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Implementation of the International Covenant on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties in accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights: Peru

Replies by the Government of Peru to the list of issues
(E/C.12/PER/Q/2-4) to be taken up in connection with the consideration
of the combined second, third and fourth periodic reports of Peru
(E/C.12/PER/2-4)*,**

[16 February 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** The annexes may be consulted in the files of the secretariat.

Reply to paragraph 1 of the list of issues (E/C.12/PER/Q/2-4)

1. In order to promote political participation, since 1997 the State has introduced affirmative action measures to bring women into the political arena. Under the present system, the gender quota of 30 per cent of the candidates on the electoral lists applies to elections for municipal councils, regional councils, the Andean Parliament and Congress.

2. To date, the composition of the Parliament and other bodies has been as follows:

<i>Year</i>	<i>Quota</i>	<i>Total number of parliamentarians</i>	<i>Women</i>	<i>Percentage</i>
Parliament 2000	25%	120	26	22%
Parliament 2001	30%	120	22	18%
Parliament 2006	30%	120	35	29%
Congress 2011	30%	130	28	22%

Registered candidates, by sex and post, in regional and municipal elections, 2002–2012

<i>Post</i>	<i>2002</i>		<i>2006</i>		<i>2010</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
President of Regional Council	94.00%	6.00%	91.70%	8.30%	96.20%	3.80%
Vice-President of Regional Council	84.70%	15.30%	86.20%	13.80%	81.90%	18.10%
Regional Councillor	62.30%	37.70%	60.70%	39.30%	61.20%	38.80%
Alternate Regional Councillor	61.00%	39.00%	51.90%	48.10%	51.20%	48.80%
Mayor of Province	93.30%	6.70%	92.30%	7.70%	93.70%	6.30%
Provincial Councillor	61.30%	38.70%	59.10%	40.90%	57.90%	42.10%
Mayor of District	93.80%	6.20%	94.30%	5.70%	93.30%	6.70%
District Councillor	59.00%	41.00%	57.50%	42.50%	56.80%	43.20%

Source: National Elections Board (JNE).

Table prepared by: Registry, Statistics and Technological Development Division of the National Elections Board.

Candidates elected, by sex and post, in regional and municipal elections, 2002–2010

<i>Post</i>	<i>2002</i>		<i>2006</i>		<i>2010</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
President of Regional Council	88.00%	12.00%	100.00%	0.00%	100.00%	0.00%
Vice-President of Regional Council	88.00%	12.00%	88.00%	12.00%	91.67%	8.33%
Regional Councillor	77.63%	22.37%	72.37%	27.63%	71.88%	28.13%
Mayor of Province	97.42%	2.58%	97.95%	2.05%	95.38%	4.62%
Provincial Councillor	76.59%	23.41%	74.96%	25.04%	76.13%	23.87%
Mayor of District	97.10%	2.90%	97.15%	2.85%	96.26%	3.74%
District Councillor	73.19%	26.81%	71.67%	28.33%	71.99%	28.01%

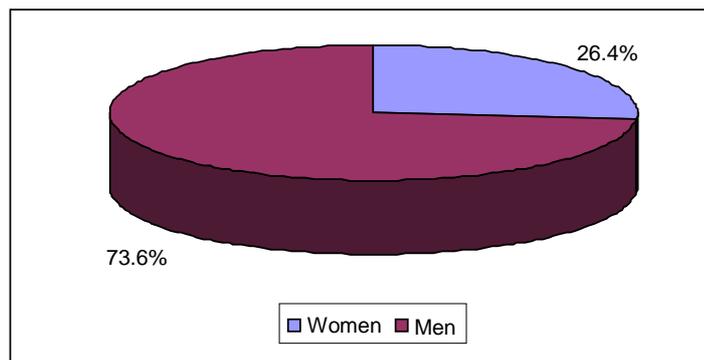
Source: National Elections Board (JNE).

Table prepared by: Registry, Statistics and Technological Development Division of the National Elections Board.

3. In addition to the Quota Act, a bill is before the legislature that would ensure effective representation in the Parliament by means of a system of alternating positions on the lists. This would make certain that the gender-based quota applied to candidate lists will result in seats being filled through popular elections on that basis.¹

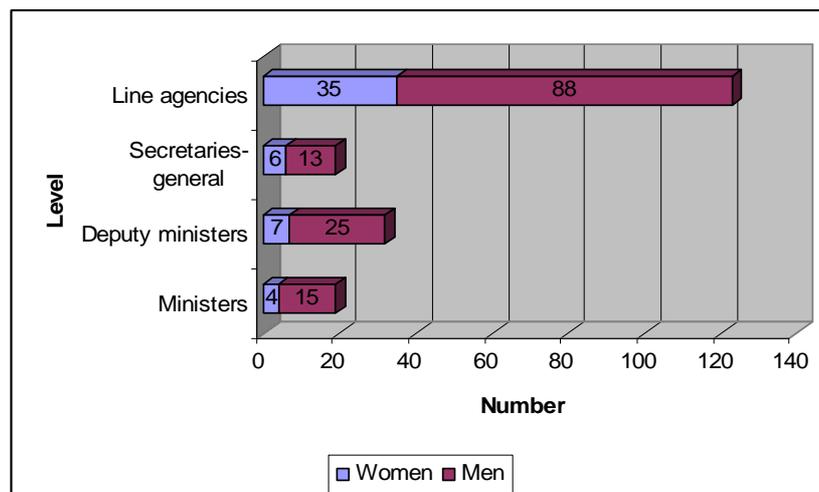
4. Within the executive branch, the gender breakdown for senior ministerial posts (ministers, deputy ministers and secretaries-general) and senior posts in line agencies (general or national directorates) is as follows:²

Senior Government posts and posts in Government line agencies, by sex



5. The breakdown is given in the following table:

Occupants of Government posts, by sector



6. The Ministry for Women and Vulnerable Population Groups³ has been working on a proposal for achieving a gender balance in senior posts and posts in line agencies within the executive branch.

¹ Bill No. 00268/2011-JNE.

² According to the Ministry for Women and Vulnerable Population Groups, these data have been taken directly from directories, organizational charts and information provided on the web pages of each of the 19 governmental sectors concerned as of 13 December 2011. These statistics were compiled as part of an effort to provide background information to support a proposal for increasing the number of women in decision-making posts within the executive branch.

7. Statistics compiled by the judicial branch on the gender breakdown of judgeships in 2005–2011 are as follows:

- (a) In 2005: 585 female judges (31.81 per cent);
- (b) In 2006: 687 female judges (32.39 per cent);
- (c) In 2007: 715 female judges (33.07 per cent);
- (d) In 2008: 852 female judges (36.22 per cent);
- (e) In 2009: 864 female judges (35.22 per cent);
- (f) In 2010: 942 female judges (35.83 per cent);
- (g) In 2011: 975 female judges (36.68 per cent).

8. The document setting out the National Equal Opportunity Plan for Men and Women for 2006–2010 notes that there has been a trend towards greater gender balance within the executive branch. The strategies to be used in implementing the Plan must be strengthened, however, and work needs to continue on incorporating strategic actions provided for under the Plan into annual and multi-annual sectoral plans.

9. Some of the major advances made in implementing the National Equal Opportunity Plan for Men and Women for 2006–2010 have included the passage of the Equal Opportunities for Men and Women Act,⁴ which sets out a framework for the further development of the right to equality as set out in article 2, paragraph 2, of the Constitution, and the issuance of directives relating to the application of mandatory national policies.⁵

10. In line with the National Equal Opportunity Plan for Men and Women, regional equality opportunity plans have also been drawn up. As of 2008, 5 such plans had been approved, and their number had risen to 11 by 2009. As of 2012, 17 of the country's 25 regional governments have approved such a plan.

11. Steps still need to be taken to ensure that the regional plans make provision for the budgetary allocations required for their implementation. A pilot programme has therefore been designed with a view to ensuring that the objectives set forth in these regional plans will be reflected in the consensus-based development plans.

12. A national gender equality plan is to be put in place for 2012–2017. Consultations are now being held on the preliminary version of the proposed plan as part of a consensus-based drafting process.

13. The gender equality plan for 2012–2017 will be the third such plan for Peru, with the first two having been the National Equal Opportunity Plans for Men and Women for 2000–2005 and for 2006–2010.

14. The first step in establishing this national plan was a national consultation process. Consultations were held in each of the country's regions and with specific groups, such as older adults, female members of trade unions, women with disabilities, boys, girls and

³ The name of the Ministry of Women's Affairs and Social Development has been changed to the Ministry for Women and Vulnerable Population Groups. Legislative Decree No. 1098 promulgates the law which sets out the organizational structure and functions of the Ministry.

⁴ Act No. 28983 of 16 March 2007.

⁵ National policies whose application is mandatory for all national Government agencies were established in Supreme Decree No. 027-2007-PCM. The second of those policies is that the principle of equality for men and women should be upheld and applied by all public institutions and officials on a cross-cutting basis.

adolescents, women who have been deprived of their liberty, lesbians, women victims of violence, rural women, women from the Amazon Basin, Peruvian women of African descent, campesino women, grass-roots organizations, domestic workers, female Government authorities, members of the multisectoral committee and the intra-sectoral committees responsible for following up on the plan, and others.

15. The results of these consultations will then be validated, approved and submitted in proposal form with a view to the plan's adoption during the first half of 2012.

16. Another area in which progress is expected to be made under the National Equal Opportunity Plan for Men and Women is in the protection of the right to an identity. Joint strategies have been pursued at the national level that have succeeded in bringing about a reduction in the percentage of women who lack identity documents, especially among the members of groups who are most at risk of finding themselves in that situation. One of the tasks at hand is to continue to update sex-disaggregated statistics on undocumented persons at the regional level. This will not only provide an overall view of the scope and nature of the problem that can be used to fine-tune existing strategies, but will also enable regional and local governments to make this information available and use it in designing inclusive policies in their various areas of responsibility.

17. Following the passage of Sexual Harassment Prevention and Sanctions Act No. 29430, various Government institutions began to implement internal directives aimed at deterring sexual harassment. Most of these measures have focused on prevention rather than on punishing perpetrators, however, and greater efforts must therefore be made to incorporate this very important second component of the Act, which also has a deterrent effect, into legal and practical measures for ensuring that women are able to fully exercise their economic rights.

18. The absence of an agency or unit tasked with monitoring media content and with formulating gender-sensitive media policies is a cause of concern. The monitoring currently conducted by the Ministry for Women and Vulnerable Population Groups focuses on information activities and does not cover all types of media content.

19. The introduction of awards to recognize the role played by women represents an important stride forward at the national and regional levels.

20. Shortcomings exist in terms of reporting and in the analysis of the information that is gathered on the outputs of these activities and processes. This situation is particularly serious because the work being done to promote gender mainstreaming and equal opportunities for women and men in terms of public-sector practices, management and policies is at a very early stage, and the provision of information on related strengths and weaknesses can provide valuable inputs for the definition and adjustment of strategies in this area.

Reply to paragraph 2 of the list of issues

21. As provided for in the National Plan of Action for the Eradication of Forced Labour, since 2009 the Ministry of the Interior has included the subject of forced labour in the curricula used in training both commissioned and non-commissioned police officers.

22. The Statistical Registry System for Trafficking and Related Cases of the Criminal Investigation and Legal Support Directorate of the National Police Force compiles data on cases of trafficking for forced labour. The hotline (0800 2 3232) for reporting cases of human trafficking provides advisory services and/or refers cases of trafficking for forced labour to the Human Trafficking Investigative Division of the National Police Force of Peru.

Reply to paragraph 3 of the list of issues

23. The Agricultural Promotion Act⁶ establishes tax benefits, and title III of the Act sets out a special labour regime which includes a series of measures to promote the sector. The existence of a separate regime is not discriminatory because the agricultural sector has particular characteristics and exhibits substantial differences from others which call for different legislative arrangements.

24. The Act states that agricultural investment and development are a high priority. Some of the benefits provided for in this law are also, for the first time, being extended to agro-industries in order to pave the way for the creation of linkages between small-scale farmers and commercial agricultural enterprises, on the one hand, and agro-industrial activities, on the other. Such linkages can contribute to the development of small- and medium-sized agricultural ventures and agricultural investment, given the demand for agricultural inputs, and hold out the possibility of boosting rural employment, as has in fact occurred.

25. While this special labour regime does provide for specific measures geared to the unique features of the agrarian sector, it does not infringe any rights recognized in the Constitution. On the contrary, its promulgation has given people access to gainful employment and to social security coverage under different rules in line with the different labour requirements of the agrarian sector.

26. It has been clearly demonstrated that the labour regime established under Act No. 27360 is constitutional and legal, and it has, for that reason, been promoted and supported by the Ministry of Agriculture since it entered into force.

27. A bill (No. 00104/2011-CR) is currently before Congress that would amend Agricultural Promotion Act No. 27360 with a view to improving the labour conditions of agrarian workers, especially those employed in agricultural export and agro-industrial sectors.

Reply to paragraph 4 of the list of issues

28. The information provided here refers to the pension schemes established under Decree-Laws No. 19990 and No. 18846, which are administered by the Office for Standards for Welfare (ONP).

29. The number of applications for determining pension entitlements under the schemes governed by Decree-Laws No. 19990 and No. 18846 as of 30 November 2011 are:

<i>Year</i>	<i>Applications as of 30/11/2011</i>
Up to 2005	1 571
2006	1 111
2007	1 912
2008	2 313
2009	2 087
2010	6 824

⁶ Act No. 27360 of 31 October 2000.

<i>Year</i>	<i>Applications as of 30/11/2011</i>
2011	22 632
Total	38 450

30. The number of pending court appeals against ONP decisions concerning the schemes set forth in Decree-Laws No. 18846 and No. 19990 is as follows:

<i>Year</i>	<i>Cases</i>
2005	4 477
2006	11 566
2007	8 531
2008	10 371
2009	9 027
2010	11 233
2011	15 731
Total	70 936

31. The National Pensions System, which is governed by Decree-Law No. 19990, has established the following minimum pension scale:

<i>Type of pension</i>	<i>Years of contribution</i>	<i>Amount (nuevos soles)</i>	<i>Legal basis</i>
	20 or over	415.00	Acts No. 27617 and No. 27655
Retirement pension	Over 10 but under 20	346.00	
	Over 6 but under 10	308.00	
	5 or fewer	270.00	
Disability pension		415.00	Act No. 27655 and Supreme
Survivor's pension		270.00*	Decree No. 028-2022-EF

* Minimum payment per pension unit (i.e. all beneficiaries of a survivor's pension).

Reply to paragraph 5 of the list of issues

32. There are two retirement schemes for workers in the private sector: (a) the National Pensions System, which is a pay-as-you-go system, and (b) the Private Pensions System, which is a system of individually funded accounts.

33. Act No. 28532 provides for the complete restructuring of the Office for Standards for Welfare (ONP) and assigns to that Office responsibility for administering the National Pensions System (governed by Decree-Law No. 19990) and the occupational health and safety regime governed by Decree-Law No. 18846, as well as other systems.

34. Social security regulations designed to provide protection to wage earners therefore are, in fact, in place. It is true, however, that it is difficult to protect the rights of workers employed in the informal sector.

Reply to paragraph 6 of the list of issues

35. The objective of the National Programme to Combat Domestic and Sexual Violence is to improve the quality of life of the population by designing and implementing measures and policies at the national level for providing assistance and support to persons involved in cases of domestic or sexual violence and for preventing such violence. As part of this effort, preventive messages targeting women, girls and adolescents, in particular, are publicized together with information on their rights so that they will be aware of those rights in the event that they find themselves in situations where they are at risk of sexual abuse.

36. As part of the implementation of the National Programme to Combat Domestic and Sexual Violence, Women's Emergency Centres (CEMs) have been set up by the Ministry for Women and Vulnerable Population Groups. The specialized assistance and preventive services which these Centres provide to the public free of charge include legal information, legal defence services, and social and psychological counselling. They also carry out preventive awareness-raising activities aimed at stopping the spread of such violence.

37. In 1999, there were 13 of these Centres; today there are 138 of them around the country,⁷ and another 9 are being set up.

38. In 2005–2011, a number of awareness-raising and information campaigns aimed at promoting respect for women's rights and preventing domestic and sexual violence were conducted by the National Programme. One of the more recent of these activities was the "If they love you, they should love you right" campaign, which was part of the UNITE! National Anti-Violence Crusade launched by the Ministry for Women and Vulnerable Population Groups in October 2010. The objective was to reduce the chances that women, adolescents and young people would become victims of gender-based violence by helping them to understand the phenomenon and break the cycle of violence, thereby improving their and their families' quality of life. This is the first communication campaign that is to be conducted on an ongoing basis for a full three years.

39. In 2011, a campaign using the slogan "Stay your hand: machismo hurts and kills women" was launched to raise community awareness about the deaths caused by gender-based violence. The campaign employed various mass media and encouraged an array of stakeholders to take part in order to sustain its impact. A press conference was also held at which different graphics were shown and a television spot was aired in order to introduce the campaign to the public.

40. Since April 2001, the National Programme has also focused on the creation of reporting systems in order to draw attention to the problem of domestic and sexual violence, since, at that time, information on the subject was scarce and unsystematized. Although records were kept by the police stations to which victims of violence first turn for help, there were no procedures for processing what little information they compiled or for systematizing it so that it could be analysed on a macro level.

41. The reporting systems have made information available for use in decision-making and have helped to systematize the services provided and make them more operative. These systems involve much more than simply filling in the information on a given case; they also include a series of procedures for data capture and for recording immediate and follow-up actions.

⁷ Statistics compiled by the Emergency Women's Centres indicate that they assisted 150,958 women over the age of 18 between 2005 and 2010; 5,413 of those cases involved sexual violence, and 1,615 of those involved sexual violence committed by the spouse or partner. There were also 17,941 cases involving sexual abuse of persons under 18 years of age.

42. The National Programme's information systems have made it possible to improve decision-making with regard to the issue of violence against women and, as a result, have led to the expansion of coverage, the creation of new Emergency Women's Centres in areas where their services are in high demand and the specialization of the Centres' professional staff in the different areas involved in addressing the problem of violence against women (i.e. domestic violence, sexual violence, trafficking, and positioning the issue of femicide on the public agenda).

43. Preventive action is being taken within the framework of the Comprehensive Plan to Prevent Domestic and Sexual Violence. At the regional level, the focus is on preventing domestic and sexual violence, of which women of all ages are the principal victims. The Plan is playing a very influential role in efforts to address the situation in which many women in the country find themselves.

44. Within the education system, local education management units and regional education directorates issued a total of 150 directives between 2006 and 2011 in which schools were instructed to carry out preventive activities in the classroom and, in many cases, encouraged to provide training to educators in dealing with the problem of child abuse and, specifically, sexual abuse. These directives have also led to the launch of campaigns to prevent the sexual abuse of children.

45. The Teacher Training Programme provides instruction that enables educators to help prevent abuse, detect cases of abuse and provide appropriate case referrals. To date, some 3,000 teachers have received this type of training.

46. As part of the Inter-University Prevention Programme, university councils have been established (2008–2011) and now have more than 2,000 members. Panels have been set up in the universities of Chiclayo, Moquegua and Trujillo, and steps have been taken in a number of universities to include the issues of gender and violence in the curricula. The Private University of Chiclayo has been particularly active in this respect. To date, there are over 5,600 trained volunteer facilitators who support preventive awareness-raising activities.

Reply to paragraph 7 of the list of issues

47. The implementing regulations of Human Trafficking and Migrant Smuggling Act No. 28950, which were drafted and validated by the Multisectoral Standing Working Group to Combat Human Trafficking, were adopted by Supreme Decree No. 007-2008-IN of 30 November 2008. These regulations are in keeping with the principles set forth in the Constitution, domestic laws and international human rights instruments.

48. Since January 2010, the country has a special national directorate within the National Police Force of Peru to back up the work being done by the Family Affairs Divisions. The Family, Participation and Public Safety Directorate, which is a specialized body with both regulatory and executive functions, works on a system-wide basis to prevent and investigate cases of domestic violence, ill-treatment, sexual and other forms of child abuse, and exploitation.

49. The Family Affairs Divisions of the National Police Force of Peru are administered by the Family, Participation and Public Safety Directorate and are tasked with working with the Special Police Units for Women and the Family Services Sections of police stations around the country to plan, organize, oversee and carry out activities aimed at preventing and addressing cases of domestic violence and offences that are committed against children or adolescents or that otherwise involve them.

50. There are 20 Special Police Units for Women. The National Police Force of Peru, which comes under the authority of the Ministry of the Interior, has 7 such units in Lima (Lima, Ministry for Women and Vulnerable Population Groups, Independencia, Collique, Canto Rey, Villa El Salvador, El Agustino), 1 in Callao and 12 in different regions (Piura, Trujillo, Ica, Cuzco, Arequipa, Chiclayo, Tarapoto, Ayacucho, Tacna, Chimbote, Tumbes, Moquegua).

51. Since 2004, the Multisectoral Standing Working Group to Combat Human Trafficking has adopted the following measures:

(a) Inclusion of measures dealing with human trafficking in the National Human Rights Plan for 2006–2010 (December 2005);

(b) Human Trafficking and Migrant Smuggling Act No. 28950 (15 January 2007);

(c) Implementing regulations of Act No. 28950, approved by Supreme Decree No. 007-2008-IN (30 November 2008);

(d) Creation of the Human Trafficking Investigative Division of the Criminal Investigation Directorate of the National Police of Peru (March 2008);

(e) Introduction of an anti-trafficking hotline: 0800 2 3232;

(f) Establishment of the Statistical Registry System for Trafficking and Related Cases (RETA);

(g) Establishment of special units within the Public Prosecution Service to deal with organized crime;

(h) The Ministry of Labour and Employment: article 25 of the implementing regulations of the Inspections Act, approved by Supreme Decree No. 019-2006-TR (29 October 2006), defines trafficking in persons as a felony;

(i) Ministry of External Trade and Tourism: the implementing regulations of the law which empowers the Ministry to issue regulations that set out infractions relating to tourism services and the rating of lodgings and to set the corresponding penalties under Act No. 28868 (approved by Supreme Decree No. 007-2007-MINCETUR, June 2007);

(j) National Transport Administration Regulations (Supreme Decree No. 017-2009-MTC) require the full identification of children and adolescents who are using overland modes of transport anywhere in the country;

(k) The implementing regulations of the Public Defence Act (Supreme Decree No. 013-2009-JUS, article 9) establish that the State may offer to provide victims with legal defence services when required;

(l) Ministerial Decision No. 0491-2010-IN-0105 establishes the official institutional status of the hotline (0800 2 3232) for trafficking victims and for those wishing to report cases of trafficking;

(m) Institution of the Statistical Registry System for Trafficking and Related Cases (RETA) by Ministerial Decision No. 2570-2006-IN/0105 and installation of the main RETA server in the Human Trafficking Investigative Division of the National Police Force of Peru;

(n) Directorate Decision No. 277-2008-DIRGEN-EMG elevated the rank of the former department responsible for investigating human trafficking cases within the Abductions Investigative Division and converted it into the Human Trafficking Investigative Division;

(o) Directorate Decision No. 0626-2010-ED concerning the organization of information seminars for the educational community at different locations around the country provides for the organization of awareness-raising and information seminars on the prevention of trafficking in persons;

(p) Directorate Decision No. 343-2010-ED, which deals with instruction and academic counselling, provides guidelines for use by school directors and teachers in helping to prevent people from being trafficked from educational institutions;

(q) Decision of the Prosecutor-General's Office No. 589-2010-MP-FN of 28 April 2010 approved the publication of a procedural handbook on methods to be used in interviewing children and adolescents who have been victims of sexual abuse or exploitation or who have been trafficked for purposes of exploitation (single interviews, *Gesell domes*);

(r) The 2011–2016 National Action Plan to Combat Human Trafficking, which was approved by Supreme Decree No. 004-2011-IN of 19 October 2011, includes goals and indicators and provides for the use of a decentralized, rights-based approach for the implementation and monitoring of activities focusing on prevention, prosecution of offenders, and assistance and protection for trafficking victims.

52. One of the main steps that has been taken to combat the trafficking of girls and adolescents, particularly in the Department of Madre de Dios and surrounding areas, is the establishment of a checkpoint in the Province of Mazuko so that access via overland routes from Puno and Cuzco (which have been identified as the points of origin of many trafficked children and adolescents) can be monitored.

53. The Regional Council on Human Trafficking set up by the Regional Government of Madre de Dios is to be used as a platform for preventive action throughout the region and Police intelligence operations aimed at identifying criminal agents and potential trafficking victims are also to be carried forward. Services for trafficking victims need to be reinforced so that victims receive the first-response support that they need.

Reply to paragraph 8 of the list of issues

54. The problem of child labour has been growing worse, and strategies therefore need to be devised for combating the organized crime rings involved and for dealing responsibly with the needs of the women and girls whose fundamental human rights are being violated in this way.

55. Between January and October of this year, the National Programme to Combat Domestic and Sexual Violence recorded 67 cases of sexual exploitation, which is one of the purposes for which women and girls are trafficked.

Reply to paragraph 9 of the list of issues

56. Training and technical assistance in connection with sexual and reproductive health issues have been undertaken. To date, 5,968 educational institutions are implementing the "I Take Care of My Family" Plan.⁸ Under this plan, 22,944 teachers have received training

⁸ The "I Take Care of My Family" Plan seeks to help families to become more knowledgeable about health issues by covering these issues in school curricula. Health Directive No. 042-MINSA/DGPS-V.01, on the implementation of the health education strategy known as the "I Take Care of My Family" Plan, was authorized by Ministerial Decision No. 545-2011/MINSA (www.educacionenred).

and a total of 79,699 primary- and secondary-school students have benefited. In addition, educational materials (a food and nutrition module for use in pre-primary and primary schools) have been prepared to further the implementation of the Health Promotion Programme and the “I Take Care of My Family” Plan. A total of 22,944 teachers in the 33 different Regional Health Directorates are implementing the “I Take Care of My Family” Plan in educational institutions.

57. A technical guide has been prepared on the management of health promotion activities in educational institutions as a means of contributing to the country’s sustainable development.⁹

Reply to paragraph 10 of the list of issues

58. The Peruvian Government’s national strategy for improving the sexual and reproductive health of the population focuses primarily on reducing maternal and perinatal mortality. And, in fact, the maternal mortality ratio¹⁰ has decreased by 44 per cent, falling from 185 to 103 maternal deaths for every 100,000 live births. This reduction is associated with the fact that pregnant women now have greater access to prenatal health care and institutional childbirth services (delivery assisted by qualified personnel in health facilities). The Government’s efforts to reduce the maternal mortality rate notwithstanding, a number of steps still need to be taken. These include continuing to expand the coverage of interculturally appropriate health-care services, especially in rural areas of the country, as well as capacity-building in health-care facilities.

59. The national strategic plan for reducing maternal and perinatal mortality is indeed binding for local authorities, since regional and local governments are responsible for implementing health policies, including those on maternal and neonatal health. Under the Decentralization Framework Act, the Ministry of Health has transferred a number of its functions to the regional governments.

Reply to paragraph 11 of the list of issues

60. Article 48 of Supreme Decree No. 023-2005-SA, which approves the regulations that govern the organization and operations of the Ministry of Health, designates the Directorate-General of Environmental Health (DIGESA) as the specialized regulatory agency for overseeing matters relating to basic sanitation, occupational health, food hygiene, zoonotic diseases and environmental protection.

61. The Regional Health Directorate in Junín is implementing a regional health strategy for assisting persons affected by heavy metals and other types of chemical contamination. As part of this strategy, it has undertaken a number of health interventions in the city of La Oroya that are aimed both at implementing precautionary measures and at meeting the health needs of the general population, with priority being given to the most vulnerable persons.

62. A workplan has been developed which provides for specialized medical evaluations and, where appropriate, subsequent medical treatment.

com/Noticia/?portada=8561).

⁹ Ministerial Decision No. 298-2011/MINS of 20 April 2011.

¹⁰ Source: Demographic and Family Health Survey (ENDES) 2000, 2009.

63. As part of this effort, blood lead screening of a total of 884 children and expectant mothers residing in that city was carried out between 17 and 25 October 2011. The results are currently being analysed and a final report is being prepared.

64. An initial analysis of the results for 27 of the persons who came to be screened shows that, in all cases, blood lead concentrations have decreased.

65. These health promotion efforts include a programme entitled “Casaracra Mini Day Camps”. Under this programme, children below the age of 6 are taken to a special-purpose day facility outside of the city of La Oroya where they are given classes, provided with early learning experiences and receive psychological treatment and evaluations.

66. By means of Supreme Decree No. 012-2009-MINAM, the Ministry of the Environment approved the National Environmental Policy. Section 5, on mining and energy, of component I of that policy, entitled “Conservation and Sustainable Use of Natural Resources and Biological Diversity”, establishes guidelines for the development of such activities in keeping with environmental standards, principles of corporate social responsibility and efforts to promote the use of clean technologies. Further details are provided below.

67. Under the National Environmental Action Plan, approved by Supreme Decree No. 014-2011-MINAM, Goal 7, entitled “Strategic Actions by Prioritized Goals”, sets the prevention and monitoring of air pollution as a priority objective to be pursued through the implementation of action plans to improve air quality (section 7.3). Section 7.6 establishes improved environmental management and performance in energy and mining activities as a priority.

68. The Ministry of the Environment has developed parameters and requirements aimed at regulating and protecting public health and environmental quality. These environmental management tools, which enable the Ministry to monitor and oversee the impact of human activity, are as follows:

(a) Environmental Quality Standards – These indicators of environmental quality measure the concentration of physical, chemical and biological substances present in the air, water and soil. As long as such elements remain below these upper limits, they do not represent a significant public health or environmental risk;

(b) Maximum Permissible Limits – These indicators measure the concentration of physical, chemical and biological substances present in emissions, effluents or waste generated by a production activity (mining, hydrocarbons, electricity, etc.). Levels in excess of these limits pose a risk to people’s health or well-being and/or to the environment.

Reply to paragraph 12 of the list of issues

69. Act No. 27811, which establishes a regime to safeguard the collective biologically related knowledge of indigenous peoples, was promulgated on 10 August 2001. This law also provides for the establishment of the Indigenous Peoples’ Development Fund, whose objective is to promote the comprehensive development of indigenous peoples through the financing of projects and other activities. The resources needed to operate the Fund are to be drawn from the public budget, international technical cooperation, grants and donations and at least 10 per cent of the gross proceeds from sales of products developed on the basis of that collective knowledge.

70. The Fund is to be administered by five representatives of indigenous organizations and two representatives of the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples (INDEPA)¹¹ – today the Office of the Deputy Minister of Intercultural Relations. These representatives are to make up the Board of Directors of the Fund, which shall enjoy technical, economic, administrative and financial autonomy.

71. On 16 July 2011, Ministerial Decision No. 185-2011-MC, by which the members of the Board of Directors of the Indigenous Peoples' Development Fund were appointed as provided for in Act No. 27811, was published in the official gazette, *El Peruano*.

72. A proposed directive is being drafted on the recognition and certification of the learnings of Andean and Amazonian indigenous peoples as part of the ancestral knowledge of the indigenous peoples of Peru. The aim is to establish a standard process for ensuring the recognition and certification of the existing learnings of Andean and Amazonian indigenous peoples that make up part of the ancestral knowledge of the nation.

Reply to paragraph 13 of the list of issues

73. Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation, as recognized in International Labour Organization (ILO) Convention No. 169, was promulgated on 6 September 2011.

74. The aim of this law is to define the right of indigenous or aboriginal peoples to prior consultation on legislative or administrative measures that directly concern them and to set forth the associated principles and procedures. The Act is interpreted in the light of the obligations assumed under the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), which was ratified by Peru by means of Legislative Decision No. 26253.

75. The goal of the consultation process is to allow the State and indigenous or aboriginal peoples to reach agreement concerning a particular legislative or administrative measure that directly affects those peoples by means of an intercultural dialogue that ensures their inclusion in the State's decision-making processes and the adoption of measures that respect their collective rights.

76. The principles underlying the right to consultation are the following:

(a) Timeliness: The consultation process is to be carried out prior to the adoption of the relevant legislative or administrative measure by Government agencies;

(b) Interculturalism: The process is to be carried out in a spirit of recognition of, respect for and adaptation to differences between cultures that is conducive to the recognition and appreciation of each such culture;

(c) Good faith: State agencies are to analyse and accord value to the position of the indigenous or aboriginal peoples involved in the consultation process in a spirit of trust, cooperation and mutual respect. The State and the representatives of the participating indigenous or aboriginal peoples' institutions and organizations have the duty to act in good

¹¹ In accordance with article 11 of Act No. 29565, INDEPA is now attached to the Ministry of Culture. It has been assigned to serve as the lead agency in proposing and overseeing the implementation of national policies for the development and defence of the ancestral rights and the rights of more recent origin of the above-mentioned peoples. It has also been tasked with working with regional governments to implement projects and programmes to promote, defend, conduct further research on and reaffirm those rights, together with the development, with equality and identity, of the Andean, Amazonian and Afro-Peruvian Peoples.

faith, on the understanding that all party politicking and anti-democratic conduct is prohibited;

(d) Flexibility: Consultations must be carried out using procedures that are suited to the type of legislative or administrative measure whose adoption is sought and must take into account the special circumstances and characteristics of the indigenous or aboriginal peoples involved;

(e) Reasonable time frame: The consultation process is to be carried out within a reasonable time frame that will enable the indigenous or aboriginal peoples' representative institutions or organizations to familiarize themselves with the legislative or administrative measure on which consultation is sought, analyse it and formulate specific proposals concerning it;

(f) Freedom from coercion or conditionality: The indigenous or aboriginal peoples' participation in the consultation process must not be subject to coercion or conditionality of any kind;

(g) Timely information: The indigenous or aboriginal peoples involved are entitled to receive all the information from State agencies that they need in order to express a duly informed opinion on the legislative or administrative measure on which consultation is sought. The State has the obligation to provide this information from the start of the consultation process and with sufficient lead time.

77. On 15 November 2011, Supreme Decision No. 337-2011-PCM was issued. It provides for the establishment of an ad hoc multisectoral committee to prepare a report containing a proposed set of draft regulations to govern the implementation of Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation, as recognized in ILO Convention No. 169.

78. The members of the multisectoral committee will analyse and discuss the contents of the proposal with a view to reaching agreement on the wording of draft regulations that will enjoy the support of both the indigenous peoples and the representatives of the various governmental sectors.

79. The committee is to be composed of 6 representatives of national indigenous organizations who are to be appointed by the organizations themselves (Asociación Interétnica de Desarrollo de la Selva Peruana (AIDSESP), Confederación Nacional Agraria (CNA), Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP), Confederación Campesina del Perú (CCP), Confederación de Nacionalidades Amazónicas del Perú (CONAP) and Confederación Nacional de Comunidades del Perú Afectadas por la Minería (CONACAMI)) and 14 deputy ministers representing the sectors of energy and mining, education, culture, justice, economic affairs, transport and communications, environment, agriculture, labour, inclusion, health, and domestic and foreign affairs.

80. The Deputy Minister of Intercultural Relations will serve as the technical secretary of the committee and, as such, will coordinate various activities aimed at facilitating consensus-building.

81. On 22 November 2011, the Deputy Minister of Intercultural Relations of the Ministry of Culture, in his capacity as technical secretary of the multisectoral committee established by means of Ministerial Decision No. 337-2011-PCM, presented the proposed version of regulations for the implementation of Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation, as recognized in ILO Convention No. 169.

82. The draft regulations are intended to govern access to the consultation process, ensure that the essential nature of that process is preserved and provide for the formalization of the agreements to which it leads.

Reply to paragraph 14 of the list of issues

83. Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is currently listed as an item on the agenda of the National Human Rights Council,¹² which is a multisectoral organ presided over by the Ministry of Justice and Human Rights.

Reply to paragraph 15 of the list of issues

84. Judicial decisions invoking the International Covenant on Economic, Social and Cultural Rights are attached as annex 1.

¹² The National Human Rights Council works to promote, coordinate and disseminate information on efforts to protect and uphold fundamental rights. It also advises the executive branch on those matters. Its members are drawn from 13 Government institutions. In addition, the Ombudsman's Office, the National Human Rights Coordinating Committee, the Peruvian Episcopal Conference and the National Evangelical Council of Peru participate as observers.