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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 1087th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Thursday, 12 January 2006, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third periodic report of Peru (CRC/C/125/Add.6; CRC/C/Q/PER/3; HRI/CORE/1/Add.43/Rev.1)

1. At the invitation of the Chairperson, Ms. Calle, Ms. Romero-Lozada, Mr. Ruiz-Eldredge Vargas, Mr. Sánchez Barba and Mr. Uribe Neyra (Peru) took places at the Committee table.
2. Ms. ROMERO-LOZADA (Peru), introducing the third periodic report of Peru (CRC/C/125/Add.6), said that, with a view to meeting its obligations under the Convention on the Rights of the Child and attaining the United Nations Millennium Development Goals, the Government had established the National Agreement Forum which, with the participation of civil society, had drafted seven long-term State policies on children and adolescents. The adoption of the National Action Plan for Children and Adolescents 2002-2010 had been a result of that process. A number of short-term policies had also been adopted, including a declaration on children which established the human rights of children and adolescents as a priority for the State and society. To that end, the Government had approved a road map for the period 2004-2006 which aimed to have children registered, nourished, vaccinated and well educated, and Congress had embodied the National Action Plan in an act which enabled the prioritization of children in programmes and budgets at the national, regional and local government levels.
3. Although Peru's economy had grown by 24 per cent between 2001 and 2005, total poverty had decreased by only 2.7 per cent, which highlighted the limitations imposed by the structural nature of inequity and social exclusion, particularly for children and adolescents. One of the challenges faced by the national system for the comprehensive care of children was to make social programmes aimed at children more effective and efficient and adapt them to the decentralization process. The "Together" programme, which involved a number of ministries and representatives of business and civil society, aimed to guarantee the right to identity, nutrition, health and education of children and adolescents between the ages of 6 months and 14 years, primarily in rural and indigenous areas, by means of direct payments to their mothers.
4. The Government had established the Ministry for Women and Social Development in 2003 as the lead agency of the national system for the comprehensive care of children and adolescents. The Ministry promoted the mobilization of civil society, particularly the poor, with the objective of reducing poverty, and was making the transition from providing assistance to developing capacities to allow for access to opportunities and the exercise of basic rights. The Ministry had undergone a complex process of internal restructuring which would allow greater specialization and complementarity of its implementation units and programmes, better matches between policies and investments, and improved efficiency of State policy for children and adolescents.
5. The Government had placed special emphasis on tackling problems such as commercial sexual exploitation, non-registration of births, sexual abuse, abandonment and malnourishment. Important results in that area included the enactment of a law which provided for severe

punishment for perpetrators of crimes of a sexual nature against children and adolescents, the drafting of guidelines for intervention in cases of commercial sexual exploitation of children, a programme for 2006-2010 to combat the problem, and the drafting of a guide for the care of victims of child sexual abuse. In addition, procedures for child protection investigations had been simplified, facilitating adoption processes with all necessary guarantees. A specific item relating to care for children and adolescents had been introduced in the State's general budget for 2006, including provisions for the implementation of the National Plan of Action for Children and Adolescents 2002-2010.

6. Ms. ORTIZ said that the Committee's guidelines for the preparation of reports should be consulted before preparing the next report to ensure that the correct format was followed. She would welcome information on the organizations involved in drafting the report and whether it had been broadly disseminated.

7. The Committee welcomed the adoption of the National Action Plan for Children and Adolescents, the National Programme to Combat Domestic and Sexual Violence and the plan for the prevention and elimination of child labour, and as well as the ratification of the two Optional Protocols to the Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. She would welcome further information on the drafting, implementation, dissemination and results, if any, of new plans and legislation.

8. It was regrettable that a number of the Committee's concerns had been overlooked or mentioned only briefly in the report, such as the allocation of resources, the births register, physical and sexual abuse of children, children with disabilities, regional disparities in access to health care and education, discrimination against street children, and the juvenile justice system.

9. She requested information on the findings of the Truth and Reconciliation Commission with regard to children who had been victims of political violence.

10. Despite Peru's economic growth in recent years, there had been a decrease in budgetary allocations for health, nutrition and education programmes for children and adolescents, and it appeared that resources were being used inefficiently. According to one study, a large percentage of the beneficiaries of programmes to combat child malnutrition had not belonged to the programme's target group. She would be interested to hear the delegation's comments.

11. The Committee was particularly concerned that from 2005 the Department for Children and Adolescents was no longer within the Ministry for Women and Social Development but had been placed under the new Department for Family and Community, at practically the lowest level within a ministry. She would be interested to hear what the Government had hoped to achieve by moving the Department for Children and Adolescents, and in what way the new structure was expected to deal with the challenges imposed by the Convention.

12. In addition, the Committee had been informed that the Office for the National Plan of Action for Children and Adolescents, which had been responsible for implementing the Plan, had been abolished, as had the Office of the Children's Ombudsman, which had had the role of developing policy for the decentralized services dealing with the infringement of children's rights.

13. Mr. SIDDIQUI asked how effective decentralization efforts had been with relation to children's rights. Were women, the poor and indigenous people well represented in the decentralized institutions? He would be interested to hear whether the law allowed for close collaboration between those institutions and children's and other non-governmental organizations (NGOs), whether the funds allocated to those institutions had increased over the years, and how well reflected the children's agenda was in their functions. What measures had been taken to improve institutional capacity, particularly in the Indian and Amazon regions?
14. It appeared that the implementation of programmes for children, such as the "Glass of milk" programme, was inefficient. He wondered whether that was due to corruption, a lack of resources, poor management or inappropriate targeting.
15. He requested clarification of Peru's recent poverty trends. He asked whether the National Poverty Eradication Plan was child sensitive and consistent with the National Plan of Action for Children and Adolescents. Was the highest authority in the Government directly involved in the implementation and monitoring of the two plans?
16. He would be interested to hear what progress was being made in achieving the Millennium Development Goals in general, but particularly those related to children.
17. He wondered whether the recent anti-begging law was consistent with elevating child poverty.
18. Ms. AL-THANI requested information on reports of a high number of disappearances of children between 2002 and 2005, particularly in the Ayacucho region.
19. In the light of Peru's active involvement in the regional consultation on the United Nations Secretary-General's study on violence against children, she wondered what had been done to incorporate the issues raised at that meeting into the National Programme to Combat Domestic and Sexual Violence, and what progress had been made.
20. Although prohibited under the Criminal Code, corporal punishment was widely accepted by society. She therefore wondered whether the Government intended to prohibit the practice specifically in the home and in schools and institutions, and whether there were plans to raise awareness of non-violent forms of discipline.
21. Mr. KRAPPMANN asked why, rather than a single national office of the children's ombudsman, there was a network of some 1,300 children's ombudsmen, and requested further information on the network. Was he correct in thinking that the ombudsmen worked on a voluntary basis? He would be interested to hear the kind of cases dealt with by the ombudsmen, and whether they were used as indicators of serious structural problems.
22. He asked how successful the Government's efforts had been to increase children's participation in family life, public life and education. Although the Government had spoken about the establishment of a culture of dialogue, he had been informed that several decisions with significant consequences for children and young people, such as the adoption of the law to

prohibit begging, had been taken without consulting or informing the children concerned. He asked what efforts were being made to ensure that children were included in the culture of dialogue.

23. Ms. Yanghee LEE requested clarification of the number of disabled children in Peru, and statistics on types of disability. She asked what measures were being taken to provide services for disabled children in remote rural areas. She wished to know how many children were affected by the poor conditions and lack of capacity in children's shelters, mentioned in the third periodic report (para. 175). She asked what happened to the children who were left to wander the streets, and how many children were deprived of their family environment as a result of disability. She wished to know what measures were being taken to improve education services for indigenous children in indigenous languages. She wondered how the rights of children born out of wedlock were protected.

24. Ms. OUEDRAOGO asked why the report had not been drafted in accordance with the Committee's guidelines. She wished to know how children were selected or appointed to participate in the network of teenage leaders. She asked whether the network could be used to disseminate the text of the Convention and inform children of their rights and how to exercise them. She wondered whether the establishment of the network was a government response to counterbalance gang culture, and whether the representatives of the network were able to transmit children's opinions to the Government.

25. According to the Committee's information, decentralization was not having a positive impact in the poorest regions, which were lacking in institutions, investment and programmes for implementing social policy. She asked what measures would be taken to ensure that government programmes for social development and welfare would be adequately implemented in the Amazon and Andes regions, and what additional measures would be taken to improve the situation in those areas.

26. She asked what efforts were being made to identify and overcome the obstacles to registering children at birth. Although short-term measures were being taken, she asked how the Government planned to improve registration procedures in the long term. She wondered whether steps were being taken to register children who had not been registered at birth. She wondered how birth registration was ensured for indigenous children, and whether indigenous parents enjoyed the right to choose traditional indigenous names for their children.

27. Mr. KOTRANE asked who had been responsible for drafting the third periodic report. Although the report was very critical of the situation in Peru, and demonstrated the Government's commitment to improving children's rights, it lacked information on the measures that were being or would be taken to that end.

28. Ms. ORTIZ wished to know what measures were taken to ensure that domestic legislation, particularly the law that prohibited begging, was fully in line with the Convention. She asked how the Children's and Adolescents' Code was applied, and who was responsible for ensuring its effective implementation.

The meeting was suspended at 11.05 a.m. and resumed at 11.20 a.m.

29. Mr. RUIZ-ELDREDGE VARGAS (Peru) said that the third periodic report had been drafted by the Division for the Welfare of Children and Adolescents of the Ministry for Women and Social Development. The Government would endeavour to comply with the Committee's guidelines when drafting its future reports. The Ministry for Women and Social Development had been restructured and the Division for the Welfare of Children and Adolescents, which promoted the family as the most appropriate environment for children's development and the protection of their rights, had been given increased responsibility and duties in order to ensure the provision of integrated care for children and adolescents. There were some 1,600 children's rights defenders working across the country, whose activities were regulated by a central office, which was directly linked to the Ministry for Women and Social Development.
30. Mr. SÁNCHEZ BARBA (Peru) said that current poverty alleviation measures were not sufficient to improve the situation of all children living in poverty. Although there had been significant economic growth over the past four years and targeted measures taken in particularly poor rural areas had resulted in poverty reduction, there was still considerable regional disparity, which meant that some sectors of society could not enjoy all their rights. The Government had made considerable efforts to target its programmes towards vulnerable communities, and had launched a campaign aimed at providing food, health and education services for the poorest families, in particular indigenous children, with support and participation from the Government, civil society and private sector enterprises. The campaign was an attempt to implement the recommendations of the Peruvian Truth and Reconciliation Commission.
31. The Government was introducing new standards for budgeting, in order to ensure transparency in the allocation of resources for children's affairs by each ministry. Civil society, political parties and a variety of government ministries had participated in the decision to prioritize children's food, health and education programmes, and guarantee their funding, irrespective of any fluctuations in the State budget and political situation.
32. Turning to the issue of violence, he said that close attention had been paid to the recommendations made by the Truth and Reconciliation Commission, and the Ministries for Health, Education and Women and Social Development had established reparation programmes, which had been approved by Parliament. A general directorate had been established to address issues relating to displacement and the promotion of peace. A State-funded programme to combat political violence had been established, targeting the 70 poorest districts, and the Government was cooperating with private enterprises in an ongoing effort to promote peace and provide reparation to and rehabilitation for victims of political violence.
33. Efforts were being made to pay adequate attention to children's affairs at all levels of the decentralization process, and regional and local authorities were working with civil society to integrate children's needs into local policies. Children were being encouraged to participate in civil society at the local and regional levels.
34. The CHAIRPERSON asked to what extent civil society was involved in implementing the National Poverty Eradication Plan that aimed to increase access to food, health and education. It would be useful to know whether the minimum budgetary standards for health and education included a minimum percentage of gross domestic product (GDP), particularly since the education budget had decreased from 2.3 per cent of GDP in 2004 to 2.1 per cent in 2005.

35. Mr. SÁNCHEZ BARBA (Peru) said that the National Poverty Eradication Plan had been established by a working group with members from four ministries and four civil society representatives, and chaired by an independent expert. Regional and local authorities and members of civil society participated in drafting programmes under the plan. Local working groups were involved in identifying the most vulnerable people in each community and allocating resources to meet their needs, ensuring a targeted approach to poverty eradication.

36. Criticism of the “Glass of milk” programme had been based on the finding that most of the food purchased under the programme had been bought in Lima. The report had erroneously concluded that the majority of the supplies had also been distributed in the capital. Investigations by the Ministry for Women and Social Development had found that food distribution under the programme was well targeted, reaching many people who were living in extreme poverty.

37. While the Government was far from reaching its objective of an allocation of 6 per cent of GDP to education, budgetary resources assigned to health and education had in fact increased. The statistics quoted in the written replies were based only on the national budget. A large proportion of regional government budgets were allocated to education and health. It was only when regional spending was taken into account that the true picture was revealed.

38. Mr. URIBE NEYRA (Peru) added that spending on education had increased between 2000 and 2005. Particular focus had been placed on developing children’s basic literacy and numeracy skills at primary school. To that end, the budgets allocated to developing those skills had been protected, and any increase in resources would be directed to that area.

39. Mr. RUIZ-ELDREDGE VARGAS (Peru) said that a unit dedicated to ensuring that the State upheld children’s rights existed in the Office of the National Ombudsman. A working group had also been established to monitor the level of care given to children living in institutions. That group consisted of members of civil society, government representatives and staff of the National Ombudsman. Several other ombudsmen existed in schools and churches, and at the municipal and community levels. The network of ombudsmen worked to protect the rights of the child, such as the right to food, the right to birth registration, and protection from domestic violence. Some of the offices provided non-legal mediation services, particularly in an effort to ensure respect for the child’s right to a family. The commitments made during such mediation, such as custody arrangements, were legally binding. Ombudsmen also carried out awareness-raising activities on children’s rights in both private and State institutions. Children and young people were members of ombudsman offices, often taking part in awareness-raising and monitoring of children’s rights. Children had direct, free access to ombudsman offices.

40. Training on children’s rights had been provided to the National Police, particularly for officers working closely with families. Instruction had focused on appropriate treatment for child victims of sexual abuse and violence, and provision had been made for specialist care for victims from psychologists and social workers, among others.

41. Ms. ORTIZ asked whether the Government planned to introduce any ongoing training for law enforcement agencies, and if so, which body would be responsible for such training. In the light of reports of the poor reception provided by police officers to victims of abuse, a single training initiative seemed somewhat inadequate.

42. Mr. RUIZ-ELDREDGE VARGAS (Peru) said that since ongoing training was indeed a priority, the Government was striving to equip the wide network of ombudsmen with the skills to provide appropriate instruction on children's rights. NGOs and community groups lent their support to the State's efforts to prioritize that training. Several other bodies were working to ensure that police officers responded to complaints of abuse of children's rights in an appropriate fashion, and that adequate support was provided to all victims. New legislation had introduced severe punishments, including life imprisonment, for offences involving sexual abuse of children, child pornography, child sex tourism, and the commercial sexual exploitation of children.

43. Mr. URIBE NEYRA (Peru) said that the Ministry of Education considered that all State schools should have school ombudsmen. The 1,500 ombudsmen who had already been appointed oversaw the implementation of the rights of the child. They consisted of teachers, assistant teachers and administrative staff and were elected annually by the pupils. Field workers were pupils who were likewise elected democratically on an annual basis by their schoolmates. Support staff, who were drawn from social workers, psychologists or other professionals, backed up the work of the ombudsmen.

44. The 2006 guidelines on the education sector strengthened the institutions of the ombudsman, school supervisory boards and school disciplinary committees. The emphasis was placed on consensus rather than on punishment in order to ensure a harmonious atmosphere in schools. In the context of children's participation it was also important to mention that school councils were elected democratically every year.

45. Ms. CALLE (Peru) explained that health ombudsmen were appointed to coordinate the activities of civil society and State bodies and to supervise compliance with children's right to health, which was understood to mean the provision not only of health services for children but also of the means to monitor social aspects of health. The health ombudsmen were decentralized institutions operating at the regional and local levels. Their work would help the country to achieve the Millennium Development Goals, including that of reducing maternal and infant mortality.

46. The Ministry of Health had embarked on a crusade to enhance the participation of children and, as a result, it had received thousands of letters from children from all over the country in which they frankly described their health problems, the treatment they received at health-care centres and the measures they deemed necessary in order to improve their health. Health professionals, many of whom had been victims of the violence which had marred the country's recent history, had put forward ideas on how to improve children's health in what was a long-term exercise.

47. Ms. ORTIZ said that the State reportedly provided little support to child victims of sexual exploitation, focusing rather on legislative and punitive measures. Victims had no guarantee of finding the necessary support, since it was provided almost exclusively by NGOs. Moreover, the judicial apparatus appeared not to enforce legislation, effectively granting rapists and traffickers impunity.

48. She expressed surprise at the large number of young people being cared for in homes run by the National Family Welfare Institute (INABIF). How many of those children were really orphans? She felt that Peruvian society did not attach due importance to maintaining crucial family bonds. The Government did, however, deserve to be congratulated for the very effective manner in which it had handled the delicate issue of adoption. Would it not be possible to turn to good account the insight it had gained into the advisability of preserving family links and cooperating with civil society and so revise the practice of placing children in institutional care. She therefore wished to know how the activities of the Institute and those of the Ministry for Women and Social Development were coordinated.

49. Mr. KOTRANE asked if domestic labour by children was a source of concern to the Government. What measures were being taken to reinforce mechanisms and procedures to combat such practices? Had a commission been set up to revise the Labour Code? He wondered if the country had enough properly trained labour inspectors and enquired if they had the power to enter commercial or industrial premises at any time of the day or night in order to detect and record infringements of labour standards.

50. He believed that although ostensibly Peruvian legislation on juvenile justice was in line with the Convention, it was in fact feebly applied insofar as young people could be held in the same detention centres as adults. He was therefore eager to know if any plans existed to make juvenile justice fully consonant with the Convention and other relevant United Nations instruments.

51. Mr. KRAPPMANN said that he would welcome information on any programmes put in place to protect poor children from the detrimental consequences of poverty. From data published by the Ministry of the Economy and Finance, it would seem that education budgets were lowest in areas where poverty was rife. The conclusion must therefore be drawn that the money available was not being spent in the places where it was most needed. He would appreciate the delegation's comments. He feared that private schools might be attracting the brightest pupils and thereby lowering the quality of education in State schools. He was likewise curious to know what strategies were being employed to boost school attendance rates and increase the percentage of young people who actually completed primary and secondary schooling. Would it be possible to combine work and education and to provide vocational training in schools so as to equip youngsters with the life skills they needed?

52. Ms. AL-THANI asked what action was being taken to reduce the huge regional disparities in health care. In her opinion, not enough headway had been made towards ensuring that 100 per cent of the population was covered by health insurance and she asked for more information about the health promotion model. Given the possibility that trade agreements

might limit the production of generic drugs, she would like to know what steps the Government had taken to ensure that children, especially those living with HIV/AIDS, received the medication they required. Similarly, she wanted to have more details of the way in which the health authorities were dealing with the problem of hepatitis B. What measures had been adopted to encourage women to breastfeed their babies? Why were breastfeeding rates falling? She observed that progress to reduce chronic malnutrition was disappointing notwithstanding the national food aid programme.

53. How were the linked issues of adolescent health and poverty being addressed in order to prevent deviant sexual behaviour and drug addiction? Were abortions illegal and did backstreet abortions account for the high mortality rate associated with the termination of teenage pregnancies? Did the fact that juvenile drug addicts were not treated in separate facilities mean that there were no special mental health services and facilities for young people? She noted that there was a rising incidence of HIV/AIDS infection among youngsters and was concerned that women's lack of access to testing and antiretroviral drugs was probably leading to a higher rate of mother-to-child transmission than suggested by the data in the third periodic report. She was likewise concerned that children living with HIV/AIDS were subjected to stigmatization and marked discrimination.

54. Lastly she enquired if the Government had a policy on environmentally friendly waste disposal and what it was doing to improve sanitation and access to clean drinking water and to reduce disparities in that connection.

55. Ms. Yanghee LEE asked what steps were being taken to improve the access to education of the indigenous population and to facilitate the inclusion in society of children with disabilities. She also wished to know how the Government intended to address the issue of sex tourism in the Amazon region.

56. She was worried about the fact that many youngsters in the 5-17 age bracket were working in dangerous jobs or were engaged in domestic labour and that a substantial proportion of those children were not attending school. She requested the delegation to respond.

57. Ms. OUEDRAOGO voiced concern about the victimization of children who had been sexually exploited. She believed that more emphasis should be placed on their social reintegration. Paragraph 217 of the report had referred to the need to find alternative means of tackling the problem of gang violence, but it had not specified what measures were being contemplated. Perhaps the members of youth gangs should be invited to participate in the quest for solutions, as they were in the best position to articulate their own needs. Such an approach would undoubtedly help to ensure the success of any programmes to end gang violence.

58. The CHAIRPERSON wished to know if the Peruvian Government intended to raise the minimum working age to 15, given that that was the age at which compulsory schooling ended. A lower minimum working age meant that children could be employed before they had completed their education.

59. As 120 of the 170 labour inspectors were located in Lima, how effective were they in investigating violations of labour law outside urban areas? Did they receive any specific training to alert them to the type of workplace where children might be open to abuse or exploitation? What had been the result of the exercise to identify the worst forms of child labour? Had inspectors been provided with the list? How did the Government view working children? In what way were young people involved in action to reduce child labour?

60. He wondered if there was a legal definition of “beggar” and expressed concern over reports that the Government was considering lowering the minimum age of criminal responsibility, which was currently set at 18, and over information from the delegation that would seem to indicate that young people under that age were in fact prosecuted.

61. Although the law clearly banned intentional negative discrimination, it was obvious that children living in the Amazon region and in other remote areas did not enjoy equal rights with regard to access to education, health care and clean drinking water. Did Peru have any positive discrimination in favour of the underprivileged, or had any measures been introduced to give extra support to people in areas lacking services?

The meeting rose at 1 p.m.