

# **PERU**

## **QUESTIONNAIRE TO GOVERNMENTS ON IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION (1995) AND THE OUTCOME OF THE TWENTY-THIRD SPECIAL SESSION OF THE GENERAL ASSEMBLY (2000)**

### **INTRODUCTION**

This document constitutes the report of the Peruvian government on progress in implementing the Platform for Action adopted at the Fourth World Conference on Women (Beijing, 1995), and on follow-up to the commitments assumed at the twenty-third special session of the United Nations General Assembly.

This document results from meetings held in the context of monitoring international commitments for the advancement of women, and includes actions taken by the government and by civil society for the empowerment of women and their full participation in the country's development, highlighting the principal achievements, constraints and remaining tasks.

Of the 12 critical areas of concern in the Platform for Action, this report gives priority to three areas in which the greatest progress has been achieved:

- Women and poverty.
- Violence against women.
- Women in power and decision-making.

The report demonstrates significant progress in these critical areas. Nevertheless, further efforts must be taken jointly by the government and by civil society to promote affirmative action for the advancement of women and to foster equity and equality of opportunities between women and men.

## **PART ONE:**

### **Overview of achievements and challenges in promoting gender equality and women's empowerment**

#### **Decisions and measures adopted**

##### ***A. Creation of national mechanisms for the advancement of women***

1. The Ministry for the Advancement of Women and Human Development (PROMUDEH) was created in 1996 in order to reinforce women's role in society and strengthen programmes for combating poverty. The structure and function of this Ministry were subsequently amended, in the process of governmental reform, to create the Ministry of Women and Social Development (MIMDES) with the mandate to “design, propose and implement social and human development policy, promoting gender equity and equality of opportunity for women, girls, seniors, and persons living in poverty and extreme poverty, and suffering discrimination and exclusion”, as set forth in the law creating the MIMDES.<sup>1</sup>

2. The Deputy Defender for Women's Rights within the Office of the Public Defender. Established in 1996 as a Specialized Defender, this office has since April 2002 the status of a Deputy Public Defender, responsible for helping to eradicate governmental acts that discriminate against women.

3. The Congressional Commission on Women was created in July 1997 to review draft legislation on women's rights as well as to propose and disseminate legislation in this area and identify and propose the repeal of legal provisions that discriminate against women.

4. The Commission on Human Rights for Female Police Officers was created in January 2002 as part of the reform of the police services. It works to ensure that there is no discrimination against female police officers, and one of its mandates is to promote equality of opportunity for women.

##### ***B. Action Plan on Gender Equality***

5. Supreme Degree 001-2000-PROMUDEH approved the Equal Opportunity Plan for Men and Women (PIO 2000-2005). Its mandates is: to promote the advancement of women and their full participation in the country's social, cultural and political life; to guarantee equality of treatment and opportunity for women and men; and to help bridge the gender gap through affirmative action in six key areas: education, health, violence, employment, social and political participation, and communication.

6. On 28 February 2000 the Ad Hoc Interagency Commission was created, chaired by the MIMDES, to monitor and evaluate implementation of the PIO 2000-2005.

7. In July 2001, Policy Guidelines on Equal Opportunity for men and women were prepared, on the basis of consultations with civil society organizations in eight of the country's cities. That

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<sup>1</sup> Law 27793

decision was sparked by recognition that there were limitations and gaps in the PIO 2000-2005, that it lacked a strategic vision for achieving fundamental changes in the status and position of women, and that no strategic actions were proposed to create capacities within government for its effective implementation, monitoring and evaluation.

8. Consistent with those guidelines, work began in 2002 on reformulating the PIO 2000-2005. The proposal was prepared and submitted to two rounds of nationwide consultation of a participatory and decentralized nature. It is now going through the process of legal approval.

9. It is important to note that, in its consideration of the Fifth CEDAW Report of Peru, the United Nations Committee on the Elimination of Discrimination against Women issued recommendation L (1) to the effect that "the process of review and consultation should continue for the elaboration of a new Equal Opportunity Plan for Men and Women, including civil society and in particular women's organizations, with a view to its prompt approval". The committee also suggested promulgation of a law on equality of men and women to serve as a legal framework for the reformulated plan.

10. Goal 3 of the Millennium Development Goals targets the elimination of gender disparity in primary and secondary education. Legislation has now been adopted to address that concern squarely: the Rural Girls' Education Act<sup>2</sup> defines actions to eradicate all forms of discrimination against girls in rural schools on the basis of their race or language, or because they are over-age.

### ***C. Government policies to promote gender equality***

In recent years, since the restoration of democracy (2001), the country's social, political and economic dynamics have been subject to reshaping by new processes such as regionalization and decentralization, among other policy measures that are currently on the public agenda.

11. Decentralization has laid the basis for creating and reinforcing regional government bodies, as part of the drive for social equity and equality of opportunity. One of the social objectives of the Decentralization Act, indeed, is "to promote human development and the progressive and sustained improvement of living conditions for overcoming poverty",<sup>3</sup> with a special focus on people who have been the victims of inequality and social exclusion, a situation in which a greater proportion of women find themselves.

12. The Regional Government Organization Act<sup>4</sup> and the Municipalities Act<sup>5</sup> are designed to foster integral and sustainable regional and local development and to guarantee equal opportunity at those levels.<sup>6</sup> In both laws, inclusion and equity are made guiding principles in efforts for "preventing discrimination on grounds of ethnic origin, religion or gender, and any other form of discrimination".<sup>7</sup>

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<sup>2</sup> Law 27558, November 2001.

<sup>3</sup> Law 27783: objective d) of the social objectives in Article 6, Chapter III of the Decentralization Act.

<sup>4</sup> Law 27867

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<sup>6</sup> Law 27972, Article 4, Regionalization Act.

<sup>7</sup> Article 8 (4), Regionalization Act.

13. The Social Charter of the current government calls for further progress in the democratic transition that began in late 2000. It establishes very clearly the requirement to link economic policy with social policy objectives, and the need to implement strategies for articulating sectoral activities and those of the State as a whole, in concert with civil society, within the framework of a long-term National Integral Development Plan.

14. The National Accord is an unprecedented governance initiative now underway in Peru to generate consensus on the formulation of long-term public policies, through a forum for dialogue and cooperation between the State and civil society.<sup>8</sup> It contains 29 State policies as the basis for government action to promote national development over a 20-year horizon. Of particular note among those policies are the following:

- Policy No. 10: Poverty reduction. This policy gives priority to combating poverty and reducing social inequality through comprehensive policies to guarantee equality of economic, social and political opportunity. It also seeks to end discrimination on the grounds of inequality between men and women, ethnic origin, race, age, creed or disability. It calls for special assistance to persons who are excluded and vulnerable or living in extreme poverty.
- Policy No.11: Promoting equality of opportunity without discrimination. This policy gives priority to promoting equality of opportunity, recognizing the existence of social discrimination and inequality, especially against women, children, the elderly, members of ethnic communities, people with disabilities, and the destitute. It also calls for consolidating an institution at the highest level of government (MIMDES) to play a guiding role in policies and programmes relating to gender equity, as well as the involvement of women as full social and political players in dialogue and concert with the State and civil society.
- Policy No. 13: Universal access to health services and social security. The government is committed to giving greater attention to basic social services for women living in conditions of special vulnerability. It seeks thereby to expand and to decentralize health services, especially in the country's poorest areas, with priority to mothers, children, the elderly, and the disabled. An explicit feature relating to women's reproductive rights calls for promoting healthy maternity and family planning services, with free choice of methods and without coercion.
- Policy No. 16: Strengthening the family, protecting and promoting children, adolescents and youth. This policy seeks to strengthen the family as the fundamental locus of integral human development. Accordingly, the State is to prevent, punish and eradicate the various manifestations of violence that arise in family relationships, and to guarantee the well-being and integral development of boys, girls, adolescents and youth, especially those living in situations of risk, poverty and exclusion, and ensure that they can lead a decent life.

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<sup>8</sup> Comprising the Peruvian government, seven political parties represented in Congress, and seven civil society organizations with national representation.

15. The poverty strategy now has a new focus in the process of decentralization and reform of the Peruvian State, designed to achieve greater levels of social equity by fostering equal opportunity, gender equity, the promotion of women, and the guarantee of their rights.

#### ***D. Main legislative achievements***

Steps have been taken for the progressive adaptation of the legal framework to international standards, through legislative reforms designed to prohibit all forms of discrimination:

- Ratification of the major international legal instruments, primarily those of a binding nature.<sup>9</sup>
- Promulgation of laws to promote women's political participation, including the establishment of quotas in the Constitution and in the legislation governing general elections, congressional, regional and municipal elections.<sup>10</sup>
- Approval of antidiscrimination laws.<sup>11</sup>
- Amendment of civil and criminal legislation to eliminate provisions that discriminate against women.<sup>12</sup>
- Approval of laws banning violence against women.<sup>13</sup>
- Ratification of the Conventions of the International Labour Organization (ILO).<sup>14</sup>

#### **Constraints encountered in achieving the objectives**

16. Mainstreaming of the gender focus in the plans, programmes and projects of the various State sectors is still insufficient. As a result, inadequate resources are allocated to specific actions to promote equal opportunity for women, and methods for evaluating the impact of government actions on women and men are lacking.

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<sup>9</sup> These include: The Rome Statute of the International Criminal Court. The Peruvian Criminal Code is being amended for these purposes through a Special Commission of Congress; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>10</sup> The Political Constitution of Peru, Amended by Law 27680 of 6-03-02; the General Elections Act, Law 26859, Amended by Law 27387 of 27-12-2000; the Regional Elections Act, Law 27683 of 25-03-02; the Municipal Elections Act, Law 26864 of 14-10-97, which established a quota of 25%, subsequently increased to 30% by Law 27734 of 28-05-02.

<sup>11</sup> Law 26772 of 14-04-97 bans acts of discrimination in the offer of employment and in admission to educational facilities. It defines discriminatory practices and provides channels for recourse. Law 27049 specifies the right of citizens to non-discrimination in consumption and prohibits discrimination among consumers by sex.

<sup>12</sup> Law 27495 expands the grounds for divorce to include de facto separation after four years, when there are minor children, and after two years when there are none. This rule facilitates divorce for women abandoned by their husbands or who have left their husbands for reasons of violence and abuse. Law 27201 establishes the marriageable age at 16 years for male and female adolescents (previously the age was set at 14 years for females and 16 years for males), and gives adolescents the right to recognize their offspring and to demand support.

<sup>13</sup> These are detailed in the second part, in the section on violence against women.

<sup>14</sup> Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, ratified by Legislative Resolution 26,253 of Numeral 2-02-94; Convention 138 concerning a Minimum Age for Admission to Employment, Ratified by Supreme Decree 38-2001-RE of 30-05-01; Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Ratified by Supreme Decree 087-2001-RE of 30-11-01.

17. There still persists an institutionalized culture with rules of behaviour, values and attitudes that discriminate between men and women in the household, the school, institutions, and the community at large.

18. There are no sectoral statistics by gender and age to demonstrate the situation of women, girls, and female seniors in rural and urban areas, and the progress they have made.

19. While there has been important progress in the legal area, there are still problems of enforcement. There are two reasons for this: 1. The lack of training among legal professionals in applying the rule of equal opportunity between men and women; and 2. The stereotypes that are still deeply entrenched in the legal profession and that assign different and unequal roles to men and women in society.

20. There is a shortage of mechanisms for mainstreaming the gender focus and guaranteeing women's participation in the decentralization processes.

21. The mass media continue to carry sexist and stereotyped images and contents that discriminate against women and deprecate their rights. Such messages make it difficult for public opinion to detect and question sexual discrimination.

## **PART TWO**

### **Progress in implementation of the critical areas of concern of the Beijing Platform for Action**

22. Peru has given priority to three of the critical areas in the Beijing Platform for Action: Women and Poverty; Violence against Women; and Women in Power and Decision-making.

#### **1. Women and Poverty:**

##### **The issues:**

23. According to INEI data for 2002, Peru has 13,861,347 people living in poverty. Of these, 6,934,449 are women, and 1,868,284 women are considered to be extremely poor. 85% of households headed by women cannot meet their basic needs. Women account for 75% of the illiterate population. The maternal mortality rate is 185 per 100,000 live births. While the overall fertility rate has declined in recent decades, the gaps between urban and rural women still betray serious inequities: while the fertility rate among urban women is 2.2 children per women, in rural areas it is 4.3. It is estimated that 25% of rural teenage girls are already mothers.<sup>15</sup>

##### **Policies implemented:**

Significant progress can be seen in the medium and long-term policies that have been adopted in connection with strategies to combat discrimination and inequities based on sex.

24. Recognizing the severe problem of poverty and extreme poverty, the Peruvian government has given priority to poverty reduction as a central strategy. It is now pursuing not only medium and short-term policies, programmes and projects to deal with the most acute situations, but is also developing the longer-term policies needed to achieve sustainable development with equity and inclusion, in partnership with civil society.

25. Peru has adopted a National Antipoverty Plan and a strategy to combat poverty and create economic opportunities for the poor (ESPOEP), which calls for including policies in the antipoverty strategy that will help to reduce gender-based discrimination and social divides, increase the efficiency of female labour, and lay the basis for women's development, so as not only to achieve real social and economic recognition for their efforts but, significantly, to incorporate them more thoroughly into decision-making levels on an equal footing with men.<sup>16</sup>

26. Establishment of the Antipoverty Roundtables (MCLCP)<sup>17</sup>, decentralized bodies consisting of representatives of State agencies, local governments, civil society institutions, the churches, and international cooperation agencies, that are working jointly to define local antipoverty plans. One of their objectives is "to coordinate social policies from the human development perspective

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<sup>15</sup> ENDES 2000, National Statistics Institute, INEI.

<sup>16</sup> Approved by Supreme Decree 002-2003-PCM.

<sup>17</sup> Created on 18 Jan 2001 by Supreme Decree 01-2001-PROMUDEH. In July 2001, Supreme Decree 014-2001-PROMUDEH was issued, amending and supplementing the original decree.

with a focus on gender equity". Women are playing a significant role in this work: 20% of the members of the executive committees of the MCLCPs, at the national, provincial and district levels, are women. Similarly, 30% of the coordinators of the 25 regional roundtables are women.<sup>18</sup>

27. The "2004-2006 Road Map: Overcoming Poverty through Greater Social Expenditure" includes the concept of "development with social justice", as laid out in policy guidelines that highlight the urgency of improving economic opportunities for the poor, through specific measures, actions and laws. The government is attempting to steer its social and productive infrastructure and lending programmes towards generating rural and urban employment. One of its goals here it is to promote increasing opportunities and economic capacities for the poor, and to extend to them the application of labour rights. This instrument makes government policies consistent with the State policies contained in the National Accord.

### **Achievements to date**

Thanks to the implementation of policies through the formulation and execution of plans, programmes and projects in the various sectors of government, significant progress has been achieved. The most important successes have been the following:

#### ***A. Intervention by the Ministry of Women and Social Development (MIMDES)***

28. The MIMDES has the lead in the most important policies and actions of the ESPOEP strategy for overcoming poverty and creating economic opportunities for the poor. These involve strengthening the capacities of vulnerable people and respecting ethnic and cultural diversity, from a perspective of human development, gender equity, and promotion of a culture of peace.

29. The MIMDES is responsible for the decentralization and gradual transfer of social programmes to local and regional governments, a process that began in 2003 and is to be completed in 2006. The emphasis here is to develop the human capacities of mothers and their children under three years of age, and to improve economic opportunities for the poor, through the coordination of social and productive infrastructure programmes, microcredit, and strengthening the management capacity of social organizations.

30. The antipoverty programme in Lima (PROPOLI) has received \$20 million in support from the European Union and the Peruvian government to reinforce the efforts of social organizations to combat poverty through investment, over the next four years, in human capacity development, the creation of economic opportunities, the promotion of health and nutrition, and strengthening the exercise of social rights by groups of the poor and extremely poor in 10 districts of Lima. This programme is devoting 60% of its funding to women and their organizations.<sup>19</sup>

31. The Food Security Programme (PASA). A contract has been signed between the Delegation of the European Commission and MIMDES to improve food security through the construction of

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<sup>18</sup> There are 178 provincial roundtables and some 1000 district roundtables.

<sup>19</sup> PROPOLI, Contract PER-B7-30 10-90 5-130



social infrastructure works to reduce poverty among rural people in the country's poorest regions, namely Apurimac, Ayacucho, Huancavelica, Junin, Puno and Loreto.<sup>20</sup>

32. The National Fund for Compensation and Social Development (FONCODES),<sup>21</sup> one of the most important agencies in combating poverty, has established a quota for women's participation in its execution units that direct and manage the fund's local projects (one of the four representatives in the executing unit must be a woman). This represents a step forward from the viewpoint of equity in national projects. Another successful experiment of FONCODES in relation to women is the degree of parity that has been achieved in the allocation of microcredits: of the 30,550 small businesses that received credit in 2002, 47.19% were headed by women.

33. Gradual implementation of national plans with specific targets for women, and with a gender, generational, intercultural and human rights focus:

- National Action Plan for Children and Adolescents 2002-2010.
- National Plan for Older Adults 2002-2006.
- National Plan to Combat Violence against Women 2002-2007.
- National Plan for Persons with Disabilities 2003-2007.

34. In 1999, the National Wawa Wasi Programme was created to provide day care services and comprehensive care for boys and girls under the age of four years, with a special stress on learning, health and nutrition. The programme is currently assisting about 40,000 girls and boys throughout the country, through 4,600 Wawa Wasis. Their work is supervised by 33 decentralized offices that coordinate governmental social actions with volunteers under community management.

### ***B. The Ministry of Agriculture***

This Ministry has been designing and implementing projects and programmes incorporating the gender perspective. Its main achievement has been to improve the status of women in rural areas, strengthening their technical and productive capacities and improving their quality of life.

35. The National Watershed Management and Soil Conservation Programme (PRONAMACHCS). Among its achievements we may note that between 1995 and 2003, 30% of programme beneficiaries were women, who received credits and farm loans, citizenship training, and transfers of technology; 96 women's committees have been organized, and 21 mothers' clubs have been established in the regions of Ayacucho, Cajamarca, Cusco, Huancavelica, La Libertad, Moquegua and Pasco.

36. The project for Natural Resource Management in the Southern Sierra (MARENASS) has produced positive results in its target communities, which have been quick to invest the funds received. Women's organizations have in fact doubled or tripled their production and marketing funds, and this has allowed them to create a community-based microcredit system. Leading peasant families, community leaders and women's groups are also strengthening their capacities

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<sup>20</sup> MIMDES-EC contract 2003. Final report, February 2004.

<sup>21</sup> This agency is part of the MIMDES structure.

in planning and management in order to ensure the continuity of the system once the project is concluded. The project has trained more than 20,000 women in 69 districts and 13 provinces of Ayacucho, Cusco and Apurimac.

37. When it comes to the transfer of technology and improving living standards, the MARENASS project has sponsored the installation of 17,591 improved cooking stoves and has supported upgrades to 14,429 rural women's dwellings.<sup>22</sup> Recognizing that women bear the primary burden of domestic chores, this project is having a positive impact on their working conditions and consequently on their health.

### ***C. The Ministry of Labour***

Over the last five years, the Ministry of Labour has designed and implemented projects and programmes with specific strategies for empowering women in their economic role. These have included:

38. The Women Entrepreneurs Programme (PROFECE), which seeks to create labour market opportunities for low-income women with family responsibilities. It is working in the country's poorer urban zones to create conditions of equality and of economic and social opportunities for improving women's employment options and upgrading their skills, so that they can increase their incomes on a sustained basis. In 2000, some 23,000 temporary jobs were created. The programme gives special attention to women with business ideas.

39. The "PROARTEX Project for developing the skills of poor female textile artisans". This programme helped 6,598 women weavers by giving them access to cooperative mechanisms, training courses, participation in local and national fairs and business groups, as well as information service centres and fixed points of sale.

40. "Project to Support Income Generating Social Initiatives for Poor Women", PIES. This project supports social initiatives for the generation of sustained incomes and the empowerment of small local businesses run by women's organizations. Women have accounted for 80% of participants. The programme has benefited 2,133 women directly through 39 projects at the national level, and 12,798 women indirectly (through the extended family).

41. Women's Training Programme for Seasonal Employment. This programme has benefited more than 3,000 women between the ages of 15 and 65 years. It was created in 2001 to promote employment by providing training.

42. Programme for Business Management Training and the Development of Output by Women Entrepreneurs in Metropolitan Lima. This programme has provided training for 575 individuals, 97% of whom were women.

43. FONDEME-BONOPYME, "Peru Entrepreneur Programme", targeted at firms with fewer than 20 workers. It provides technical training in business management, in response to demand

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<sup>22</sup> Report evaluating the impact of public policies on the status of women, March 2004

by micro and small entrepreneurs, male and female. Between April and September 2003, women accounted for 42% of beneficiaries.

44. The Self-employment and Microenterprise Programme (PRODAME) had contributed as of July 2003 to the constitution of 2,187 microenterprises, and had provided direct support to 5,190 entrepreneurs, 26% of whom were women.

#### ***D. The Ministry of Energy and Mines***

45. With the support of the Canadian Petroleum Institute, the Project of Assistance for Regulation of the Energy Sector in Peru (PARSEP) has adopted gender equity as a line of work. This has led to actions to incorporate the gender focus into decision-making bodies in the energy sector.

#### ***E. The Ministry of Health***

46. Recognizing the serious health risks facing women who live in extreme poverty without access to health services, the Ministry has expanded coverage of the Comprehensive Health Insurance Programme, through Law 27660, to include women's organizations. This has meant a substantial increase, from 140,609 in 2001 to 544,876 in 2002, in the number of pregnant women and new mothers receiving health care.<sup>23</sup>

47. Through internal regulations (RM 572-95 SA/DM), the Ministry has arranged for free family-planning services in all health establishments.<sup>24</sup>

#### ***F. The Ministry of Education***

48. The Peruvian government is particularly concerned to improve the situation of boys and girls, and has been developing medium and long-term policies as well as amending legislation.

49. Law 27557 on rural girls' education contains a comprehensive strategy for promoting and protecting the rights of girls. Supreme Decree 01-2003-ED established an Interagency Commission, comprising representatives of the various sectors of government and civil society, to monitor implementation of that legislation.

50. Incorporating the perspective of equal opportunities for women and men in the basic primary and secondary education curricula. The intention here is to offer equal opportunity for boys and girls to develop the skills covered in the curriculum.

51. In 2002, a module on "learning to live in democracy" was developed, with two components: "developing self-esteem" and "promoting gender equity". Research has been conducted on violence against women and on prevention of teenage pregnancies, among other topics.

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<sup>23</sup> Consultant report, "Baseline of Gender Differences and Disparities in Health in Peru", PAHO, Lima, 2003.

<sup>24</sup> Policy No. 16 of the National Accord calls for strengthening the family and protecting and promoting children, adolescents and youth, as a guideline for government activity over the next 20 years.

52. The teacher training programme that is conducted during the first three months of the year is designed, among other things, to eradicate sexist contents from school instruction and to promote coeducational values at all stages. In 2000, 334 workshops were conducted for 30,000 teachers and 17,000 school principals. In addition, 430 pedagogical institutes and advanced teacher training schools were advised of the new curricula, with their focus on equal opportunity for men and women.

### **Constraints encountered:**

53. There still persists the view that poverty is gender-blind, and that it affects women and men equally, and it is therefore necessary to adopt and implement coordinated action across-the-board between the state and civil society in order to counter the impact of poverty of women, primarily in rural and poor urban areas.

54. Female poverty is not widely recognized because of inadequacies in the system of recording indicators to measure poverty in general, and the various methods of recording information that do not allow for accurate comparisons.

55. There is persistent under-recording of women's contribution to the economy, such as women who work without pay, especially in rural agriculture. The same is true of the unpaid work that women perform in the home, which is certainly more intense among women of reproductive age and those with many children.<sup>25</sup>

## **2. Violence against women**

The Peruvian government is making progress in implementing a national programme to combat violence against women.

### **Achievements**

#### ***A. Measures to deal with violence against women***

56. The National Programme against Family and Sexual Violence, within the Ministry of Women and Social Development, was created in April 2001, by means of Supreme Decree 008-2001-PROMUDEH, for the purpose of developing strategies of prevention and to offer facilities for comprehensive care of the victims of family and sexual violence. It includes mechanisms to provide support for persons involved in such violence. To date, the programme has established 39 women's emergency centres in 21 departments throughout the country. In 2003, 28,067 cases were handled in the centres, and 89% of beneficiaries were women.<sup>26</sup>

57. Implementation of the National Plan to Combat Violence against Women 2002-2007, approved by Supreme Decree 017-2001-PROMUDEH, in July 2001. That plan calls for public policies to be coordinated among the sectors involved in combating violence against women. It

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<sup>25</sup> The Millennium Development Goals and Gender Equity. The Case of Peru, prepared by Rosa Bravo, para. d), Women performing monetarily unremunerated work.

<sup>26</sup> Office of Research and Records of the National Programme against Family and Sexual Violence.

addresses violence as a discrimination issue, with its primary focus on human rights, the gender perspective, and mainstreaming. A high-level commission has been constituted to carry out the plan, composed of representatives of MIMDES and the ministries of the Interior, Health, Education and Justice. The Deputy Public Defender for Women participates as an ex officio member. As well, two working groups have been established with representatives of the ministries and of civil society organizations to support and monitor implementation of the plan.

**B. *Legislation to promote the right to a life free of violence***

58. After a series of amendments, Law 26260 on "Protection against Family Violence" establishes legal procedures to be followed in cases of family violence: these are designed with a minimum of formality and a focus on providing precautionary measures for victims.

59. The provisions of Law 26872 on Out-of-court Conciliation and its Regulations, Supreme Decree 001-98-JUS, have been amended to repeal the provision that treated family violence as a matter for conciliation.

60. Approval of the Law to Prevent and Punish Sexual Harassment, in March 2003. That Law defines and punishes sexual harassment in the workplace, education centres, and in the armed forces and the police. It provides special protection for women and girls who suffer sexual abuse through circumstances of dependency. The regulations were promulgated in November 2003, and establish a specific procedure for bringing action in these cases.

61. A police directive against sexual harassment was approved in November 2002. It creates a procedure for administrative sanctions in the case of sexual harassment committed among members of the National Police.

**C. *Improvements in the recording of cases of violence***

62. A system has been created for the recording of cases of family violence. The Attorney General's Office of Legal Medicine, and the women's emergency centres of MIMDES, have a system for recording information, which saw an increase in the number of cases notified in 2001 and 2002. The number of family violence cases recorded rose by 27%, reflecting primarily the implementation of the epidemiological surveillance system for family violence in several cities.

**D. *Creation of services for victims of violence***

63. Five new police commissioners for women have been established in Metropolitan Lima, with a special body for coordinating their actions in dealing with violence against women.

64. Since June 2001, a free telephone hotline, "Ayuda Amiga", has been operating for reporting cases of family violence: it handled more than 9,000 calls during 2002 and 2003. In 2002 the number of telephone consultations relating to family and sexual violence and other matters was 83% higher than in 2001.

65. Improvements have been made to the facilities available at 24 women's shelters nationwide, and at 30 family and sexual violence sections in provincial police stations that are part of the national programme against family and sexual violence.

***E. Support for specialized research on violence against women***

66. The national programme against family and sexual violence has conducted qualitative studies of women affected by such violence. These have been used to establish a frame of reference under which two research projects will be pursued in 2004, covering:

- Family violence involving women and men between the ages of 15 and 59.
- Child abuse.

***F. Promoting public awareness relating to violence:***

67. Training has been provided to justices of the peace in rural areas, and the Rural Girls' Education Act has been disseminated.

68. Training has been provided for people in strategic positions (judicial personnel, police officers, teachers, journalists and physicians). National, regional and local campaigns have been conducted to inform the general public about their rights, the issue of violence, and its impact and consequences. Publicity activities have been stepped up nationwide, through radio, television, the local and national press, and a monthly virtual newsletter on the MIMDES web page.

**Constraints encountered**

69. The social and cultural patterns that legitimize violence against women are still deeply rooted in the population and among justice system personnel.

70. While progress has been made in providing training for justice personnel on the issue of violence against women and on women's human rights, the high turnover in those positions tends to frustrate the permanence and continuity of learning.

71. There is no integrated national system of data differentiated by sex and age for providing comprehensive statistical information on the various types of violence against women.

72. The country's great geographic distances and the cultural backwardness of rural areas impede efforts to raise awareness of violence against women.

### **3. WOMEN IN POWER AND DECISION-MAKING**

#### **Achievements**

##### ***A. Access for women policymaking positions***

73. Two female ministers were appointed in 1987, for the first time in the executive branch, to the ministries of education and health. In early 1999 there were three female ministers, in the ministries of Justice, Women and Human Development, and the Presidency. In March 1998, 22.7% of Deputy Ministers were women (vs. 77.3% men), while 7.14% of ministers were women (vs. 92.86% men). Currently, of Peru's 15 ministries, two, or 13%, are headed by women (87% by men). In 2003, the election of a woman as President of the Council of Ministers constituted a significant step forward and a clear demonstration of the active role that women play in national political life.

74. The Prosecutor General's Office is currently headed by a female supreme magistrate. Female prosecutors are concentrated in the field of family law.

75. The implementation of quotas in local government<sup>27</sup> has produced positive results. For the period 1995-1998, only 8% of elected councillors were women, while in 1998-2002 this figure rose to 24%, and for the period 2003-2006 five women have been elected out of a total of 194 city mayors, 26% of municipal councillors are women, and 49 women have been elected as district mayors (of a total of 1624).

76. Election of women to Congress. In the general elections of 2000, the electoral quota of 25%<sup>28</sup> was applied for the first time. The proportion of female members of Congress rose from 11% to 22%, compared to the period 1995-2000. In the special elections of 2001, women won 19% of the seats. It should be noted that these elections involved multiple electoral districts, which increased the possibility of standing for office, yet the percentage of women elected remained virtually unchanged.

##### ***B. Gender representation measures***

77. Constitutional amendment. The Political Constitution of Peru was amended by Law 27680 of 6 March 2002, reforming Article 191 of the Constitution to establish minimum percentages for representation of the sexes, of native communities and of aboriginal peoples in regional and municipal councils.

78. Regional elections for the period 2003-2006. The foregoing amendment is reflected in the Regional Elections Act, Law 27683 of 25 March 2002, which established the gender quota. In

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<sup>27</sup> Law 26864, the Municipal Elections Act, provides that candidate lists must include no fewer than 25% of either sex. In 2001, this quota was increased to 30% or more for members of Congress.

<sup>28</sup> The congressional quota originates in the Elections Organization Act (Law 26859) published on 1 Oct 1997, article 116 of which provides: "lists of candidates for Congress must include a number no less than 25% of women or of men", applicable in 2000. That Law was amended by Law 27387 of 27 Dec 2000, which provided that congressional candidate lists must have no fewer than 30% of men or women, applicable in 2001.

the regional elections of 17 November 2003, 12% of the 25 regional presidents elected were women, and 16% of the 25 Vice Presidents, as were 22.3% of regional councillors.

79. Similarly, the Political Parties Act, Law 28094, promulgated in November 2003, sets a 30% quota on the makeup of candidate lists, in order to ensure the presence of women in positions of leadership and decision-making within political organizations.

### ***B. Training to encourage greater electoral participation by women***

80. The Office of Electoral Procedures (ONPE) has been promoting greater participation by women in elections, through a training programme approved by RJ 236-2002-J/ONPE on 15 July 2002, designed to guarantee the right to vote for vulnerable sectors of the population. This has involved publicizing the right to vote for citizens with disabilities, women in rural areas, native and indigenous people. Training has been provided through various means to 382,846 women, a figure that represents 15% of the national female electorate. The programme is estimated to have reached 48% of women's organizations in seven departmental jurisdictions, with information and education activities.

81. ONPE has produced and distributed educational materials and electoral information targeted especially at women. It distributed a poster entitled *Nosotras Decidimos* ["We women will decide"], stressing the importance of women's vote, which was produced in two versions, one for rural women and the other for women living in urban areas. Brochures were also prepared, to encourage women to participate in the elections: 40,000 copies were printed for distribution in rural areas, and 60,000 in urban areas.

82. Since 2003 the Ministry of Women and Social Development, through its Programme to Support the Resettlement and Development of Emergency Zones (PAR)<sup>29</sup>, has incorporated the issue of women's participation into projects for Reconstruction of Democratic Institutions and Promotion of Human Rights. Training modules have also been implemented for leaders of both sexes who will participate in their community's public life and decision-making. Similarly, the National Office for Grassroots Cooperation of MIMDES, through its 31 operating units, was able in 2002 to reach 31,866 persons directly, and 191,196 persons indirectly, through public participation and oversight workshops, and campaigns dealing with communication and institutional image, full citizenship and political neutrality, among other activities.

### ***C. Promoting voter registration and ID documentation***

83. In 2000 the Provisional Identity Registry Programme (RPI) was completed, with financing from the United Nations Development Programme (UNDP) and the National Treasury, for delivering identity papers to undocumented men and women from the zones of violence. The programme ran for three years (1998, 1999, and 2000) and delivered 300,796 national identity documents to women, and 286,016 to men. This programme provided excluded people (mainly women) with a National Identity Document (DNI), thereby giving them the ability to exercise their civil rights.

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<sup>29</sup> A programme of social projects to repair the consequences of political violence.



84. During 2003 the Ministry of Women and Social Development and other governmental and civil society institutions implemented the "Civil Rights Campaign for Rural Women of Arequipa, Cajamarca and Piura", the objective of which was to encourage the authorities and the community to upgrade their services and facilitate the delivery of birth certificates, at low cost, for obtaining the DNI. Since September 2003, the MIMDES has been sponsoring the "Campaign for Rural Women's Documentation", through an interagency commission.

***D. Mechanisms for promoting women's political participation***

85. The Ministry of Women and Social Development has a General Directorate for the Advancement of Women, which has the technical and policy lead in this area. Its strategic thrusts are to foster the empowerment of women, and to encourage their participation in public and political life, as well as to promote legislation and actions to create greater opportunities for women in all fields at the national, regional and local levels.

86. The municipalities have sponsored initiatives to promote women's participation in neighbourhood organizations. By Municipal Ordinance 00-002 of 6 March 2001, the Provincial Municipality of Callao established a minimum gender quota of 30% in neighbourhood boards, electoral committees, and public works commissions. Various NGOs have been supporting the work of municipal councilwomen in several areas of Peru.

87. Law 27731<sup>30</sup> of 1 May 2002 governs the participation of mothers' clubs and independent community kitchens in managing and overseeing food aid programmes. The regulations to that law guarantee participation by women's organizations in government food programmes at the various levels: municipal, regional and national. They also provide a mechanism for co-management of the National Food Aid Programme (PRONAA). These organizations have thereby been strengthened and their services have been improved, as has citizen surveillance of government food aid programmes.

88. Women in the Diplomatic Service. Data from the Ministry of Foreign Relations show that as of May 2003, among women at different levels of the diplomatic service, there were 12 female ambassadors (11% of the total) and 111 female diplomatic personnel (22% of the total). In May 2003 there were 295 service employees, of whom 138, or 46.7%, were women.

89. A special project for "Promoting the Exercise of Women's Voting Rights in Rural Areas" has been undertaken to encourage women in rural areas and marginal urban zones to exercise their civil rights. This project was carried out under an international cooperation agreement.<sup>31</sup> The objective was to upgrade services for the 2002 regional and municipal elections, in terms of institutional strengthening and voter education, in order to facilitate voting for disadvantaged groups such as indigenous people, illiterate rural women, and persons with disabilities.

**Constraints encountered**

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<sup>30</sup> Approved in May 2002, and its Regulations, approved by Supreme Decree 006-2003-MIMDES on 12 Apr 2003.

<sup>31</sup> Signed by the National Election Procedures Office and the United States Agency for International Development, USAID.

90. Women's lack of documentation, poverty, rural isolation and illiteracy have a direct bearing on female abstention during elections, the indifference of political leadership, and the risk of manipulation of women in the exercise of their civil rights.

91. Although the quota legislation favours greater representation of women in Congress and in regional and local governments, there are technical factors in the electoral system that impede mechanisms for promoting women. There is no requirement that the female candidates' names be placed in the top positions on the list, which are those most likely to be elected.

92. There are no mechanisms that give preference to women in decision-making bodies of the public administration.

93. Women's participation in the forums of political power and decision-making is still limited, confined for the most part to positions that are symbolically associated with traditionally feminine traits of protectiveness and social sensitivity. They are still given professional functions that constitute an extension of woman's private role of caring for and attending to the needs of the family.

## **PART THREE**

### **INFORMATION ON INSTITUTIONAL MECHANISMS AND ARRANGEMENTS TO SUPPORT FOLLOW-UP AND IMPLEMENTATION OF THE PLATFORM FOR ACTION AND THE OUTCOME OF THE 23rd SPECIAL SESSION OF THE GENERAL ASSEMBLY (BEIJING + 5)**

#### **Achievements**

##### ***A. Strengthening the leading role of MIMDES in the advancement of women:***

94. The Ministry for Women and Social Development (MIMDES) has two Vice-Ministries, one for Women and one for Social Development, with the power to issue policies and regulatory provisions for the advancement of women and the promotion of social development.

95. The units that make up the structure of the Vice-Ministry for Women are the General Directorate for Children, the National Adoptions Secretariat, the General Directorate for the Advancement of Women, and the National Programme against Family Violence. The Vice-Ministry for Women designs policies to promote gender equity and equality of opportunity for women, and gives the General Directorate for the Advancement of Women the function of incorporating the gender perspective into the plans, programmes and projects of the central government.

96. The MIMDES is a member, and in many cases the chair, of inter-agency working committees for joint action with civil society and the private sector. Those bodies concern themselves with the major social problems and with monitoring national plans and policies, and they constitute the priority scenario for incorporating the gender and equal opportunity focus, since this assists them in carrying out their objectives. The MIMDES participates actively in the Inter-Agency Committee on Social Affairs (CIAS), in the Multisectoral Committee on Rural Development, and in the Multisectoral Committee on the Millennium Goals, headed by the Office of the President of the Council of Ministers (PCM) and the UNDP

97. The oversight role of the Ministry of Women and Social Development for issues relating to gender equity is reinforced by the commitments accepted in the National Accord, the 11th Policy of which calls for the "Promotion of Equality of Opportunity without Discrimination". With this policy, the State committed itself, among other things, to consolidate an institution at the highest level of government with responsibility for policies and programmes to promote equality of opportunity between men and women.

98. Establishment of the Roundtable for Dialogue with Women's Social Organizations. Consistent with its participatory strategy and its respect for women's organizations, the MIMDES set up this Roundtable by means of Ministerial Resolution 512 of 25 August 2003. The objective is to involve women's organizations actively in the design of government policies for achieving national objectives such as democracy, the rule of law, social equity and justice, national competitiveness, and a more efficient, transparent and decentralized State

99. The MIMDES sponsored a study on the impact of public sectoral policies, with the support of international cooperation. The study covered four sectors of government: education, health, agriculture, and education, and its results have been used to launch efforts to sensitize public officials and to design sectoral policies focused on equity and equal opportunity.

100. As part of the regionalization and decentralization process, the MIMDES has been strengthening the activities of public officials at the regional and local level, in order to institutionalize and mainstream the gender focus in regional and local development plans, in light of the national and international juridical framework for equal opportunities. It has also been supporting regional and local female authorities and leaders, in order to improve their participation.

***B. Creation of mechanisms for implementing the Equal Opportunities Plan 2000-2005***

101. By Ministerial Resolution 0010-2004-AG, the Agriculture Ministry created the Interagency Commission for Monitoring and Evaluating the National Equal Opportunity Plan for Women and Men 2000-2005, as the body responsible for incorporating the gender focus into the operations plan, programmes and actions of the Ministry of Agriculture and its decentralized agencies.

102. By means of Ministerial Resolution 0518-2004-IN of 4 April 2004, the Ministry of the Interior approved the Equal Opportunity Plan for Men and Women 2003-2005 for the Interior Sector, stressing that this plan will serve as a guideline for defining the Ministry's activities over that period. Progress will be reviewed semiannually and annually by the General Planning Office.

***C. Strengthening democratic institutions for the formulation, implementation and supervision of public policies***

103. Article 60 of the Regional Government Organization Act makes it a part of the function of local government with respect to social development and equal opportunity, to formulate and approve social development policies and to supervise and evaluate the implementation of sectoral policies. Those functions also include the formulation and implementation of social assistance policies and activities, with emphasis on the groups most exposed to social exclusion, as is the case of women living in extreme poverty.

104. As part of the steady progress with decentralization, we may mention the expansion of municipal powers and the transfer of funding needed to fulfill their role in promoting local development. New forums are gradually being created for addressing women's issues, and initiatives have been taken to incorporate the idea of equal opportunity for women in many municipal, provincial and district entities throughout the country.

105. Peru has been submitting periodic reports for monitoring its binding and nonbinding international commitments to promote nondiscrimination and the advancement of women, and it is a member of the OAS Inter-American Commission of Women, the ECLAC Women's Commission, and that of the United Nations. In August 2002 it submitted its Fifth Report under the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW),

and received recognition for the efforts made by the current government, as well as recommendations issued by the CEDAW Committee.

### **Constraints encountered**

106. The various mechanisms for strengthening democratic institutions require a normative framework for incorporating gender equity as a cross-cutting strategy in the various spheres of national life, one that will help to create and strengthen bodies for promoting and overseeing compliance with the rules and objectives. This task will have to involve all areas of government and civil society.

107. We recognize that there is a need for the further formulation and implementation of public policies that incorporate gender equity and that take into account the disparities and discrimination that impact particularly on women, girls, the elderly and the disabled, taking into account the many diversities of our country (regional, socioeconomic, cultural, urban, rural, ethnic, etc.).

108. Policies are needed to give operational reality to strategies for information, training, sensitization of public sector personnel and other agents involved in the fields of labour, health, education and rural development, political organizations, local and regional governments, grassroots organizations, etc.

109. The national budget will have to be decentralized so as to allocate greater human and financial resources from the many agencies of government to various policies, projects and programmes that take account of differences in access to economic resources and employment for the most vulnerable women: those in rural areas, marginal urban zones, and ethnic communities of the Andean and Amazon regions.

## **PART FOUR**

### **Measures to ensure full implementation of the Platform for Action and the outcome of the 23rd special session of the General assembly (Beijing + 5) in the following areas:**

110. Improve living conditions for women so that they can exercise their fundamental human rights, recognizing that a high proportion of women live in poor or extremely poor households, especially in rural and marginal urban areas, and that their domestic tasks impose on them serious constraints. They earn less than men in the market, and many receive no income for their work (family businesses and farming activity). It is therefore very important to generate greater opportunities and better working conditions for women, in order to guarantee their rights.

111. Improve the gathering and processing of information to facilitate efforts to monitor the status of women and to take affirmative measures.

112. Greater autonomy and equality of opportunity in access to and control of resources, and opportunities for decent employment.

113. Greater allocation of financial resources to government sectors that are implementing the national plans for promoting social equity.

114. Further sensitization and strengthening of the capacities of technical staff, officers and managers for formulating, implementing and evaluating actions on policies incorporating the promotion of gender equality and the empowerment of women.

115. Propose and implement legislation and mechanisms to guarantee that women, primarily in rural zones, will have access to justice in the face of violence they experience.

116. Guarantee the effectiveness of the electoral quota system so as to remove obstacles to women's representation in political bodies.

117. Approve the Equal Opportunity Act, which will guarantee the incorporation of the gender perspective across all sectoral policies, and will strengthen regional and local mechanisms for improving the status of women, through effective and efficient implementation of the Equal Opportunity Plan for Women and Men.