



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

### List of issues and questions with regard to the consideration of reports

#### Peru

The pre-session working group considered the sixth periodic report of Peru (CEDAW/C/PER/6).

#### Constitution, laws and national mechanisms

1. According to the report, Law No. 27270 of 29 May 2000 makes discrimination against another person on the grounds of racial, religious or sexual differences a crime (see part II, art. 1, para. 1). Please state whether any cases of discrimination against women have been brought before either the courts or the Deputy Defender for Women's Rights operating within the Office of the Public Defender (see para. 261). If so, please provide information on the outcome of these cases.
2. According to the report, the National Equal Opportunity Plan for Men and Women 2003-2010 is being submitted to the Council of Ministers by the Ministry of Women and Social Development (see part II, art. 1, para. 2). Please indicate what stage of the approval process the Plan has reached, and specify what monitoring and evaluation mechanisms are foreseen to ensure the effective implementation of the Plan.
3. According to the report, until authorization of the aforementioned plan, the National Equal Opportunity Plan for Men and Women 2000-2005, approved by Supreme Decree 001-2000-PROMUDEH, remains in force (see part II, art. 1, para. 2). Please indicate the main successes and failures of the 2000-2005 Plan and describe the corrective measures that will be included in the 2003-2010 Plan on the basis of the earlier plan's evaluation.

**Stereotypes**

4. Please indicate whether any specific initiatives are planned to eliminate stereotypes and discrimination against women in the media.

**Violence against women**

5. During consideration of the fifth report the Committee asked the State party to characterize incest as a specific crime under the Penal Code.<sup>1</sup> According to the report, national legislation does not make incest a crime in itself, although it is treated as an aggravating factor (para. 29). Please explain why incest has not been characterized as a specific crime, as recommended by the Committee in its concluding comments.

6. According to the report of the Special Rapporteur on violence against women, its causes and consequences, the Penal Code of Peru provides for honour defences, partial or complete, and states that if a woman is raped and the perpetrator agrees to marry the victim, he will be pardoned (see E/CN.4/2002/83). Please indicate whether these provisions have been removed from the Penal Code. If that is not the case, please indicate whether it is planned to abolish them in the short term.

7. According to the report, Law No. 27982 of May 2003 eliminates conciliation during the prosecution stage of family violence proceedings (para. 14). Please indicate whether the new law is well-known at national level, describe what action has been taken to promote the law and its application and provide information on what impact it has had.

8. Please provide information on the results of the evaluations carried out by the High-level Committee for the National Plan against Violence Towards Women, which is responsible for monitoring and evaluating the National Plan against Violence Towards Women 2002-2007 (para. 5). In the reply please include information on the corrective measures recommended by this Committee.

9. Please provide information on the results of the module on family violence included in the Demographic and Family Health Survey conducted in 2000 and 2003 (para. 26). In the reply, please state whether it is planned to conduct this survey periodically.

**Trafficking in women and exploitation of prostitution**

10. Please indicate the status of the bills presented to the Congress, which would amend several articles of the Criminal Code to “provide drastic punishment for commercial sexual exploitation of children and adolescents, in order to fill legal voids and update criminal definitions in light of technological advances” (para. Z.5).

11. Please indicate whether any plans exist, or whether any initiatives have been carried out, to compile statistics on the incidence of commercial sexual exploitation and trafficking of women and girls. If so, please provide these data.

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<sup>1</sup> *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, part three, para. 476.

**Participation in political and public life**

12. The report states that, despite the existence of gender quotas for lists of candidates for Congress, the proportion of female representation fell by 4 per cent, and that this was partly because “female candidates and leaders were not thoroughly assessed [...] in the provinces” (para. T.4). Furthermore, the results for the 2002 municipal elections showed a very low number of women holding posts of councillors and mayors (para. T.10). Since the measures adopted have not been sufficiently effective, please indicate what other measures are planned in order to ensure the effective participation of women in political and public life.

**Education**

13. Please provide gender-aggregated statistics, and indicate the general trends observed over time, for school attendance and drop-out rates at primary, secondary and university level, and for illiteracy rates in rural and urban areas. Information on university attendance should include data aggregated by gender and course type.

14. Please indicate whether there are any plans to implement in the short term temporary special measures in the education sector, at primary and secondary level, to promote access by indigenous girls and girls of African descent. If so, please provide information on what action is planned.

15. With regard to resolution 1821-2002-MP-FN of the Prosecutor General’s Office, creating a Special Registry of Complaints of Sexual Assault and Harassment of Schoolchildren in the Education Centres of the Ministry of Education (see part II, art. 2, para. 16), please provide further information on the incidence of these cases, the supervisory mechanisms in education centres, the offenders’ punishment and the rehabilitation measures for victims.

**Employment**

16. According to the report, while the Prevention and Punishment of Sexual Harassment Act establishes administrative penalties for violators, that behaviour does not constitute a crime (para. P.30). Please indicate how many cases were reported each year between 2000 and 2005, what the administrative penalties consist of and whether it is planned to characterize sexual harassment as a crime in the short term.

17. What supervisory mechanisms exist to ensure effective compliance with legislation protecting working women (such as Law No. 27402 concerning pre- and post-natal maternity leave; Law No. 27403 concerning daily one-hour leave for breast-feeding; Law No. 27606 concerning the extension of postnatal maternity leave in the case of multiple births; and Law No. 27409 concerning employment leave for adoption) (paras. 25 to 30)?

18. With regard to equal remuneration, the report refers to the minimum living wage. However, no information is provided on the levels of remuneration for men and women performing the same jobs in the public and private sector. Please indicate whether any study is planned, or has been carried out, to check whether the provisions of the Constitution concerning equal remuneration are effectively complied with. If a study has been carried out, please include the results.

19. Please provide statistics, and the general trends observed over time, concerning women’s participation in the formal and informal sectors of the

economy, and include detailed information on the activities and conditions of women working in the informal sector.

### **Health**

20. According to the report, abortion is the fourth leading cause of female deaths in establishments of the Ministry of Health (para. 160). During its consideration of Peru's fourth periodic report, the Human Rights Committee expressed its concern that abortion continued to be subject to criminal penalties, even when pregnancy is the result of rape, and recommended that the legislation should be amended to establish exceptions to the prohibition and punishment of abortion (see CCPR/CO/70/PER, para. 20). Please indicate what action has been taken to amend the legislation, and provide a detailed schedule.

21. What mechanisms have been established to evaluate and monitor implementation of the National Plan of Action for Children and Adolescents 2002-2010, the aim of which is to reduce the rate of teenage pregnancies by 30 per cent and teenage pregnancy-related deaths by 55 per cent? Please indicate whether the current rates have been reduced as a result of implementation of this plan.

22. According to the report, the health sector has not yet implemented the legal provision authorizing the sale of emergency contraception tablets with a medical prescription (para. 147). Please indicate what the obstacles are to the implementation of this provision, and what is being planned in the short term to overcome them.

### **Women in rural areas and poverty**

23. Please indicate what specific actions were carried out as a result of the integration of the gender perspective in the Bases for the Strategy for Poverty Reduction and Economic Opportunities for the Poor (para. N.1), and specify those which targeted women living in rural areas. In the reply, please indicate whether the said strategy was designed in accordance with the principles of the Convention and the guidelines of the Millennium Development Goals.

24. Paragraph HH.3 of the report mentions that no indicators have yet been developed to measure or record activities that benefit indigenous women. Please indicate whether it is planned to carry out studies and develop statistics and indicators to show the conditions of indigenous women, design specific programmes for them and assess the impact of these programmes.

25. According to the report, the findings of the Roundtable for Dialogue and Cooperation with Native Communities of the Amazon did not refer to the issue of indigenous women (para. HH.7). Please indicate whether the members of the Interinstitutional Roundtable of Indigenous Women, established within the Ministry of Women and Social Development, and/or other groups of women took part in the said roundtable. Please also indicate what actions are planned to promote the participation of indigenous women in decision making and the drawing-up of policies to combat poverty.

### **Optional protocol**

26. Please indicate what actions have been carried out to disseminate information on the Optional Protocol.