



Universal Periodic Review 14th Session (2012)

Joint Statement

Situation on the Rights of the Child in Peru

Submitted by:

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Company of the Daughters of Charity of Vincent de Paul
IIMA - Istituto Internazionale Maria Ausiliatrice
Marist International Solidarity Foundation (FMSI)
VIDES International - International Volunteerism Organization for
Women, Education, Development
(NGOs in consultative status with ECOSOC)

And

Edmund Rice International

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A. INTRODUCTION

1. The following report is a *joint submission* of the above mentioned organizations. Taking note of the significant advances achieved by Peru to improve the citizens' quality of life and guarantee the full enjoyment of their rights, this report seeks to focus on the major issues affecting children living in urban zones, specifically in the neighbourhood of Barrios Altos (downtown of Lima) and in the neighbourhood of La Ensenada (outskirts of Lima) as well as children living in remote areas, namely the village of Guayabo (40km of Lima). Each section of the report conveys recommendations to the Government of Peru.

2. This report is a result of an intensive consultation process that took place over the course of three months. Employing a methodology of empirical investigation, the data and information reflect the field experience of 55 operators including professors, professional educators, volunteers and other actors involved in the formal and informal education and health of children and youth in the age range of 4-18 years. Information provided by children's families was also taken into account. An open-ended questionnaire was sent to collect all pertinent information considering the report that resulted from the 1st cycle of the Universal Periodic Review¹ and the Concluding Observations of the Committee on the Rights of the Child in 2010².

3. **Association Points-Cœur** is an international NGO in special consultative status with the Economic and Social Council. Founded in 1990, Points-Coeur is a global network of volunteers who promote human dignity, assist and form deep personal bonds with troubled, disadvantaged and socially isolated individuals in some of the world's most desperate areas. The Association Points-Coeur is active on five continents, with 41 centers in 20 countries.

4. **Company of the Daughters of Charity of Vincent de Paul** is a non-profit organization in Special Consultative Status with ECOSOC. It is present 95 countries worldwide. The main focus of the organization is to protect human dignity by answering to education, health and social needs.

5. **Edmund Rice International (ERI)** is a faith-based NGO promoting and protecting human rights in 34 countries. Established in 2007, ERI is primarily concerned with the Rights of the Child, the Universal Right to Education, and Ecological Sustainability.

6. **FMSI** is an international NGO in special consultative status with the Economic and Social Council. FMSI's main focus is on promoting the rights of children. The Organization was established in 2008 in Italy as a Not-for-Profit Organization with a Social Purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.

7. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

8. **VIDES International** is an international NGO in special consultative status with Economic and Social Council, which is present in 38 countries worldwide. Founded in 1987,

¹ Peru passed its first Universal Periodic Review on May 9, 2008 in Geneva. The outcome document of the review was adopted during the 8th Session of the Human Rights Council (June 2008). U.N. Doc. A/HRC/8/37, 28 May 2008.

² U.N. Doc. CRC/C/PER/CO/3, 14 March 2006.

VIDES promotes volunteer service at the local and international levels and protects children and women's rights.

B. GENERAL REMARKS ON 1st UPR of PERU

9. This coalition of NGOs welcomes the support of Peru to the creation of the Universal Periodic Review mechanism³. Nevertheless, we note with concern besides the voluntary commitment to “submit outstanding reports [...] within the framework of the International Covenant on Economic, Social and Cultural Rights”⁴, none of the recommendations enjoying the support of the State explicitly refers to concrete actions concerning the implementation of economic, social and cultural rights.

C. BIRTH REGISTRATION

10. The NGO coalition recognizes the progress realized by the Peruvian government in order to make birth registration more systematic and effective. In particular, we note with satisfaction that Peru undertook a decentralization of the offices of RENIEC (National Register of Civil Identity) in several cities in Peru to increase the accessibility of this service. Moreover, the government conducted several national campaigns in recent years that are beginning to give concrete results. In particular, at present most of the children born at the hospital automatically receive a birth certificate.⁵ As a result, in 2011, 10 million children have their Documento Nacional de Identidad (hereinafter, DNI). Despite this progress, roughly 2 million children still lack birth registration⁶.

11. Accordingly, we note with concern that serious deficiencies in ensuring birth registration still persist due to two major factors.

Firstly, children who are born at home are not registered, especially in the poorest areas of Lima as well as in the provincial cities and in the most remote areas of the country. This is often due to the fact that parents are not aware of the importance of birth registration. Since a birth certificate is required in order to receive a DNI, lack of birth registration negatively affects the enjoyment of children's fundamental rights.

Secondly, we report that it is a very complicated process to obtain a DNI when the birth certificate of the person concerned or of one of the parents contains an error (e.g. a misspelling or an incorrect date). This phenomenon is very common especially in small and provincial towns. At the age of majority, age 18, young people are required to begin the process of obtaining the DNI. When their birth certificate contains an error, they often have no alternative but to hire a lawyer to make a rectification of their birth certificate, in order to gain their DNI. The errors are sometimes due to carelessness of the local authorities responsible for registration.

12. This coalition of NGOs recommends Peru to:

³ See Report of the eight session of the Human Rights Council, p. 210, § 695. UN Doc. A/HRC/8/52.

⁴ See Report of the working group, p.15,§ 55 (a). UN Doc. A/HRC/8/37, 28 May 2008.

⁵ In August 2010, for example, the State launched a campaign to make DNI free for all minors under the age of 14. Finally, starting in 2011, the Ministry of Education has made the presentation of the DNI mandatory to enroll a minor in school.

⁶ According to government national statistics, approximately 12 million people are under 19 years of age, which amounts to more than 1/3 of the Peruvian population.

- a) *ensure DNI for all minors.*
- b) *conduct census campaigns in remote areas and poor neighborhoods on the outskirts of cities in order to ensure birth registration for all children and sensitize parents in this regard;*
- c) *ensure adequate training of officers in charge of birth registration in provincial cities and remote areas;*
- d) *take measures to simplify the procedure for rectification of the errors contained in birth certificates.*

D. RIGHT TO EDUCATION

Access to education

13. According to the Article 17 of the Peruvian Constitution, primary and secondary education is free and mandatory. However, the number of children receiving education is limited due to multiple reasons.

Firstly, in the most remote regions, children suffer from nutritional deficiencies, which negatively affect their enjoyment of the right to education. While noting initiatives undertaken by the government to provide breakfast (e.g. the program "Vaso de Leche"), we express our deep concern for the insufficiency of such initiatives and the logistical problems encountered in the distribution, which cause disparities among different regions.

14. Secondly, this NGO coalition remains concerned about the shortage of educational establishments especially in rural areas, which forces students to travel long distances to school. Moreover, we highlight that school uniforms and exercise books still represent an extra cost for families. As a result, in some cases, the poorest families get into debt to enroll their children at school.

15. Furthermore, we note that a high rate of grade repetition and of late school enrollment exists in Peru. Consequently, Classes mix children of very different ages, which hampers specific and adequate educational attention for all. In particular, pupils encountering learning difficulties are deprived of any specific assistance from teachers. This increases school drop-out rates.

School drop out

16. This NGO coalition notes with concern that a high number of children drop out of school early, in order to work to provide financial support for their families. After dropping out of school, these children are employed in farms or work in the streets.

Furthermore, we note that in many cases, especially among rural families and in poor neighborhoods of big cities, school abandonment is due to parents, not being aware of the importance of schooling for their children. In fact, in most cases, the parents themselves did not receive any education. Finally, it should be noted that school drop-out rates are also due to the generally low quality of public education and the lack of interest of teachers in motivating their pupils.

The quality of education

17. This NGO coalition welcomes the efforts made by the Peruvian government to improve the quality of the primary education system in Peru. In particular, we note with satisfaction that the system of "Associated Schools", whereby the management of public schools is delegated to the private sector, is giving positive results. In fact, the functioning of educational structures and the quality of education provided are comparable to private schools. Additionally, we welcome the initiative of the Peruvian Institute of Assessment, Accreditation and Certification of the Quality of Basic Education (IPEBA) to establish a "system of accreditation for schools and universities."⁷

18. Nevertheless, the educational system in Peru is still of a very low academic standard especially in public schools. This deficiency is partly due to a lack of interest and professionalism among teachers in working for the best interest of their students. In particular, we notice a high rate of absenteeism among teachers, which greatly reduces the number of class hours per month. Moreover, in many cases, the school programs established at the national level are not followed by the teachers, especially in public schools. The deficiencies of teaching personnel are often due to lack of awareness and adequate training. In some cases, teachers are appointed for political reasons, instead of for their competence.

Children with disabilities

19. This NGO coalition recognizes the efforts made by the government in recent years to integrate children with disabilities into society and ensure the full enjoyment of their rights, especially education. In particular, we welcome the establishment, in April 2010, of the "Institución educativa Ludwig Van Bethoven", the first primary school for children with hearing impairment, in one of the poorest areas of Lima.

20. Nevertheless, we remain concerned by the fact that the access to education for children with disabilities remains very inadequate in Lima. The few existing public institutions have limited financial and human resources to properly answer the specific needs of these children. By way of illustration, we report the case of a public school in Lima where 300 children with disabilities are enrolled, regardless of their disability. For this reason, teachers are overwhelmed and the needs of children are not satisfied. As a result, most children with disabilities are not even enrolled in school.

21. Besides suffering exclusion from education, people with disabilities are often abandoned and rejected by their families. They roam the streets where they are exposed to all forms of violence, including sexual abuse. They are often perceived as a cause of shame by their own families and, therefore, receive little attention.

22. Consequently, this coalition of NGOs recommends Peru to:

a) adopt all measures to guarantee full access to education for all children, especially those living in remote areas and children with disabilities;

⁷This is an optional process of evaluation of schools (public and private) to enable them to demonstrate publicly that they have taken concrete measures to improve the quality of their teaching in order to gradually reach the quality standards proposed by the IPEBA. The aim is also to establish a relationship of trust between schools and society. For this, the IPEBA has established standards and quality indicators to guide schools in order to offer equal opportunities in accessing quality education.

- b) continue school feeding programs to meet children's nutritional needs and enable them to attend school;*
- c) promote sensitization campaigns so parents understand the importance of education for their children;*
- d) continue to develop the system of quality education by encouraging a partnership between the government and the private sector;*
- e) improve the academic and professional training of teachers and establish a system to monitor and encourage teachers' performance.*

E. ECONOMIC AND SEXUAL EXPLOITATION

Economic exploitation

23. This NGO coalition recognizes the efforts made by Peru to eradicate hazardous work, especially for children. Accordingly, in 2011, the number of labor inspectors to detect cases of child labor has been increased by roughly 100 units and inspections in workplaces where child health is particularly exposed (e.g.: the brick factories, mines, factories and fireworks companies) have been intensified.

24. However, we note that, in Lima, brick factories prefer to employ children because of their ability to walk on the bricks without breaking them. A similar situation occurs in the mines where children are often hired because of their ability to pass through tight spaces, inaccessible to adults. As a result, a high number of children still experience very dangerous working conditions.

25. Furthermore, many children, mostly aged from 6-12 years, work under the auspices of criminal organizations as street vendors in large cities. They earn an average salary of 50 soles⁸ per month, while the rest of the profits are given to the leaders of these criminal networks. Most of these children work until late in the streets and easily develop drug addiction. Among them, there is a high number of exploited young girls begging on the streets with their babies.

Sexual exploitation

26. We note with concern that sexual exploitation affects an increasing number of children in Peru, particularly young girls, mainly 12-16 years old, and often belonging to poor and disadvantaged families in the province. They are attracted by the hope of a better future. Instead, once they arrive in the capital, they are forced into prostitution. They are recruited through a wide illegal network based on personal connections in the streets, but also through false work advertisements on the internet.

27. Moreover, it is very often that the exploiters for prostitution are the families themselves. Often parents give their consent to the sexual abuse of their daughter(s) in exchange for protection or financial assistance.

⁸ 50 soles correspond to roughly 13 euro.

28. As regards the economic and sexual exploitation, this NGO recommends the government of Peru to:

- a) invest in a complete and quality education program to protect children and youth from the dangers of the street, particularly child labor, drug addiction and prostitution;***
- b) ensure coordination between civil society, including NGOs, academics and research institutes, in order to develop and implement more effective protection of children against economic and sexual exploitation;***
- c) take all measures to ensure full and effective implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography of children, ratified by Peru in 2002.***

F. ABUSE AND VIOLENCE AGAINST CHILDREN

29. This coalition of NGOs welcomes the organization by the Peruvian government of public awareness raising campaigns against child abuse in schools in March 2012. In particular, we appreciate the involvement of psychologists, police officers and parents, as well as the employment of arts (music and puppets) to explain to the children their rights and to encourage them to report violence directed against them.

30. However, we note with deep concern that abuse and domestic violence are common in Peru, especially in the most marginalized areas of the country. Verbal and physical abuses are experienced by children within families. Among the causes of this abuse are alcohol addiction, the youth and lack of education of parents, who often suffered from domestic violence during their own childhood.

31. We note that sexual violence against children is also very common. There is a high rate of sexual abuse, including abuse of an incestuous nature. The sexual abuse by uncles on their nieces and nephews or even by fathers on their daughters is very common and usually goes unnoticed. While the Peruvian legal framework protects children from abuse and violence, such abuses perpetrated within the family are often hidden and difficult to punish.

32. This NGO coalition recommends the government of Peru to:

- a) establish, in the heart of neighborhoods, social structures of qualified consultancy and assistance for parents in order to prevent domestic violence against children;***
- b) promote the opening of shelters for children at risk of abuse and exploitation and to work closely with NGOs to better address causes of the abuse and exploitation of children, including those that occur within the family;***
- c) provide psychological support at school for children who are victim of abuse.***

G. RIGHT TO HEALTH

Alcohol and drug addictions:

33. This NGO coalition expresses deep concern about the level of alcohol and drug addiction in Peru. Alcoholism is particularly prevalent in mountainous and remote areas, where cultural reasons play a part.

34. Concerning drug addiction, we note that Peru is among the largest producers of cocaine, resulting in a widespread drug trade, especially in urban areas. Consequently, we report a high rate of drug and alcohol addiction among children and adolescents. It particularly this affects children living on the street who often become addicted to drugs by the age of 6-7.

35. We highlight that drug-addicted children are mostly those who drop out of school. Therefore, lack of education and the consequent exposure to the dangers of the street highly favor drug addiction. Additionally, we report that drug-addicted children become involved in illegal activities in order to satisfy their drug needs.

36. While noting that drug trade is prohibited by law, we report serious difficulties in the implementation of the existing legal framework due to the widespread corruption of the police force. For instance, it is common that drug traffickers are released in exchange for money.

37. Finally, it should be noted that illegal drug use is no longer a phenomenon limited to the capital and main cities: it is increasingly prevalent in remote areas.

Early pregnancy

38. We remain concerned by the high rate of teenage pregnancies, especially among girls belonging to the poorest families. Among the main causes of this phenomenon, we highlight the lack of education, overcrowded housing that expose them to promiscuity and the high incidence of rape in the streets and within the family.

Access to health services

39. The NGO coalition expresses deep concern for the general situation of health access, especially for the most disadvantaged groups and people with disabilities. While acknowledging progress accomplished through the establishment of the «Integral Health System"(hereinafter SIS) in 2002⁹, we note that this system is not very effective.

In particular, we note a difficulty in accessing health care (e.g. in public hospitals, it takes 2 to 5 months to get an appointment with a doctor.) We also note that people without health insurance do not have access to health care, even in case of emergency.

The quality of health services

40. This NGO coalition recognizes the progress made by Peru in guaranteeing the quality of health services, especially through the initiative named “Hospitales de la Solidaridad”, where

⁹ This health insurance benefits Peruvians living in extreme poverty with 18% of the population well covered.

good quality health care is accessible at a reasonable cost.¹⁰ Besides this good practice, we remain concerned by the general situation of public hospitals.

In particular, we note the deficiency in capacity for reception in hospitals. The infrastructure, staffing level, medical materials and drugs supplies are insufficient to meet the needs of all of the patients. In addition to these shortages, we report cases of misdiagnosis as well as the lack of preparation and care for patients from medical staff.

41. Sterilization of women during childbirth is also common. In some cases sterilization in public hospitals is practiced without the women being aware of it or without their full consent. Finally, this coalition of NGOs remains concerned by the large number of organized networks for trafficking in organs in Lima.

42. In some cases this trafficking in organs takes place in the hospitals. Doctors inform their patients that one of their organs ought be removed in the interest of their health, even though it is not true. In addition there are concerns about the suspicious deaths of children who were admitted to hospital for a minor condition that would not normally lead to death. Concerns about these practices are widely shared but no concrete action has been taken to investigate or eradicate this phenomenon.

43. Consequently, the NGO coalition recommends Peru to:

a) establish structures that support the social and professional rehabilitation of young drug addicts;

b) take financial and social measures to promote the inclusion and protection of people with disabilities;

c) take all necessary measures to improve the quality of academic and professional training of doctors;

d) establish periodic medical examinations in rural areas to ensure universal access to health care;

e) establish a national information and awareness raising campaign on the consequences of sterilization and to promote respect for women's dignity;

f) investigate and eradicate the practice of illegal organ trafficking.

H. PEOPLE DEPRIVED OF LIBERTY

44. This NGO coalition is concerned about overcrowding in Peruvian prisons. Prisons often contain two or even three times more detainees than their capacity:

- The Lurigancho prison has 3,000 places and 7,000 detainees.
- The detention center of Pucallpa has 484 places and 1565 detainees.

¹⁰ There are 19 “Hospitales de la Solidaridad” in Lima and 7 in the province. They are public hospitals funded and managed by the municipality. For this reason they enjoy economic, administrative and technical autonomy.

This implies that by the mere fact of being incarcerated, the most basic rights related to dignity and security of detainees are violated. Promiscuity and lack of safety in prisons are the source of daily sexual abuse and violence.

45. This NGO collation is concerned by the difficult situation of children whose mother is incarcerated. Maintaining the link between a mother and her young child is essential. Until the age of 3 years, the child is in prison with its mother. Afterwards, it is transferred into a State institution and is consequently separated from its mother for years.

The situation of foreign detainees causes several difficulties during and after detention. While Embassy personnel visit their nationals in detention, foreign detainees do not feel supported by their home country.

46. After their release, foreign detainees are required to remain in Peruvian territory until the completion of relevant procedure to allow them to return to their country of origin. Unfortunately, the procedure usually takes between three months and one year. During this period, the people concerned are without a job and struggle to survive. As a result, many of them become involved in illegal activities and are recruited by criminal networks and drug traffickers.

47. This coalition of NGOs recommends Peru to:

- a) take measures to address the problem of overcrowding in prisons;***
- b) promoting the mother/child bond by ensuring regular visits of children to their incarcerated mother;***
- c) promote alternative sentences in lieu of imprisonment, such as community service work for mothers;***
- d) ensure the access to adequate health care and legal assistance for detainees.***