

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
37TH SESSION, (NEW YORK, 15 JANUARY TO 2 FEBRUARY 2007)**

PERU (6TH PERIODIC REPORT)

Information Submitted to the Committee

On 19 January 2007, Peru submitted its 6th periodic report¹ under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses² to the list of issues and questions³ raised by the Committee on the Elimination of Discrimination against Women (the Committee). The delegation of the Permanent Mission of Peru to the United Nations was presented by Russela Zapata, Director General of Women of the Ministry of Women and Social Development, and Minister Luis Enrique Chávez, Deputy Permanent Representative of Peru to the United Nations.⁴

The report contains a summary of the prior recommendations made by the Committee in 2002 and the measures taken by the Government to implement them. Additionally, it discusses all the articles of the Convention and outlines Government action on each of these. While some articles are only discussed briefly, the report provides extensive information on other issues, such as employment and health. In some areas, particularly regarding temporary special measures to advance *de facto* equality of women, the report lists extensively the legal provisions in place, but provides little information on their implementation. Furthermore, the report generally does not give statistics that would allow an assessment of governmental measures, although there are exceptions such as the information provided on health.

The Committee lamented the lack of data disaggregated by sex, area, and ethnicity in the report, which made it difficult for them to assess the current condition of women and track their progress. The Committee's list of issues and questions requests more information on cases before the courts probing the implementation of legislative measures on discrimination and on the implementation of national policy plans. It also asks for more information in the form of statistics disaggregated by gender and ethnicity on participation in the economy and violence against women. The State party responded to each of the Committee's questions, although it did not always give a direct answer. It should be noted that when asked to submit the results of the evaluations of the National Plan against Violence towards Women 2002-2007, the State's Response document only listed the structure and recommendations of the High-level Committee in charge of implementing and evaluating the plan's effectiveness, and did not detail concrete results.

The International Women's Rights Action Watch (IWRAP) Asia Pacific published an alternative report on Peru on their website.⁵ It discusses many of the same issues introduced by the Committee members during the session and summarised in their Concluding Comments.⁶ These include the need to combat gender violence, improve political participation of women, and increase access of women to

¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N04/301/07/PDF/N0430107.pdf?OpenElement>.

² <http://daccessdds.un.org/doc/UNDOC/GEN/N06/544/70/PDF/N0654470.pdf?OpenElement>.

³ http://www.un.org/womenwatch/daw/cedaw/cedaw37/cedaw37_IandQ/Peru/0646745E.pdf.

⁴ For full list of delegation see: http://www.un.org/womenwatch/daw/cedaw/cedaw37/delegations/peru_e.pdf.

⁵ A longer, more detailed version is offered in Spanish, while the English version is just a translation of the former's executive summary. Both are available at: http://www.iwraw-ap.org/resources/shadow_reports.htm

⁶ http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Peru_advance%20unedited.pdf.

education, employment, healthcare and justice. The alternative report also raises an issue not discussed in the State's report: the State Integral Plan for Reparations (PIR) following the armed conflict within the country. The report explains that in the area of gender violence, the PIR only provides reparations for rape victims, and only if the victim was not involved in the subversive movement – without distinction on whether participation was voluntary or involuntary. The PIR leaves out victims of sexual slavery, forced prostitution, forced pregnancy, forced union and sex trafficking.

Themes and Issues

Violence against Women

In both its list of issues and questions and during the dialogue with the delegation, the Committee expressed concern over the widespread problem of violence against women in Peru. In its report and responses, Peru mentioned several programmes and measures that address the issue: the National Equal Opportunity Plan for Men and Women 2000-2005 and its successor for 2006-2010, which, among other things, commits the Government to reduce violence; the National Plan against Violence towards Women 2002-2007 focusing on awareness-raising; the compilation of data through the State and Society against Violence, Abuse and Child Sexual Exploitation project; and the creation of 48 Emergency Women's Centres to provide services to victims of domestic and sexual violence. However, the Committee considered the creation of such plans insufficient, and reminded the delegation that their concerns on this issue had been underlined during the examination of Peru's 5th periodic report in 2002. As a country plagued with gender violence, the Committee urged the delegation to impress upon the Peruvian Government the need to expand the country's definition of gender violence to include sexual slavery, forced prostitution, forced pregnancy, forced union and forced domestic labour. It also stressed the importance of putting a system in place that effectively supports the enforcement of appropriate measures, including providing access to justice and providing reparations to victims.

The Committee wondered why incest has not yet been defined as a crime in itself and continues to be understood as an aggravation of the crime of rape. The Committee also noted that Peru's legal system does not characterize sexual harassment as a crime, only going as far as imposing administrative penalties on perpetrators.

Documentation

According to the delegation, more than one million people in Peru lack documentation of their identity or nationality. This is a widespread problem, which, in turn, has become the root of other problems, including, for instance, that children of women without documentation cannot be documented either. Access to education, health services, political participation and other civil rights are also dependent on a person being able to provide legal proof of their identity and nationality, leaving large sectors of the population vulnerable to poverty and trafficking. The delegation recognised the pressing nature of the situation, noting that many civil registries had been burnt during the armed conflict within the country. However it insisted that the Government was trying to implement a strategy to generate identity documents for these people, 30 per cent of whom are estimated to live in the Amazon region. The delegation also informed the Committee that the Government was attempting to register every person but that this was made more difficult by the fact that in Peru the right to nationality is obtained both by being born in Peru (*ius solis*) and from parents of Peruvian nationality (*ius sanguinis*).

Abortion and access to contraception

Peru recognises the right to perform a therapeutic abortion only if the health of the mother is compromised by the pregnancy and under the recommendation of a physician. These restrictions raise concerns of increasing mortality rates due to illegal abortions. The Committee therefore suggested that the State improve women's access to healthcare to reduce the fatal consequences of complications from unsafe abortions. There was disagreement between the State party and at least one of the Committee members with regard to binding nature of the recommendations made by the Human Rights Committee (HRC) on the issue of denying therapeutic abortions. In 2003, the HRC ruled that Peru had violated its obligations under the Convention when a 17 year old girl was denied an abortion for a life-threatening abortion. Committee members worried that lack of access to legal abortions promotes use of unsafe mechanisms to terminate a pregnancy. The delegation responded that the law on abortion was phrased so as to allow physicians some degree of interpretation.

Other Issues

The Committee raised several other issues over the course of the dialogue with the delegation: raising the legal age for marriage; the use of the terms *equity* and *equality* interchangeably in the State party's report and plans; and a new law on registration for non-governmental organisations (NGOs) which is causing alarm in the NGO community. The delegation did not provide specific information on the latter issue, but the tone of the discussion suggested that NGOs fear that their activities may be regulated or limited by the State.

Conclusions and Next Steps

The Committee recognised Peru's efforts to improve the condition of women, and commended the State party for ratifying seven major human rights instruments. However, it stressed that Peru still needs to integrate the principles of those instruments into domestic legislation. It also argued that the Government needs to be assertive in taking measures to address the social conventions that perpetuate inequality between men and women and carefully record its progress so that it may later reassess relevant policies.

Although the delegation responded to all of the Committee's questions, often its answers did not directly address the Committee's inquiries and experts needed to ask more questions for clarification. This created tension at times, notably on the issue of the criminalisation of incest or the scope of the Human Rights Committee decision. Not all the articles of the Convention were discussed during the time allotted for the dialogue, as Articles 15 and 16⁷ were not addressed. It was not clear whether this was because the Committee did not have questions on these articles or whether it was because time ran out before they could turn to these issues. The session closed without any side offering concluding remarks.

In its Concluding Comments,⁸ the Committee urged the State party to improve its data collection mechanisms and use this data to assess its policies and measures. It also stressed the importance of

⁷ Article 15 focuses on equality before the law while Article 16 concerns family and marriage matters.

⁸ http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Peru_advance%20unedited.pdf.

ensuring that the national machinery for the advancement of women has sufficient power and resources. While recommending the adoption of temporary special measures to accelerate women's *de facto* equality, it also called on Peru to focus on a comprehensive strategy to combat all forms of violence against women and extend its definition of such violence. Finally the Committee also pointed out the need to improve access to family planning information and services and to pay special attention to rural, indigenous and minority women. In 2000, the Human Rights Committee expressed similar concerns to those raised by the Committee during this session on the issue of abortion. It found it worrying that abortion was still penalised and noted that illegal abortions were the main cause of maternal mortality.