important political parties and that, at the local level, poverty and political violence had given women a leadership role, where they had acquired negotiating and managerial skills.

419. The representative was asked for information on the participation on women in the current Parliament as compared to 1991. The representative informed the Committee that, in 1992, the proportion of women in the Congress was slightly higher than in the past, i.e., currently 8 per cent.

#### Article 11

420. According to the report, 81 per cent of all women are unemployed or underemployed.

Problems relating to women's employment were particularly important because 23 per cent of all Peruvian households were headed by women. This was also significant in view of the fact that women have access to various vocational education and training programmes. In addressing the reasons for the unemployment rates of women, the representative emphasized that the heavy burden of family responsibilities was still impeding women's employment. She informed the Committee that child-care alternatives had been introduced by civil society and that the Government was working in cooperation with the United Nations Children's Fund (UNICEF) to set up child-care centres and to open up job opportunities for women.

421. The representative informed the Committee that law No. 24705 of 1987, which qualified home-makers as independent workers and, in consequence, allowed them to have access to health services and pension schemes guaranteed by social security, was being implemented.

422. In reply to a question concerning the proportion of women who could obtain access to social security protection, the representative said that article 12 of the Constitution established that the Government guarantees social security to all. Working women, whether employed, or self-employed independent workers, have access to social security, as do those who are 55 years old and have contributed to the social security system for at least five years.

423. Asked about the sectors in which women and men were typically employed, the representative said that, in 1991, 67 per cent of economically active women were engaged in tertiary activities. That represented a 10 per cent increase compared with 1981.

#### Article 12

424. Since family planning information and advisory services are provided by private agencies and financed by international organizations, members wanted information on the percentage of the population involved in family planning, on the profile of the population served by family planning and on the initiatives the Government was taking in this context. In reply to the Committee's concerns, the representative informed it that knowledge about family planning methods among married women is widespread. Fifty-nine per cent of women of fertile age (15 to 44 years) had employed some form of contraception: 56 per cent of them used modern methods and 44 per cent preferred traditional methods. The natural rhythm method seemed to be on the rise. She indicated that the choice of method was directly linked to location (urban or rural) and to the level of education, with women living in urban areas and with a high level of education tending to choose modern methods. In so far as public action in this context was concerned, the representative informed the Committee that the National Fund for Compensation and Social Development, one of the main programmes directed to the elimination of poverty, had directed 7 per cent of its budget to the health sector, mostly for the improvement and expansion of health centres. Although the current coverage of the health infrastructure per capita was inadequate, she noted that it had doubled since the last decade. Public institutions in charge of family planning were the National Council of Population, the Ministry of Health and the Peruvian Institute for Social Security.

425. In reply to questions regarding the legislation relating to abortion and its practice, the representative informed the Committee that the Penal Code of 1991, which replaced that of 1924,

provided for imprisonment up to two years in practice, however service for illegal abortion was implemented. She stated that the Peruvian Government considered abortion to be a serious public health issue and the principal cause of mortal maternity, especially among poor women. She added that the law provided only for therapeutic abortion, which was available only when the mother's health or life was in danger. Doctors had to face a more severe punishment depending on whether the woman had consented and whether the abortion had led to her injury or death.

426. Members requested information on the country's population policy, as well as more statistical data on the health situation. They also asked whether data were available on the prevalence of contraception. The representative quoted statistics which showed that in 1993, the maternal mortality rate was 261 per 100,000, a decrease since 1981, when the rate had been 321. She informed the Committee that maternal mortality rates among women without formal education were higher than the national average and higher than the rate 10 years previously. The main factors identified as causes were abortion and inadequate sanitation. Estimates of rates of infant and child mortality were an average of 64 and 92, respectively, per thousand for the period 1981-1991. The representative informed the Committee that in Peru only half of childbirths were attended by professionals. However, in rural areas only 18 per cent of births were attended. She pointed out that the number of persons affected by human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) was increasing and that the registered number in 1992-1993 was higher than the total registered from 1983 to 1991. She said that there was a growing proportion of women and children among the affected. She emphasized that, despite the growing incidence of HIV/AIDS, insufficient attention had been paid to the disease and the response of the judicial-legal system to it was inadequate. She informed the Committee that when the disease had been first discovered, there was only one woman victim for each 20 affected men; today, the proportion was one woman for each four men. She stated that this increase reflects women's social, biological and epidemiological vulnerability.

#### Article 14

427. Most rural women in Peru were said to be occupied in the most traditional forms of farming, in which they undertook the most menial tasks. In reply to a question about whether any measures were planned to improve that situation, the representative said that rural women had a leading role in their communities because during the past decade many men had died or migrated. She confirmed that most women were not involved in income-generating activities. She indicated that the Government was implementing a project which recognized women's rights to have access to the land which they directly worked and thus access to wealth. Another project, designed to allow the transfer of technology to rural areas, included the participation of women as extension agents. She said that a network, led by the Food and Agriculture Organization of the United Nations (FAO) and made up of several institutions from the public and private sectors, had been created for the support of rural women.

428. Members expressed concern at the fact that, in the absence of decentralization called for under the national regionalization plan, women were denied any involvement in decision-making. The representative recalled that violence and economic crises had induced rural women to assume various public duties. She emphasized that, during the previous decade, the role of women and the

perception society had of them, as well as the expectations of women themselves, had changed. Nevertheless, she noted that, although women were increasingly integrated and accepted in the public sphere, women's equality within the private sphere remained a problem.

429. In reply to a question about concrete steps the Government had taken to raise the living standards of indigenous women, the representative said that the Government had primarily directed its efforts to supporting the basic needs of rural women. At the present time, the Ministry of Agriculture was developing programmes for women's access to resources. It was also coordinating the network of international and national organizations for the support of rural women, through their organization and the management of credit.

### Article 16

430. Members of the Committee requested more detailed information on the Family Code, divorce and differential views on adultery by men and women. The representative informed the Committee that the Peruvian Civil Code included a chapter on divorce which did not discriminate between women and men. Replying to questions relating to the provision of alimony after divorce, the representative said that alimony was awarded, without distinction between women and men, to the partner who had fewer economic resources and this obligation ceased automatically if the person receiving alimony remarried.

431. Replying to the Committee's request that it be provided with statistics on divorce and child custody (maternal/paternal/other), the representative said that the Government was in the process of developing statistics on the subject and identifying the main variables for their study.

### Concluding comments of the Committee

#### Introduction

432. The Committee commended the Government of Peru for ratifying the Convention without reservations. The report did not follow the general guidelines and lacked important details such as comparative statistics over time. Information requested by the Committee when the initial report was submitted were not provided in the second periodic report. One such information was the involvement of women's organizations in the preparation of the report.

#### Positive aspects

433. The Committee noted that the Convention was an integral part of the Peruvian domestic legislation and in the event of any conflict, the Convention prevailed.

434. The Committee noted that although the Special Commission on Women's Rights was terminated in 1990, a Permanent Commission on Women and Children's Rights had been established in 1994 to coordinate activities relating to women's rights.

435. The Committee noted the passage of a Domestic Violence Law, which had been supported by many women's groups. It would complement the work of Police Stations (Comisarias de Policia)

in dealing with cases related to violence against women. Likewise, a law prohibiting discrimination against pregnant women had been passed.

436. The Committee noted the increase in women judges in Peru.

#### Principal subjects of concern

437. The Committee asserted that peace and development were essential for promoting women's rights and should be pursued, even as the Government was trying to extricate itself from political crisis. Concern was raised about the effects of recent political developments in Peru on women, particularly in the exercise of their civil liberties.

438. The Committee raised concern about reports of rape, gang rape and custodial rape which had been documented by human rights organizations, especially those occurring in the "emergency zones" and affecting indigenous and peasant women.

439. Special concern was expressed by the Committee to the plight of displaced/refugee women and children in resettlement areas.

440. High unemployment rates among women was another matter of concern of the Committee. It had forced women to seek employment in the informal sector without access to credit, social benefits and other supportive infrastructure.

441. The Committee was alarmed to note that women were resorting to small-scale drug trafficking as a means of survival.

442. Whereas women had been entering universities in increasing numbers, illiteracy among women still remained high.

443. The health status of women and children in Peru was of great concern to the Committee, particularly as regards high maternal mortality rates resulting from clandestine abortions.

#### Suggestions and recommendations

444. The Committee calls upon the Government to ensure the provision of social services as education, employment and health as this greatly affects women.

445. The Committee strongly recommends the strengthening of the National Council for Human Rights in its investigation of human rights abuses against women detainees and civilians and calls for more updated and gender-disaggregated information on the Nationwide Register of Detainees as well as cases of enforced disappearances.

446. The Committee urges the Government to look into the causes of high maternal mortality rates arising from clandestine abortions and to review the law on abortion, taking into consideration the health needs of women and to consider suspending the penalty of imprisonment for women who

have undergone illegal abortion procedures.

447. The Committee suggests further that the Government seek the cooperation of medical associations and of judges and lawyers to consider more expansive use of the therapeutic exception to the criminal prohibition of abortion, in cases of danger to the mother's health.

448. The Committee calls for more effective measures to hasten the reintegration of displaced and refugee women into society.

449. The Committee encourages the Government of Peru to take measures that the strengthening of the family leads simultaneously to a strengthening of individual rights of women and to an equal distribution of responsibilities between women and men.

450. The Committee recommends that the organ which was created to coordinate the activities regarding women's rights be politically and administratively strengthened in order to coordinate public policies aimed at improving the situation and position of women.

451. The Committee asks that the subsequent report be written in conformity with the reporting guidelines and contain comparative statistics.

## **CEDAW A/53/38/Rev.1 (1998)**

292. The Committee considered the combined third and fourth periodic reports of Peru (CEDAW/C/PER/3-4) at its 397<sup>th</sup> and 398<sup>th</sup> 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 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 officers 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 households, 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 governmental 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 retraining 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 and 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.

### **CEDAW A/57/38 part III (2002)**

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".