



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations of the Committee on the Rights of the Child: Peru

1. The Committee considered the third periodic report of Peru (CRC/C/125/Add.6) at its 1087th and 1089th meetings (see CRC/C/SR.1087 and 1089), held on 12 January 2005 and adopted at the 1120th meeting held on 27 January 2006 the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report as well as the detailed written replies to its list of issues (CRC/C/Q/PER/3), which allowed the Committee to have a clear understanding of the situation of children in the State party. It further welcomes the frank and open dialogue with a high-level and cross-sectoral delegation.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes:

(a) The adoption of the National Plan of Action for Children and Adolescents 2002-2010;

(b) The adoption of the National Plan of Action on the Prevention and Eradication of Child Labour, in 2005;

(c) The establishment of the National Programme against sexual and domestic violence, in 2001;

(d) The adoption of the Plan of Action against Poverty 2004-2006;

(e) The launching of the 2005 Programme "Juntos" aimed at supporting the most disadvantaged families.

4. The Committee also wishes to welcome the ratification of:
 - (a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography on 8 May 2002;
 - (b) The International Convention on the Protection on All Migrant Workers and Members of Their Families, on 14 September 2005;
 - (c) ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, respectively on 13 November 2002 and on 10 January 2002;
 - (d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime, on 23 January 2002;
 - (e) The Rome Statute of the International Criminal Court, on 10 November 2001.

C. Main subjects of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

Committee's previous recommendations

5. The Committee notes that some concerns and recommendations (CRC/C/15/Add.120) made upon consideration of the State party's second periodic report (CRC/C/65/Add.8) have been addressed. However, it regrets that other of its concerns and recommendations have been insufficiently or partly addressed, including, inter alia, those related to the strengthening of the "Ente Rector", non-discrimination, resource allocation, respect for the views of the child, physical and sexual abuse of children within and outside the family, regional disparities in access to health care, limited access to education for children belonging to indigenous groups, economic exploitation of children and the administration of juvenile justice.
6. **The Committee urges the State party to take all necessary measures to address those recommendations in the concluding observations of the second periodic report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the third periodic report.**

Legislation and implementation

7. The Committee notes that there are still discrepancies between some domestic laws and the Convention. Concern is expressed in particular about the articles in the Code on Children and Adolescent referring to "pernicious gangs" (Decree Law No. 899 on "*pandillaje pernicioso*") which provide that persons below 18 in conflict with this law may be deprived of liberty for up to six years, and at the so-called "Begging Bill" ("*Ley de Mendicidad*" No. 28190).

8. **The Committee recommends that the State party increase its efforts to guarantee the full harmonization of its domestic law with the Convention and to consider repealing the “Begging Bill” and the article in the Children’s Code referring to “*pandillaje pernicioso*”.**

9. The Committee welcomes the report of the Truth and Reconciliation Commission (CVR) presented to the President of the Republic in August 2003 as well as the fact that, among its recommendations, there is the establishment of an Integral Plan of Reparations for the victims of violence. However, it is concerned that the recommendations have been only partly implemented and that, so far, only few victims have been granted reparations.

10. **The Committee recommends that the State party adequately and effectively implement all the recommendations of the Truth and Reconciliation Commission, in particular those related to the Integral Plan of Reparations for the victims of violence, and to pay particular attention to the consequences of the armed conflict for children.**

National Plan of Action

11. While the Committee welcomes the adoption of the National Plan of Action 2002-2010 for children and adolescents, as well as the establishment of a multisectoral Commission for its monitoring and implementation, it is concerned that there is no specific budget allocation for the implementation of the Plan of Action and that civil society, including children’s organizations, do not have any role within the monitoring Commission.

12. **The Committee recommends that the State party provides the necessary resources both at the national and local level for an effective implementation of the National Plan of Action (2002-2010) for children and adolescents with the aim of realizing the principles and provisions of the Convention, and taking into account, inter alia, the outcome document “A World Fit for Children” adopted by the General Assembly special session in May 2002. The Committee also recommends that civil society, including children organizations, be represented within the monitoring Commission.**

Coordination

13. The Committee is concerned that due to a recent re-structuring of the Ministry for Women and Social Development (MIMDES), the General Directorate on Children and Adolescents has been downgraded as a sub-unit within a new unit for family and community, which may negatively impact on its potential and effectiveness in the coordination of activities regarding the implementation of the Convention at all levels of Government.

14. **The Committee recommends that the State Party give an adequate mandate to the General Directorate on children and adolescents in order to enable it to coordinate activities for the implementation of the Convention. In this regard, special attention should be given to make decentralization effective in terms of financial and human resources, functions and empowerment and to ensure effective coordination of the decentralized bodies.**

15. The Committee is further concerned that the “Defensorias del Niño y del Adolescente” established at the municipal level do not have sufficient human and financial resources to function properly.

16. The Committee recommends that the General Directorate on Children and Adolescents systematically develop training in children’s rights for the “Defensorias” at the municipal level and provide them with adequate financial resources both from the national budget and from international cooperation funds.

Independent monitoring

17. The Committee is concerned that there is no Ombudsman (Defensoria del Pueblo) specifically devoted to monitor the implementation of children’s rights.

18. The Committee recommends that the State party envisage the creation of an Ombudsman for Children at the national level, with coordinating functions and provided with adequate human and financial resources. The Committee further recommends that the Office of the Ombudsman have the mandate to deal with complaints from children in a child-sensitive and expeditious manner. In this regard the Committee draws attention to its general comment No. 2 on national human rights institutions (2002) and the Paris Principles (General Assembly resolution 48/134, annex).

Resources for children

19. The Committee is concerned that - despite the constant growth in the economy (24 per cent between 2001 and 2005) and the incorporation of children’s issues into policy priorities - the allocation and implementation of the current budget for children is insufficient. Furthermore, while welcoming the development of minimum standards for budgeting, the Committee is concerned that recently some of the budget allocated for education, health care and other services has declined (on percentage of the budget/GDP) and that some of the budgets earmarked for specific groups of children were not exclusively spent for these target groups.

20. The Committee recommends that the State party, in accordance with article 4 of the Convention, increase budget allocations for the implementation of the rights recognized in the Convention and prioritize them in order to ensure implementation of the economic, social and cultural rights of all children, especially those belonging to economically disadvantaged groups, such as indigenous children.

Data collection

21. While the Committee welcomes the presence of statistical data and information throughout the report and the written replies, it is concerned that information on children with disabilities and indigenous children is limited and that there is no centralized data management system to monitor progress on the indicators defined in the National Plan of Action for Children and Adolescents (NAPCA) and in other social programmes and plans.

22. The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of data collection on the implementation of the Convention covering all children below the age of 18 years and disaggregated by those

groups of children who are in need of special protection, including indigenous children, children belonging to minority groups, children living or working in the streets, child domestic workers, children with disabilities and children in institutions.

Training/dissemination of the Convention

23. The Committee regrets the paucity of information with respect to the training and/or the dissemination of the Convention.

24. **The Committee recommends that the State party strengthen its efforts to disseminate in a systematic and permanent manner the Convention throughout the country and to raise public awareness, in particular among children themselves and parents, about its principles and provisions.**

25. **Furthermore, the Committee encourages the State party to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professionals working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health and local Government personnel, media, social workers, teachers, school administrators and others as required.**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. The Committee is concerned that de facto discrimination still exists towards certain vulnerable groups such as children with disabilities, indigenous children, children living in rural and remote areas and those working or living in the streets.

27. **The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups throughout the country.**

28. **The Committee also requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education).**

Best interests of the child

29. While the Committee welcomes that the principle of the best interests of the child is enshrined in article VIII of the Code on Children and Adolescents, it is concerned that this principle is not fully applied in practice, for instance in the allocation of resources to children, in decisions on alternative care and their revision and in the administration of justice.

30. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately understood and integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

Respect for the views of the child

31. The Committee notes the State party's efforts to promote respect for the views of the child in school, but it remains concerned about their still limited participation in matters affecting them, in particular in the family, in schools and in the local community. The Committee is further concerned about reports that children were not included in decisions of local authorities which severely affected vulnerable groups of children.

32. **The Committee recommends that the State party promote, facilitate and implement in practice, within the family, schools, community, other institutions as well as in judicial and administrative procedures, the principle of respect for the views of children as well as their participation in all matters affecting them, in accordance with article 12 of the Convention.**

3. Civil Rights and Freedoms (arts. 7, 8, 113-117 and 37 (a) of the Convention)

Birth registration

33. The Committee appreciates the considerable efforts demonstrated by the State party towards achieving birth registration for all children. However, the Committee is concerned that there are still about 15 per cent of Peruvian children who are not properly inscribed in the Civil Registry System, mostly children in rural and remote areas of the country.

34. **The Committee reiterates its previous recommendation and urges the State party to make a priority of the immediate registration of the births of all children and to promote and facilitate the registration of those children who were not previously registered at birth, in light of article 7 of the Convention. In particular, the State party should modernize and ensure the proper operation and maintenance of the Registrar's Office, including by providing it with the necessary financial resources, qualified and well-trained staff and making the system more accessible throughout the country.**

4. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)

Family care and parental responsibilities

35. The Committee welcomes the fact that one of the goals of the National Plan of Action is to assist parents in fulfilling their responsibilities, but it is concerned about the lack of a comprehensive set of measures to support and empower the most vulnerable families.

36. **The Committee recommends that the State party strengthen its efforts to provide vulnerable families with the necessary support, inter alia, by increasing the budget for financial and other assistance, including counselling and empowerment of these families.**

Alternative care

37. The Committee is concerned about the fact that placement in an institution is not always used as a measure of last resort. Furthermore, it is also concerned that some of the institutions for the care of children temporarily or permanently deprived of their family environment are in precarious condition and that there is limited capacity to serve all children in need of alternative care and who cannot be cared for in family-type alternative care.

38. **The Committee recommends that, when placement in an institution is the necessary last resort for children temporarily or permanently deprived of a family environment, the State party ensure that suitable institutions for the care of children be available. The Committee further recommends that the State party recognize the right of children placed in institutions to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement. In addition, a complaint mechanism should be available and accessible for children placed in institutions.**

Violence, abuse, neglect and maltreatment

39. The Committee is concerned that - despite recent measures taken in this respect - domestic violence and abuse of children, including sexual abuse, is widespread in the society and that the Criminal Code does not provide for adequate protection against these forms of abuse.

40. **The Committee urges the State party to strengthen its efforts to:**

- (a) **Prevent and combat ill-treatment of children within the family;**
- (b) **Reinforce the mechanisms monitoring the extent of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, schools, in institutional or other care;**
- (c) **Introduce in the Criminal Code provisions specifically addressing these forms of violence and abuse;**
- (d) **Expand its toll free child helpline service, Teléfono Anar, in order to be able to reach out to children in remote areas throughout the country.**

41. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Latin America held in Argentina from 30 May to 1 June 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

Corporal punishment

42. While the Committee welcomes the legal provisions in place to prohibit corporal punishment both in the Penal Code and in Law No. 26260, it expresses concern that corporal punishment is lawful at home and is still widely practiced in the society as an accepted measure of discipline, both within the family and at school. Furthermore, the Committee is concerned that a recent survey showed that children themselves regard this practice as a natural means of discipline and education.

43. **The Committee recommends that the State party introduce and enforce legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including in the home. The State party should also conduct awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of childrearing and education.**

5. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

44. The Committee welcomes the establishment of the National Council for the Integration of Disabled Persons (CONADIS) within the MIMDES, as well as the campaigns to sensitize the public against marginalization and prejudices towards persons with disabilities, including children. It expresses concern, however, about the general situation of children with disabilities in the country, who continue to face discrimination, and at the information that very limited infrastructure exists for their care.

45. **The Committee encourages the State party to pursue actively its current efforts and to continue to:**

(a) Ensure that policies and practice in relation to children with disabilities take due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69);

(b) Pursue efforts to ensure that children with disabilities enjoy full integration, including mainstream education, and participation in social, cultural and sport activities;

(c) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation and social reintegration programmes, including parent support groups; and

(d) Strengthen public awareness campaigns to change negative public attitudes.

Health and health services

46. The Committee is concerned that:

- (a) Access to health and health services is inadequate especially in rural and remote areas of the country, resulting in significant disparities in health-care provisions;
- (b) The rates of maternal, infant and under-five mortality, despite some improvements, continue to be among the highest in Latin America;
- (c) There is high incidence of hepatitis B and anaemia especially among particular groups of indigenous people;
- (d) A significant proportion of people living in poverty and extreme poverty, including women and children under 18, are reportedly not affiliated to SIS (Seguro Integral de Salud);
- (e) Despite various programmes undertaken in this respect - including the National Programme of Food Assistance (PRONAA) - 25 per cent of children under 5 years of age and 32 per cent of children under 2 years of age still suffer from chronic malnutrition.

47. **The Committee recommends that the State party:**

- (a) **Ensure basic health care and services to all children throughout the country and continue to address the problem of malnutrition, with special emphasis on rural and remote areas;**
- (b) **Strengthen its efforts to urgently tackle infant, child and maternal mortality throughout the country;**
- (c) **Expand the “Health Integral Service” (Servicio Integral de Salud) addressed to families living in poverty or extreme poverty;**
- (d) **Give special attention to the problem of indigenous communities affected by Hepatitis B epidemic, including by urgently ensuring vaccination for newborn babies.**

48. The Committee notes the concerns of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, who recently visited the State party, with respect to the potential impact that bilateral Trade Agreements may have on the access to affordable essential medicines for some individuals and groups, including antiretrovirals for people with HIV/AIDS (E/CN.4/2005/51/Add.3).

49. **The Committee recommends that the State party always take its human rights obligations into account when negotiating Trade Agreements, in particular as to the possible impact of commercial agreements on the full enjoyment of the right to health.**

Environmental health

50. The Committee is concerned about environmental health problems arising from a lack of access to safe drinking water, inadequate sanitation and contamination by extractive industries, which mainly affect the health and livelihoods of vulnerable groups, including children.

51. The Committee reiterates the recommendation of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, that the State party carry out independent, rights-based environmental and social impact assessments prior to the setting up of all mining or other industrial projects that may have harmful impacts on the right to health of children. The Committee further recommends that the State party strengthen its efforts to provide sanitation and safe drinking water to all the population, with special attention to rural and remote areas.

Adolescent health

52. The Committee is concerned about the high rate of teenage pregnancies and at the number of teenage girls dying as a result of abortions. Furthermore, the Committee is concerned about the lack of adequate sexual and reproductive health services, also due to insufficient allocation of resources in these sectors.

53. The Committee recommends that the State party, taking into account the Committee's general comment on adolescent health and development in the context of the Convention (CRC/GC/2003/4), ensure access to reproductive health services to all adolescents and conduct awareness-raising campaigns to fully inform adolescents of reproductive health rights, including prevention of Sexually Transmittable Diseases (STDs) and early pregnancies. Furthermore, the State party should take all possible measures to address the issue of the deaths of teenage girls as a result of abortions.

Mental health

54. The Committee is concerned about the high incidence of drug, alcohol and tobacco consumption among adolescents as well as at the rate of youth suicides, especially in some departments, such as Arequipa and Junin.

55. The Committee recommends that the State party provide adequate access to mental health services to all children and take all necessary measures to fight drug, alcohol and tobacco addictions including, inter alia, by providing specific rehabilitation services.

HIV/AIDS

56. The Committee is concerned about the increase of HIV/AIDS among children and adolescents partly due to mother-to-child transmission. The Committee is also concerned that:

(a) Only 8 per cent of HIV-positive mothers had access to antiretroviral treatment, which is essential to prevent HIV/AIDS mother-to-child transmission;

(b) Children orphaned due to HIV/AIDS and HIV-positive children are discriminated against in school and within the society;

(c) There is limited access to HIV-testing.

57. The Committee recommends that the State party, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37):

(a) Strengthen its measures to prevent mother-to-child transmission, inter alia, through coordination with the activities aimed at reducing maternal mortality;

(b) Provide antiretroviral treatment to HIV-positive women and expand the coverage of HIV tests for pregnant women;

(c) Pay particular attention to children infected and affected by HIV/AIDS or who have become orphans due to the death of their parents from AIDS, through providing adequate medical, psychological and material support and by involving the community;

(d) Strengthen its efforts by conducting campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and/or affected by HIV/AIDS;

(e) Ensure the provision of adequate financial and human resources for the effective implementation of the HIV/AIDS Strategic National Plan;

(f) Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS and UNICEF.

Standard of living

58. The Committee is concerned about the high degree of poverty in the country, where - according to the State party's written replies - about two-thirds of children live in poverty while about 30 per cent of them are in a situation of extreme poverty. The Committee is further concerned that housing and living conditions in rural areas are very poor and that only 34 per cent of families living in rural areas have access to water (while this percentage rises to 74 per cent for urban areas).

59. The Committee recommends that the State party take all possible actions, including providing additional and better managed resources, to reduce poverty and ensure universal access to basic goods and services, including housing and clean drinking water, paying special attention to remote and rural areas.

**6. Education, leisure and cultural activities
(arts. 28, 29 and 31 of the Convention)**

60. The Committee welcomes the active role of school councils as well as the programmes developed by the State party especially in the field of pre-primary education, such as PRONEI and WAWA WASI. Likewise, the Committee also welcomes the increase in the completion rate of primary education. However, it is still concerned about:

(a) The low level of budget allocations for education and the minimal increases planned by the Government;

(b) The discrepancies - both in quality and infrastructure - between urban and rural schools and public and private schools. In particular, the Committee is concerned about the deplorable conditions of schools in remote areas and the low quality of education there;

(c) The lack of adequate training of teachers, including skills for intercultural bilingual education to indigenous communities;

(d) The fact that neither at primary nor at the secondary level all children attend school regularly, that drop-out and repetition rates are very high and that almost every fourth adolescent (age 12 to 17) has left school, inter alia because of lack of schools;

(e) The even higher non-attendance and earlier drop-out of girls because of traditional views and partly due to early pregnancies and maternity;

(f) The limited access to vocational training;

(g) Hidden costs associated with schooling;

(h) The results of the Programme for International Study Assessment (PISA study) undertaken in 2002, according to which State party's students were ranked in the last positions of the survey.

61. **The Committee recommends that the State party:**

(a) Emphasize the quality of education and accelerate the increase of better targeted resources to education in the national budget;

(b) Increase efforts to improve conditions of schools in remote and rural areas and eliminate discrepancies in access to quality education between urban and rural areas;

(c) Strengthen measures aimed at increasing enrolment and completion rates as well as reducing dropout rates;

(d) Strengthen efforts at teacher training and improve their working conditions, including salaries;

(e) Improve intercultural bilingual education;

- (f) Increase its efforts to relieve families from additional and hidden costs of school attendance;**
- (g) Provide more demand-driven technical and vocational training and organize vocational counselling for children;**
- (h) Increase education opportunities for children outside schools and working children through specific programmes tailored to their life conditions;**
- (i) Seek technical assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF).**

**7. Special protection measures (arts. 22; 30; 38; 39; 40;
37 (b)-(d); 32-36 of the Convention)**

Economic exploitation, including child labour

62. While the Committee welcomes the State party's legislative and other measures in the area of child labour, e.g. via the activities of labour inspectors, it remains deeply concerned about the information that hundreds of thousands of children and adolescents are in the labour market, especially in the informal sector, marginalized from education and victims of exploitation and abuse. The Committee is further concerned that legislative provisions protecting children from economic exploitation are often violated and that children are exposed to dangerous and/or degrading work, including in mines, garbage dumps and battery recycling.

63. The Committee is further concerned about the fact that the minimum age for admission to employment is set at 14 years, which is below the age of the end of compulsory education that is set at 15 years.

64. **The Committee recommends the State party to:**

- (a) Undertake a survey of the number of children working, including as domestic workers and in the agricultural sector, in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation. To this end, the State party should take into adequate account the views of children organizations;**
- (b) Ensure the full implementation of legislation covering article 32 of the Convention, and ILO Conventions No. 138 and No. 182, including the prevention of the worst forms of child labour as listed in accordance with ILO Conventions;**
- (c) Increase the minimum age for admission to employment to 15 years, when compulsory education ends;**
- (d) Ensure adequate budget allocations for the implementation of the National Plan of Action on the Prevention and Eradication of Child Labour;**

(e) Undertake awareness raising campaigns to prevent and combat the economic exploitation of children;

(f) Continue seeking technical assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF, among others.

Street children

65. The Committee, while appreciating the programme “*Educadores de Calle*” (PEC), is concerned about the high number of street children in the State party mostly due to socio-economic factors as well as abuse and violence in the family. The Committee is also concerned about the spreading of adolescent violence and street-gangs (*pandillas*), especially in Lima.

66. **The Committee recommends that the State party:**

(a) Provide street children, in consultation with them, with recovery and social reintegration services as well as with adequate nutrition, housing, necessary health care and educational opportunities;

(b) Facilitate, whenever possible, the reunification of these children with their families;

(c) Support NGOs working with street children;

(d) Provide training on the principles of the Convention, especially non-discrimination and best interests of the child, to judicial and administrative authorities as well as non-governmental organizations working with street children;

(e) Develop socio-educational plans and strategies to deal with street-gangs (*pandillas*);

(f) Seek assistance from, inter alia, UNICEF.

Sexual exploitation and trafficking

67. The Committee welcomes the measures taken by the State party to combat sexual exploitation and trafficking of children, including Law No. 28251 adopted in June 2004 that significantly increased penalties for the sexual abuse of children and introduced new crimes such as sexual tourism and child pornography through Internet. However, the Committee is concerned about the information that a very high number of children - 500,000 according to the data - are victims of sexual exploitation and violence.

68. **The Committee recommends that the State party:**

(a) Define trafficking in the criminal legislation according to the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

(b) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children, who should be treated as victims and neither criminalized nor penalized;

(c) Approve and implement a national plan of action against sexual exploitation and trafficking of children, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congress against Commercial Sexual Exploitation of Children;

(d) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and process complaints in a child-sensitive manner that respects the privacy of the victim;

(e) Seek technical assistance from, among others, UNICEF and the International Labour Organization (ILO).

69. The Committee notes with concern that there were almost 5,000 reports of disappearances in the context of cross-border trafficking between 2002 and 2005, 35.3 per cent of which concerned children. In particular, the Committee expresses concern at reports of disappearances of children in rural areas such as Ayacucho.

70. The Committee, while noting the activities carried out by the State party in this respect, recommends that it increase and strengthen its efforts to prevent child disappearances, fully investigate those cases and prosecute those responsible.

Administration of juvenile justice

71. While the Committee notes some progress in improving the juvenile justice system in the country, including the fact that the Code on Children and Adolescents brought Peruvian legislation generally in conformity with the Convention on the Rights of the Child, it is concerned about:

(a) The lack of juvenile courts or judges for persons below 18 in the interior of the country;

(b) The limited use of “diversion” in the juvenile justice system;

(c) The poor conditions of detention, including the lack of recovery and social reintegration programmes for children.

72. The Committee recommends that the State party continue and strengthen its efforts to bring the administration of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for

the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends that the State party:

- (a) Establish juvenile courts with appropriately trained staff throughout the country;**
- (b) Establish a functional system of socio-educational measures and ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;**
- (c) Improve the conditions of detention of persons below 18, notably by complying with the international standards as to surface area, ventilation, fresh air, natural and artificial light, proper food, drinking water and hygienic conditions;**
- (d) Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate, prosecute and punish any case of mistreatment committed;**
- (e) Ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;**
- (f) Provide training for penitentiary staff on children's rights and special needs;**
- (g) Request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Office on Drugs and Crime (UNODC).**

Children belonging to indigenous groups

73. The Committee, while acknowledging the State party's efforts in this respect, notes with concern that indigenous communities continue to face serious difficulties in the enjoyment of their rights, especially economic, social and cultural rights. In particular, the Committee is concerned about the lack of recognition of their land rights, pillaging of their resources, inadequate access to basic services, health and education, social exclusion and discrimination.

74. **The Committee recommends that the State party pursue measures to effectively address the gap in life opportunities of indigenous children, and take adequate measures in order to provide protection for the rights of indigenous children as contained in the Constitution taking into due account the recommendations adopted by the Committee on its Day of General Discussion on the rights of indigenous children in September 2003.**

8. Follow-up and dissemination

Follow-up

75. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers, the Congress of the Republic and to municipal Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

76. The Committee further recommends that the third periodic report and written replies submitted by the State party and related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not exclusively) through Internet, to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

9. Next report

77. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, *i.e.* 3 October 2012. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated fourth and fifth report 18 months before its due date, that is on 3 April 2011. This consolidated report should not exceed 120 pages (see *CRC/C/148*). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.
