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

Initial report

252. The Committee considered the initial report of Peru (CEDAW/C/5/Add.60) at its 163rd and 166th meetings, on 30 and 31 January 1990 (CEDAW/C/SR.163 and 166).
253. The representative of Peru, introducing the report, recalled international efforts to overcome discrimination and achieve the full participation of women but that that had taken place in the context of economic difficulty relating to development. His country had had to cope with a difficult development problem but had given particular attention to improving the status of women. Peru supported the Convention for Peru's Constitution provided in article 2 that women and men had equal rights under the law. Under Peruvian jurisprudence, the Convention would prevail over national law should there be a conflict. Different cultures and values existed in Peru and the report reflected that diversity. For that reason, elimination of discrimination against women called for a special effort.
254. Regarding women in political life, women constituted 5.5 per cent of the lower house of parliament and 4.8 per cent of the senate, there were three ministers and many other women in high positions in the public service, including one of the four under-secretaries-general in the diplomatic service. He noted that in the forthcoming elections, there were many female candidates who had decided to run despite the threats and danger that that decision implied for them.
255. He further said that the de facto situation of women fell short of the expectations of the Convention, although the Government was making efforts to achieve equality. The economic situation of the country, in the face of the debt crisis, the impact of drug trafficking and terrorism had all combined to restrict the country's capabilities and the understanding of the international community of that situation was necessary, and the elimination of discrimination against women would be possible only if the developed countries co-operated to help eradicate poverty and violence.
256. He further stated that after the general description of the country, the report described constitutional provisions as well as the civil code. It then examined issues relating to the family, including issues of status, property and divorce. It examined representation in elected offices. It noted gaps in legislation concerning women's participation in the labour market. It described assistance in the health area to vulnerable groups, which had not succeeded as expected. Regarding rural women, the report emphasized the absence of protective measures and the use of agricultural co-operatives.
257. He stated that the questions posed by the Committee would be particularly useful in helping to prepare the second periodic report. The initial report reflected the Government's commitment to the elimination of discrimination against women, but was not intended to justify what had not been achieved.
258. On general issues, the Committee requested information on the extent to which the Convention had been disseminated in the country and on measures taken to eliminate discriminatory laws that continued to exist in the legal codes. Further

information was requested on the type of governmental or inter-ministerial mechanisms that had been developed in order to promote equal rights and co-ordinate government efforts for the advancement of women, especially in the light of the elimination of the National Committee of Peruvian Women that had been established in 1976. The importance was noted to activate the Convention in those movements of social and economic crisis and as legal element of the defence of the rights of women in Peru.

259. Regarding article 2, it was noted that information had reached the Committee from non-governmental organizations indicating possible violations of human rights of women under detention and being made by the Government to combat terrorism in the country. A confirmation of the truth of those reports was requested along with the measures being taken by the Government to remedy that situation. In addition, information was requested about the intention of the Government to establish a national machinery for the advancement of women and of efforts to adjust legislation to eliminate discrimination, especially about any laws that discriminated against indigenous women.

260. Concerning article 4, information on the extent to which temporary special measures were being used in the fields of education and work was requested.

261. Questions were asked about the extent to which traditional structures impeded the progress of women, in the context of article 5, and how far the Government utilized the mass media and other methods of information dissemination to make women aware of the Constitution or other laws favouring them, especially women in the rural areas. Information on the extent to which men shared in domestic work was requested.

262. With reference to prostitution, in terms of article 6, information on the extent of the problem, its relation to poverty and measures taken to deal with the problem, including the use of health cards, was requested.

263. With regard to article 7, information on the extent to which women voted, particularly in relation to their proportion in the population, was requested as well as on any impediments to that, such as illiteracy. It was noted that women seemed conspicuously absent from the formulation of government policy, and information on measures to increase their participation in decision-making was requested, as was data on the proportion of women who were candidates for parliament in relation to those elected. Questions were asked about the size of the women's movement, including the housewife committees and mothers' clubs, and their use as the vehicle for extending the literacy, political, health and education programmes.

264. Questions were asked concerning the legal basis for the transfer of nationality within the meaning of article 9, whether that discriminated against women and any measures to eliminate discrimination against women in terms of article 10.

265. Concerning employment and article 11, information on the extent to which equal pay for work of equal value was applied in law and practice, as well as any positive legislation to ensure equality in employment was requested, together with information about whether protective provisions of the law might lead to discrimination against women, legal protection for domestic workers and whether Peru was a party to ILO Conventions.

266. Regarding article 12, information was requested on the legal provisions relating to abortion, the number of clandestine abortions and the extent to which women had access to family planning programmes and to public health services, especially maternal and child health and in the rural areas. It was asked whether the rates of infant and maternal mortality had decreased.

267. Information about steps taken to remove discriminatory laws about contracts was requested within the context of article 13.

268. With reference to women in the rural areas, under article 14, it was asked whether women were recognized as heads of family for the purpose of land tenure and whether they had equal access to loans, training and extension services. In addition, information was requested about the effect on rural women of illiteracy as well as the role of women's clubs in the rural area; and, further, whether there were special programmes both to solve the problems of rural women and protect them during any civil strife.

269. With regard to article 15, clarification was requested about the National Population Policy and particularly the meaning of the phrase "responsible paternity".

270. On article 16, questions were asked about the basis for the differential minimum age of marriage between women and men and particularly its lowering. A question was also asked about the regulation of adoption, particularly international adoption. The legal status of de facto families (consensual unions) was requested, as well as the incidence and trends of those unions, whether adultery, as a ground for divorce, was treated differentially for women and men. Information about the extent of violence against women was requested.

271. In response to the questions, the representative of the Government of Peru reiterated that the report ought to be seen in the national context where the country was suffering a grave economic crisis, arising from problems of the external debt burden that had significantly reduced the resources available for development, a continuing problem of terrorism and civil strife and a continuing problem with drug trafficking. The lack of resources had, for example, made it impossible for the report to have been presented by one of the specialists concerned with the issue since travel funds had not been available.

272. Concerning general issues as well as those raised under article 2, he stated that in terms of legal norms the Constitution provided for equality and the Convention also had direct standing in domestic law, but that the Constitution was more recent than many of the laws in the Civil, Criminal and Commercial Codes which, therefore, often contained legal provisions contrary to the Constitution and the Convention. Those codes had not yet been reviewed, but the legal norm, enforced by the country's courts, was for any law contrary to the Constitution to be considered null and void. In terms of national machinery, it had been decided to disband the National Council of Peruvian Women and replace it with a decentralized structure with women's units in the various ministries, which, regrettably, could boast of scant resources. There was an emerging consciousness of the need for a central body, a view held by all political parties, and as a result, changes were expected after the forthcoming elections. He noted that terrorism had inflicted a major toll of deaths, primarily among the rural poor, including men, women and children. The Government had not condoned violations of human rights and, indeed, had ratified all human rights Conventions. Whenever any

allegation of violations of human rights had been levelled, investigatory commissions had been established and there had been instances of civil penalties for those in the military or civil authorities found to have engaged in such practices. Regarding dissemination of information about the Convention, however, he noted that the scarcity of resources had dictated that other priorities had to be followed.

273. Concerning prostitution, with regard to article 6, it was stated that it had a social basis related to the socio-economic situation of women in which there was a lack of employment opportunities. It was difficult to change that situation through laws, although laws existed, for example, to punish the prostitution of minors. Solution to the problem was only possible through changing the root causes.

274. On article 7, the fact that women participated in the electorate in a lower proportion relative to their numerical strength in the population was acknowledged, but it was also noted that there had been increased participation recently deriving from women's increasing participation in work and in the trade unions. There were, however, no data on differences between the voting pattern of women and men since no figures were kept, although it could be noted that in the most recent election over 70 per cent of the eligible electorate in general had participated.

275. Regarding article 8, the representative stated that there had been efforts to increase the proportion of women in the diplomatic service and the representation of women was among the highest in the Latin American region, including offices at the top levels of the foreign ministry.

276. On the issue of nationality, under article 9, it was noted that in Peru the principle of both jus solis and jus sanguinis applied to determine nationality and, accordingly, there was no difference between women and men, as Peruvian citizens could pass nationality to their children through their registration.

277. Regarding education and article 10, it was stated that under the Constitution, 10 per cent of the public budget must be allocated to education. Universal primary education was a goal and out of a population of 20 million in 1985, 7.7 million were students, 80 per cent of them in free, State-funded institutions. There had been an average annual growth of 4.8 per cent in matriculation and one effect had been a decline by 1987 of illiteracy to 13 per cent of the population from a figure of 60 per cent at an earlier time.

278. In response to questions on article 11, it was stated that the legal structure did not permit inequality in the workplace, but there was considerable de facto discrimination due to attitudes and customs and, although some measures had been taken, the problem persisted. Some special efforts had been undertaken to help women within the context of the economic crisis, including a programme to support temporary work through public works in which 76 per cent of the participants were women, direct support in the form of comedores populares most of whose members were women, and joint artisanal workshops, as well as a programme to provide subsidized foods.

279. Concerning article 12, the representative stated that abortions were legal only to protect the life of the woman, and there was a high number of clandestine abortions. In terms of family planning, the general population law referred to responsible paternity in the sense of an equal responsibility for both women and men, and family planning had been added to secondary school curriculum, but there

were no programmes to make contraceptive devices available. The effect of the general lack of resources to provide health services could be seen in the return of incidences of tuberculosis, a disease that had almost disappeared in the 1970s.

280. With reference to rural women and article 14, it was noted that much of rural property was collectively held and women were among those permitted to obtain land under the system. The development of mothers' clubs, a self-help initiative of women themselves, which involved multiple economic efforts by women, had been a major development. Under the regionalization policy, representatives of mothers' clubs were included by law in regional assemblies.

281. The existence of violence in the family, in terms of article 16, was acknowledged but it was stated that all violence was a crime but that violence inflicted by a family member was regarded more seriously and punished accordingly. There was a body in Peru entrusted with the responsibility referring to the national and international adoption procedures.

282. The Committee acknowledged the economic difficulties faced by Peru, but noted that it was particularly at times of national stress that women's strengths were needed and in that context, the importance of women's self-help movements and solidarity was stressed, both for the achievement of equal rights and of national development. In view of the constraints in providing detailed answers and information, it was decided to request the representative of the Government to transmit the Committee's questions to the appropriate national authorities who would in turn send answers to the Committee through the Committee's secretariat in Vienna.

283. The Committee noted that the report, while reflecting the difficult situation, had been prepared from a feminist perspective. It noted the scarcity of resources to implement programmes and that, when the economic and political situation improved, there would be the possibility to address the recommendations and concerns of the Committee.