

2 February 2007

Original: English

ADVANCE UNEDITED VERSION

**Committee on the Elimination of Discrimination
against Women****Thirty-seventh session**

15 January-2 February 2007

**Concluding comments of the Committee on the Elimination
of Discrimination against Women: Peru**

1. The Committee considered the sixth periodic report of Peru (CEDAW/C/PER/6) at its 763rd and 764th meetings, on 19 January 2007 (CEDAW/C/SR.763 and 764). The Committee's list of issues and questions is contained in CEDAW/C/PER/Q/6 and the responses of Peru are contained in CEDAW/C/PER/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which was prepared in accordance with the Committee's reporting guidelines and takes fully into account the Committee's previous concluding comments. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

4. The Committee commends the State party for reporting in a timely manner under the Convention.

5. The Committee commends the State party for having ratified the Optional Protocol in 2001.

Positive aspects

6. The Committee notes with satisfaction the efforts made to implement the Convention through the adoption of laws, policies, plans and programmes, including the Prevention and Punishment of Sexual Harassment Act (2003), the National Equal Opportunity Plan for Men and Women (2003), the National Plan of Action for

Children and Adolescents (2002) and the restructuring of the national machinery for the advancement of women (2002).

7. The Committee notes with satisfaction the results of efforts to increase the number of women in political positions in Peru, including the number of women ministers and the establishment of a minimum proportion of 30 per cent of women or men who must be included in the lists of candidates for Congress.

8. The Committee commends the engagement of the State, universities and civil society in addressing issues affecting women and the involvement of non-governmental organizations (NGOs) in the preparation of the report.

Principal areas of concern and recommendations

9. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

10. The Committee regrets the lack of reliable statistical data disaggregated by sex and by rural and urban areas and by ethnicity in the report, which makes it difficult to assess accurately the actual situation of women in regard to all areas covered by the Convention and to determine whether direct or indirect forms of discrimination persist. The Committee is concerned that the limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention.

11. **The Committee calls upon the State party to expeditiously strengthen its existing system of data collection in all areas covered by the Convention so as to accurately assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include this information and data in its next report, disaggregated by urban and rural areas and by ethnicity, indicating the impact of measures taken and results achieved in the practical realization of women's de facto equality.**

12. The Committee notes with concern that, while the Convention refers to the concept of equality, the term "equity" is used in referring to the State party's plans and programmes in such a way that they could be interpreted as being synonymous.

13. **The Committee requests the State party to take note that the terms "equity" and "equality" convey different messages and their simultaneous use can lead to conceptual confusion. The Convention is directed towards**

eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee recommends that the State party consistently uses the term “equality” in its plans and programmes.

14. While noting the restructuring of the Ministry of Women and Social Development and the creation of a Vice-Ministry for Women, the Committee expresses concern that the national machinery for the advancement of women may not have sufficient decision-making power or financial and human resources to effectively promote the implementation of the Convention and gender equality. The Committee is further concerned that the absence of national legislation on equality between women and men may limit the ability of the national machinery to carry out its efforts in support of gender mainstreaming across all sectors of Government.

15. The Committee requests the State party to ensure that the national machinery for the advancement of women has sufficient decision-making power and financial and human resources to effectively promote a substantive approach to the implementation of the Convention which takes into account sexual, gender and cultural differences. It calls upon the State party to enact legislation on equality between women and men which will provide the national machinery for the advancement of women with a stronger mandate to carry out its functions in regard to the implementation of all provisions of the Convention, as well as to support and coordinate effectively the use of the gender mainstreaming strategy in all policy areas and by all levels of government.

16. The Committee is concerned that the information provided in the report indicates a lack of understanding of the difference between temporary special measures that are aimed at accelerating de facto, substantive equality of women, as called for under article 4, paragraph 1, of the Convention, and general social policies that are adopted to implement the Convention. The Committee is further concerned that while measures are being taken to increase the political participation of women, they are underrepresented in other public bodies, such as public administration and the judiciary, and at the local/municipal level.

17. The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all areas to accelerate the practical realization of women’s de facto equality with men. It also encourages the State party to make better known the purpose of temporary special measures as elaborated by the Committee in its general recommendation 25. The Committee urges the State party to implement a strategic plan with measures that will result in an increased number of women in public positions, including the public administration, the judiciary and the local/municipal level, together with the establishment of timetables and targets. The Committee further suggests the implementation of awareness-raising activities about the importance of women’s participation in decision-making for society as a whole.

18. While the Committee takes note of various initiatives at the legislative and policy levels to reduce violence against women, including the National Plan against Violence towards Women, it remains gravely concerned about the extent, intensity and prevalence of such violence. In particular, the Committee remains concerned

that women experience significant obstacles in accessing justice, particularly indigenous women who also face language barriers, the lack of enforcement measures which contribute to impunity for perpetrators, and the persistence of permissive attitudes in society towards violence against women. The Committee remains concerned that incestual sexual abuse is not characterized as a crime.

19. The Committee urges the State party to give enhanced priority attention to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in conformity with general recommendation 19, to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. It calls upon the State party to ensure the implementation and effective enforcement of existing laws and reiterates its recommendation from its previous concluding comments that the State party criminalize incestual sexual abuse. It also encourages the State party to link its efforts to combat prevailing gender-based stereotypes that discriminate against women with its efforts to combat violence against women. It further calls upon the State party to establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of law enforcement and of programmes aimed at preventing and redressing violence against women. The Committee encourages the State party to provide information on the impact of steps taken, progress achieved and remaining obstacles encountered in its next periodic report.

20. While acknowledging the report of the Truth Commission regarding the violations of human rights during the armed conflict of 1980 to 2000, and the collective reparation given to people in affected communities in rural areas, the Committee is concerned that only rape is recognized as violence against women, and that the compilation of individual cases of human rights violations is still not finished. The Committee is also gravely concerned that investigation and prosecution for all acts of violence against women are not taking place and that remedies for individual victims are not readily available.

21. The Committee urges the State party to extend its definition of violence against women, including, in particular, sexual slavery, forced pregnancy, forced prostitution, forced union and forced domestic labour. The Committee recommends that the State party give necessary assistance to the women victims of violence during the armed conflict of 1980 to 2000 so that they do not have to travel long distances to register their cases to judges and prosecutors. The Committee also calls upon the State party to investigate and prosecute all acts of violence committed against women and to provide individual reparations to the women who experienced various forms of violence.

22. The Committee is concerned that women's access to justice is limited, in particular because of women's lack of information on their rights, lack of legal aid, the insufficient understanding of the Convention by the judiciary and the lengthy legal processes which are not understood by women. The Committee is concerned that physical and psychological violence cases are particularly difficult to be prosecuted in the legal system.

23. The Committee encourages the State party to eliminate impediments women may face in accessing justice and to enhance women's legal literacy,

awareness of their rights and capacity to effectively claim them. It further urges the State party to take additional measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and NGOs working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention.

24. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party. It is particularly concerned about the high rate of teenage pregnancies, which presents a significant obstacle to girls' educational opportunities and economic empowerment, and about the limited availability of emergency contraceptives, particularly in the rural areas. The Committee notes with concern that illegal abortion remains one of the leading causes of the high maternal mortality rate and that the State party's restrictive interpretation of therapeutic abortion, which is legal, may further lead women to seek unsafe and illegal abortions. It is further concerned that the recommendations of the Human Rights Committee in *KL v Peru* (CCPR/C/85/D/1153/2003 (2005)) were not adhered to by the State party.

25. **The Committee urges the State party to step up the provision of family planning information and services to women and girls, including emergency contraception, and to promote sex education widely, in particular in the regular education curriculum targeted at adolescent girls and boys, with special attention to the prevention of teenage pregnancies. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions so as to reduce women's maternal mortality rates. The Committee urges the State party to review its restrictive interpretation of therapeutic abortion, which is legal, to place greater emphasis on the prevention of teenage pregnancies and to consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24 on women and health, and the Beijing Declaration and Platform for Action. The Committee further calls upon the State party to comply with the recommendations of the Human Rights Committee in *KL v Peru*.**

26. The Committee is concerned about the low education level of girls, particularly their levels of illiteracy, truancy and school drop-out rates. It is particularly concerned about the education of rural girls who continue to face significant disadvantages in access to and quality of education, as well as in years of formal schooling, a situation that results in rural women's increased functional illiteracy.

27. **The Committee urges the State party to immediately take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to reduce the illiteracy rate of women and to provide education, both formal and informal, to women,**

especially in rural areas. The Committee also recommends that efforts to ensure implementation of free and compulsory primary education at the national level be strengthened.

28. The Committee is concerned about the situation of those women who face a high risk of consistent poverty and social exclusion in the State party, including children and girls working on the street, and the absence of gender perspectives in poverty eradication strategies.

29. The Committee urges the State party to accelerate its efforts to eradicate poverty among women, including children and girls working on the street, by incorporating gender perspectives in all development programmes and ensuring women's full and equal participation in decision-making on those programmes, as well as in their implementation processes.

30. While noting the State party's recent initiatives to address the problem of trafficking in women and girls, the Committee remains concerned about the insufficient information on the causes and extent of trafficking in Peru as an origin, transit and destination country, and the absence of adequate measures to combat the phenomenon of trafficking in women and girls.

31. The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the national action plan and other measures to combat trafficking in human beings are fully implemented. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on prostitution, as well as the measures in place to combat these phenomena and their impact.

32. The Committee notes with concern the large number of women, particularly indigenous and rural women, who do not have any documentation registering their births and consequently cannot claim nationality and social benefits in the State party.

33. The Committee encourages the State party to expedite and facilitate the process of registration of women without documentation and issue birth certificates and identity documents. The Committee urges the State party to establish concrete goals and timetables for these women to be able to document their nationality, particularly in the rural areas, and provide information on the progress achieved in its next report.

34. The Committee expresses concern that the minimum legal age of marriage is 16 years for both girls and boys and that such a low legal age of marriage may prevent girls from continuing their education, lead them to drop out of school early and may result in difficulties in their achievement of economic autonomy and empowerment.

35. **The Committee urges the State party to take measures towards raising the minimum legal age of marriage for girls and boys to 18 years with a view to bringing it into line with article 1 of the Convention on the Rights of the Child, and with article 16, paragraph 2, of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.**

36. The Committee is concerned about the situation of rural, indigenous and minority women which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services. The Committee is concerned that widespread poverty and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against rural, indigenous and minority women. The Committee is further concerned about racism and multiple forms of discrimination against Afro-Peruvian women.

37. **The Committee urges the State party to pay special attention to the needs of rural, indigenous and minority women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes, including with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against rural, indigenous and minority women through all available sources of support. The Committee encourages the State party to take more effective measures to eliminate discrimination against Afro-Peruvian women and to strengthen its efforts to combat and eliminate racism against women and girls in Peru.**

38. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

39. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

40. **The Committee commends the State party for having ratified the seven major international human rights instruments.¹ It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

41. **The Committee requests the wide dissemination in Peru of the present concluding comments in order to make the people, including government**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, 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".

42. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in October 2007, and its eighth periodic report, which is due in October 2011, in a combined report in 2011.
