



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Second periodic report submitted by Peru under
article 73 of the Convention, due in 2020*, ****

[Date received: 1 July 2024]

* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CMW/C/PER/QPR/2](#)).



I. Introduction

1. The Peruvian Government, aware of its international commitments and in accordance with article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, hereby submits its second periodic report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. The document includes information relating to the period from August 2013 to June 2024. The replies have been organized according to the list of issues drawn up by the Committee (CMW/C/PER/QPR/2).
3. As part of the process of preparing the report, a preliminary version was made available for public comment from 4 to 12 May on the official website of the Ministry of Justice and Human Rights¹ and in the country's Official Gazette, *El Peruano*.² In addition, on 4 and 5 June, meetings were held with representatives of the Ombudsman's Office and of various United Nations agencies in Peru to report on the process of drafting the document.
4. The final version of the report was presented on 19 June 2024 to the members and observers of the National Human Rights Council, the body responsible for issuing opinions and providing advice to the executive branch on the development of public policies, programmes, projects, action plans and strategies in the area of human rights.

II. Replies to the list of issues prior to submission of the report (CMW/C/PER/QPR/2)

Reply to the question raised in paragraph 1 (a)

5. The following provisions have been adopted on the protection of migrant workers and members of their families and on migration policies under the Convention:

(a) In 2017, Legislative Decree No. 1350, Legislative Decree on Migration,³ was adopted, together with its implementing regulations.⁴ Subsequently, in 2023, this decree was amended by Legislative Decree No. 1582.⁵ According to the preamble of Legislative Decree No. 1582, the amendments are intended to strengthen the role of the National Migration Authority in safeguarding national security and facilitating safe and orderly international migration;

(b) In April 2017, the National Migration Policy 2017–2025 was adopted with the aim of ensuring efficient intersectoral and intergovernmental coordination in managing migration and organizing all efforts of the public administration to protect the human rights of migrants and members of their families.⁶ The Policy is currently being updated;

(c) During this period, the authorities also adopted guidelines for the granting of temporary residence permits to foreign nationals who are parents of Peruvian minor children

¹ Ministry of Justice and Human Rights (2024), "MINJUSDH invita a la ciudadanía a brindar aportes a la propuesta de informe del Estado ante el Comité de Trabajadores Migrantes de la ONU" (Ministry of Justice and Human Rights calls for public input on the Government's draft report to the United Nations Migrant Workers Committee), press release. Available at <https://www.gob.pe/institucion/minjus/noticias/948655-minjUSDH-invita-a-la-ciudadania-a-brindar-aportes-a-la-propuesta-de-informe-del-estado-ante-el-comite-de-trabajadores-migrantes-de-la-onu>.

² *El Peruano* (2024), "Ciudadanía podrá brindar aportes a propuesta de informe ante comité de trabajadores migrantes de la ONU" (The public can provide input on the draft report to the United Nations Migrant Workers Committee), under "Derecho" (Law). Available at <https://elperuano.pe/noticia/242824-ciudadania-podra-brindar-aportes-a-propuesta-de-informe-ante-comite-de-trabajadores-migrantes-de-la-onu>.

³ Executive branch, Legislative Decree No. 1350, published on 7 January 2017.

⁴ Ministry of the Interior, Supreme Decree No. 007-2017-IN, published on 27 March 2017.

⁵ Executive branch, Legislative Decree No. 1582, published on 14 November 2023.

⁶ Ministry of Foreign Affairs, Supreme Decree No. 015-2017-RE, published on 27 April 2017.

or adult children with permanent disabilities⁷ and guidelines for the granting of temporary residence permits to Venezuelan nationals;⁸

(d) In 2018, in follow-up to the guidelines for the granting of temporary residence permits, the authorities adopted guidelines on the granting of special residency status to Venezuelan nationals with temporary residence permits;⁹

(e) In 2020, through the adoption of Supreme Decree No. 010-2020-IN, a number of special, exceptional and temporary measures were adopted to regularize the immigration status of foreign nationals.¹⁰ These measures were complemented by the adoption in 2022 of Supreme Decree No. 008-2022-IN, which extended the validity of temporary residence permits obtained under Supreme Decree No. 010-2020-IN;¹¹

(f) In addition, Act No. 31047, the Domestic Workers Act, was adopted.¹² Subsequently, the regulations pertaining to the Act¹³ established that migrants and refugees “who are lawfully present in the country and perform work within the scope of application of the Act shall, in accordance with the principle of equality and non-discrimination, have the same rights and duties as domestic workers who are nationals” of Peru;¹⁴

(g) In 2021, the authorities promulgated Act No. 31146 amending the Criminal Code, the Code of Criminal Procedure and Act No. 28950, the Trafficking in Persons and Smuggling of Migrants Act, to systematize the articles on the offences of trafficking in persons and exploitation and to define these as offences against human dignity;¹⁵

(h) The National Policy to Combat Trafficking in Persons and Related Forms of Exploitation up to 2030 (National Anti-Trafficking Policy) was adopted in 2021;¹⁶

(i) In addition, the Ministry of Foreign Affairs adopted guidelines for the granting and extension of humanitarian immigration status for asylum-seekers and persons in need of complementary protection,¹⁷ which temporarily provided for the identification of cases and approval of such immigration status through coordination between the Ministry of Foreign Affairs and the National Migration Authority;¹⁸

(j) In 2023, a new compendium of administrative procedures of the National Migration Authority was adopted to facilitate the recognition of the requirements for each procedure and the fees established for the procedures carried out by that institution;¹⁹

(k) Under Supreme Decree No. 003-2023-IN amending Supreme Decree No. 007-2017-IN on the regulations pertaining to Legislative Decree No. 1350, conditions and time frames were adopted for the creation of future procedures for the granting of temporary residence permits through decisions of the Authority;²⁰

⁷ Ministry of the Interior, Supreme Decree No. 001-2017-IN, published on 2 January 2017.

⁸ Ministry of the Interior, Supreme Decree No. 023-2017-IN, published on 29 July 2017; Supreme Decree No. 007-2018-IN, published on 19 August 2018.

⁹ National Migration Authority, Decision No. 043-2018-MIGRACIONES, adopted on 30 January 2018.

¹⁰ Ministry of the Interior, Supreme Decree No. 010-2020-IN, published on 22 October 2020.

¹¹ Ministry of the Interior, Supreme Decree No. 008-2022-IN, published on 7 July 2022.

¹² Congress of the Republic, Act No. 31047, published on 1 October 2020.

¹³ Ministry of Labour and Employment Promotion, Supreme Decree No. 009-2021-TR, published on 17 April 2021.

¹⁴ *Ibid.*, art. 63.1.

¹⁵ Congress of the Republic, Act No. 31146, published on 30 March 2021.

¹⁶ Ministry of the Interior, Supreme Decree No. 009-2021-IN, published on 27 July 2021.

¹⁷ Currently, the approval of humanitarian immigration status falls solely within the competence of the National Migration Authority, pursuant to the amendments introduced to Legislative Decree No. 1350 by Legislative Decree No. 1582.

¹⁸ Ministry of Foreign Affairs, Decision No. 207-2021/RE, adopted on 6 July 2021.

¹⁹ Ministry of the Interior, Supreme Decree No. 008-2023-IN, published on 22 October 2023.

²⁰ Ministry of the Interior, Supreme Decree No. 003-2023-IN, published on 27 April 2023.

(l) In line with the provisions of Supreme Decree No. 003-2023-IN, the National Migration Authority adopted Decision No. 109-2023-MIGRACIONES regulating the conditions and time frames for the temporary residence permit application procedure;²¹

(m) Also of note is Act No. 31732, which grants amnesty from fines to foreign nationals.²² Under this law, fines were cancelled or made payable in instalments as from the time of adoption of the Act for migrants whose applications were in process, except in the case of those who had the immigration status of tourists;²³

(n) An updated version of the Intersectoral Protocol on the Prevention and Prosecution of the Offence of Trafficking in Persons and the Protection, Care and Reintegration of Victims was also adopted.²⁴

Reply to the question raised in paragraph 1 (b)

6. The following measures have been taken to harmonize Peruvian legislation with the provisions of the Convention:

(a) In relation to Act No. 28950, the Trafficking in Persons and Smuggling of Migrants Act,²⁵ two related laws have subsequently been enacted. The first is Act No. 30251, which more clearly defines the offence of trafficking in persons²⁶ by amending article 153 of the Peruvian Criminal Code to define the offence more precisely; for example, by establishing that the consent of a victim who has reached the age of majority to any form of exploitation has no legal effect;²⁷

(b) The second law is Act No. 31146 amending the Criminal Code, the Code of Criminal Procedure and Act No. 28950, the Trafficking in Persons and Smuggling of Migrants Act, to systematize the articles on the offences of trafficking in persons and exploitation and to define these as offences against human dignity.²⁸ The main improvements introduced by this law include (i) the classification of trafficking in persons as an offence against human dignity, and (ii) the stipulation that the offence of trafficking in persons is aggravated if the victim is pregnant, among other aggravating circumstances;²⁹

(c) For the protection of the right to health, Emergency Decree No. 017-2019 was adopted in 2019 to establish measures for universal health coverage.³⁰ The Decree authorizes any person residing in the country who does not have health insurance to join the comprehensive health insurance system and to receive free coverage under the Basic Health Insurance Plan. Foreign nationals residing in Peru can thus benefit from universal health coverage;³¹

(d) In 2021, the authorities adopted a protocol for the care and referral of migrants in vulnerable situations to standardize care for such migrants, facilitating the regularization of their immigration status and establishing channels of intersectoral coordination for their protection;³²

²¹ National Migration Authority, Decision No. 109-2023-MIGRACIONES, published on 9 May 2023.

²² Congress of the Republic, Act No. 31732, published on 27 April 2023.

²³ Sole article of Act No. 31732.

²⁴ Ministry of the Interior, Supreme Decree No. 007-2023-IN, published on 17 September 2023.

²⁵ Congress of the Republic, Act No. 28950, published on 16 January 2007.

²⁶ Congress of the Republic, Act No. 30251, published on 21 October 2014.

²⁷ Ministry of the Interior, Communication No. 057-2023-IN-VSP-DGSD of 26 September 2023.

²⁸ Congress of the Republic, Act No. 31146, published on 30 May 2021.

²⁹ Ministry of the Interior, op. cit.

³⁰ Executive branch, Emergency Decree No. 017-2019, published on 28 November 2019.

³¹ Ministry of Health, Supreme Decree No. 008-2010-SA, published on 3 April 2010.

³² National Migration Authority, Decision No. 080-2021-MIGRACIONES, adopted on 9 April 2021.

(e) In 2023, Act No. 31827 amending Act No. 30001, the Economic and Social Reintegration of Returnees Act, was adopted.³³ Also in 2023, a directive was adopted on the recognition of persons in vulnerable situations.³⁴

Reply to the question raised in paragraph 1 (c)

7. The Peruvian Government has signed bilateral social security treaties with Argentina, Chile, Spain, Uruguay, Ecuador, Canada, Korea and Colombia, under which individuals can claim pension rights on the basis of equal treatment, aggregation of qualifying periods, export of pensions and administrative collaboration, among other principles. In addition, since its entry into force in October 2016,³⁵ the Ibero-American Multilateral Agreement on Social Security has been applicable in the country.³⁶

8. Moreover, Decision No. 878 of the Andean Community, also known as the Andean Migration Statute, has been in effect since 2021. The purpose of the Statute is to regulate Andean Community law on the free movement and residence of citizens of Andean Community countries and their family members and of permanent residents who are citizens of non-Community countries.³⁷

9. Andean Community Decision No. 545, known as the Andean Labour Migration Instrument, has been in effect since 2006. This instrument enshrines the principles of equal treatment and opportunities and non-discrimination, and guarantees the right to unionization and collective bargaining, freedom to enter and leave the territory of the Andean Community countries, freedom to transfer earnings and the right to be taxed on income from work only in the country in which it was earned. It also protects access to social security systems, the payment of social benefits and the right of Andean workers to receive information on their rights and on policies, laws and regulations relating to migration for employment.³⁸

Reply to the question raised in paragraph 2

10. In 2021, the authorities adopted the National Decent Employment Policy³⁹ to provide a framework and guidelines for multisectoral action to address the lack of decent employment. Under the Policy's priority goal 5,⁴⁰ information campaigns are to be carried out on the social and labour rights of migrant workers, as well as awareness-raising campaigns to combat xenophobia and discrimination.

11. During the reporting period, several public policy instruments were adopted to address this issue. Initially, there was the National Plan of Action to Combat Trafficking in Persons 2017–2021.⁴¹ The National Anti-Trafficking Policy was subsequently developed and adopted on the basis of the Plan, setting out priority goals, expected achievements and guidelines in three areas of action: (i) prevention; (ii) prosecution; and (iii) care and reintegration of victims. A priority goal has been established in relation to each of these areas of action and 42 services are to be provided by 11 State sectors and 4 autonomous agencies.⁴²

12. Regarding progress in the implementation of each priority goal, it has been reported that, by 2023, action in the area of prevention, related to priority goal 1, had advanced by

³³ Congress of the Republic, Act No. 31827, published on 12 July 2023.

³⁴ National Migration Authority, Decision No. 020-2023-MIGRACIONES, adopted on 5 January 2023.

³⁵ The Peruvian Government ratified the Agreement on 12 September 2013 and signed the implementation agreement on 20 October 2016.

³⁶ Ministry of Labour and Employment Promotion, Communication No. 254-2024-MTPE/4 of 1 February 2024.

³⁷ Ibid.

³⁸ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-10-A/21 of 4 January 2024.

³⁹ Ministry of Labour and Employment Promotion, Supreme Decree No. 013-2021-TR, published on 13 June 2021.

⁴⁰ Priority goal 5 of the National Decent Employment Policy is to “increase equality in the employment of the potential labour force”.

⁴¹ Ministry of the Interior, Supreme Decree No. 017-2017-IN, published on 8 June 2017.

⁴² Ibid.

73 per cent; in the area of prosecution, linked to priority goal 2, it had advanced by 90.34 per cent; and in the area of care and reintegration of victims, associated with priority goal 3, it had advanced by 77.95 per cent.⁴³

13. The Ministry of the Interior, which is the lead agency for the National Anti-Trafficking Policy, reports that in order to facilitate the recording of progress in relation to this instrument, the application “Follow-up and monitoring system of the National Policy to Combat Trafficking in Persons and Related Forms of Exploitation” was created. As of 2022, all of the established priority goals had implementation rates of more than 70 per cent.⁴⁴

14. The national financial inclusion strategy, adopted in 2015,⁴⁵ was intended to promote access to and responsible use of comprehensive financial services. In 2019, to strengthen the progress made under the strategy, the National Financial Inclusion Policy was adopted⁴⁶ with the aim of improving the population’s economic well-being through the benefits generated by inclusion in the formal financial system.⁴⁷

15. To implement the National Financial Inclusion Policy, a multisectoral strategic plan was adopted, which is executed by the Ministry of Economic Affairs and Finance and provides for 30 policy measures related to the National Financial Inclusion Policy.⁴⁸

16. In order to provide differentiated approaches based on the characteristics of certain population groups, the multisectoral strategic plan provides for the establishment of financial inclusion advisory committees to develop proposals for regulations, instruments or specific products that meet the needs of all people in Peru. In that context, in 2023 the authorities approved the establishment of the Financial Inclusion Advisory Committee for the Refugee and Migrant Population.⁴⁹

17. For the start of its activities in 2023, the Financial Inclusion Advisory Committee for the Refugee and Migrant Population set itself two major tasks: (i) the completion of a mapping exercise to identify the barriers to financial inclusion for the refugee and migrant population in the country; and (ii) the design of a road map for the adoption of a workplan for 2024. With the completion of these two tasks, the Advisory Committee now has an approved matrix of identified gaps affecting financial inclusion, which will serve as the basis for the preparation of its workplan.⁵⁰

18. To address climate change-related migration, the Ministry of the Environment promoted the adoption of the 2015 National Climate Change Strategy.⁵¹ This instrument highlights the direct impact of climate change on urban and rural habitats and the fact that it results in forced migration and the loss or displacement of household capital.⁵²

19. Subsequently, the Framework Act on Climate Change⁵³ established, as part of the actions aimed at addressing the effects of climate change on human mobility, both internal and international, that the executive branch should issue an action plan for preventing and

⁴³ Ministry of the Interior, Communication No. 287-2024-IN-VSP of 11 May 2024.

⁴⁴ Ibid.

⁴⁵ Ministry of Economic Affairs and Finance, Supreme Decree No. 191-2015-EF, published on 22 July 2015.

⁴⁶ Ministry of Economic Affairs and Finance, Supreme Decree No. 255-2019-EF, published on 5 August 2019.

⁴⁷ Ministry of Economic Affairs and Finance, Communication No. 2280-2023-EF/13.01 of 26 October 2023.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ministry of Economic Affairs and Finance, Communication No. 988-2024-EF/13.01 of 26 April 2024.

⁵¹ Ministry of the Environment, Supreme Decree No. 011-2015-MINAM, published on 23 September 2015.

⁵² Ministry of the Environment, Communication No. 032-2024-MINAM of 9 May 2024.

⁵³ Congress of the Republic, Act No. 30754, published on 18 April 2018.

addressing this problem. The Ministry of the Environment and the Ministry for Women and Vulnerable Groups were designated as the entities in charge of its preparation.⁵⁴

20. Accordingly, in 2023, in collaboration with the International Organization for Migration (IOM), a proposed action plan to prevent and address forced migration due to climate change was developed to achieve two purposes: (i) to prevent forced migration due to climate change in order to avoid increased pressure on urban infrastructure and services and a heightened risk of social conflict; and (ii) to address forced migration due to climate change in order to prevent the deterioration of health, education and social indicators.⁵⁵

Reply to the question raised in paragraph 3

21. The Intersectoral Round Table for Migration Management has five subgroups that coordinate and propose intersectoral actions for migration management, namely: (i) a working group on regularization of immigration status; (ii) a working group on health; (iii) a working group on communications; (iv) a working group on regional round tables; and (v) a working group on the updating of the National Migration Policy. Coordination tasks are performed by its technical secretariat.

22. The Ministry of Foreign Affairs reports that technical cooperation has been received from the World Bank to strengthen the Round Table's technical secretariat and the work of the working group on communications for the creation of the "Perú Contigo" website⁵⁶ and the generation of monitoring reports on the narrative and perceptions surrounding migration in the country.⁵⁷

23. Also worth noting is the work of the working group on regularization of immigration status, created in 2023, whose activities are aimed at specifically addressing regularization issues to promote safe, orderly and regular migration.⁵⁸ The working group's actions have contributed to the formation of partnerships between State entities, international cooperation and civil society for the dissemination of information on the mass regularization programme implemented under National Migration Authority Decision No. 109-2023-MIGRACIONES⁵⁹ and on the waiving of fines for foreign nationals under Act No. 31732.⁶⁰

24. Regarding the technical and financial cooperation received in recent years, the implementation of projects for regularizing the immigration status of persons in an irregular situation and guaranteeing their rights is worthy of note. The National Migration Authority reports that between 2020 and 2024, a variety of projects were implemented to improve services for foreign nationals using a human rights approach, with support from IOM, the United Nations Children's Fund (UNICEF), the Spanish Agency for International Development Cooperation and the Office of the United Nations High Commissioner for Refugees (UNHCR).⁶¹

Reply to the question raised in paragraph 4

25. The national statistical system⁶² is managed by the National Institute of Statistics and Information Management, which has promoted the systematization, analysis and publication of statistics on international migration in Peru since 2012.

26. In 2022 the National Institute signed a framework agreement on inter-agency cooperation with the National Migration Authority under which a standing inter-agency

⁵⁴ Ministry of the Environment, Supreme Decree No. 013-2019-MINAM, published on 31 December 2019.

⁵⁵ Ibid.

⁵⁶ Available at <https://perucontigo.pe/>.

⁵⁷ Ministry of Foreign Affairs, Communication No. RE (ASN) 2-19-B/408 of 6 June 2024.

⁵⁸ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

⁵⁹ National Migration Authority, Decision No. 000109-2023-MIGRACIONES, adopted on 8 May 2023.

⁶⁰ Congress of the Republic, Act No. 31732, published on 26 June 2023.

⁶¹ National Migration Authority, Communication No. 713-2024-GG-MIGRACIONES of 18 June 2024.

⁶² Executive branch, Legislative Decree No. 604, published on 3 May 1990.

working group was established to improve the recording and measurement of international migration.⁶³

27. With regard to Peruvians abroad, figures on international mobility show that 3,490,519 Peruvian citizens left the country between 1990 and 2022 and have not returned; 52 per cent were women and 48 per cent were men, while the biggest age group, representing 45.5 per cent of that total, comprised persons aged between 20 and 39 years.⁶⁴

28. The most common destination for Peruvian migrants was the United States of America (30.2 per cent), followed by Spain (15.6 per cent) and Argentina (13.5 per cent). There were 3,107,802 migrants aged 14 years and older during the period under analysis, of whom 20.9 per cent stated that they were students; 11.7 per cent office workers; 9.8 per cent service workers, shop workers or market traders; 9.5 per cent housewives; and 8.7 per cent professionals, scientists or intellectuals.⁶⁵

29. A total of 216,808 Peruvian citizens returned to the country between 2010 and 2022, with an annual average of 16,678. Of those returnees, 51.5 per cent were women and 48.5 per cent were men, while 65.3 per cent of the returnees were aged between 15 and 49 years at the time of the analysis.⁶⁶

30. The country from which the greatest proportion of Peruvian migrants returned between 2010 and 2022 was Chile (35.3 per cent), followed by Spain (15.3 per cent) and the United States (9.5 per cent). With regard to their occupations, the main activity cited by the biggest proportion of Peruvian returnees aged 14 years and older was that of student (21.5 per cent), followed by office employee (12.6 per cent) and housewife (12.5 per cent).⁶⁷

31. The National Migration Authority reports that between August 2013 and March 2024 a total of 39,197,701 foreigners entered the country, while 38,077,541 left.⁶⁸ As of August 2021 an estimated 1,347,893 migrants remained in the country, of whom 54.2 per cent were men and 45.8 per cent were women. Moreover, 63.6 per cent were aged between 20 and 39 years. The most common nationality among the foreign population in Peru was Venezuelan (86.8 per cent), followed by Colombian (3.3 per cent) and Ecuadorian (1.1 per cent).⁶⁹

32. Of the total number of immigrants, 1,198,550 stated that they were aged 14 years or older. Professionals, scientists and intellectuals comprised 19.6 per cent of this group, followed by office employees (12.7 per cent) and service workers, salespersons, shop workers and market traders (10.6 per cent).⁷⁰

33. The National Migration Authority reports that, between 2015 and August 2023, 436,599 migrant workers or persons travelling for work-related reasons, including both Peruvian and foreign nationals, entered the country and 578,386 such persons left the country.⁷¹ That group comprised mainly persons aged between 30 and 39 years (147,455 persons) and between 40 and 49 years (130,286 persons). The number of male migrant workers entering Peru (347,935) far exceeded the number of female workers (88,664).⁷²

34. Similar trends were detected among persons who left Peru in a regular manner. That is, the biggest age groups were also 30 to 39 years (196,918 persons) and 40 to 49 years

⁶³ National Institute of Statistics and Information Management, Communication No. 347-2024-INEI7JEF of 13 June 2024.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ National Migration Authority, Communication No. 500-2024-GG-MIGRACIONES of 23 April 2024.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ National Migration Authority, Communication No. 996-2023-GG-MIGRACIONES of 31 August 2023.

⁷² Ibid.

(166,985 persons), and the number of male migrant workers (444,370) was greater than the number of female migrant workers (134,016).⁷³

35. The disaggregation of this information by nationality reveals that: (i) 271,563 foreign migrant workers entered the country, while 288,776 left; and (ii) 165,036 Peruvians travelling for work or similar reasons entered the country, and 289,610 left.⁷⁴

36. According to the Ministry of Labour and Employment Promotion, as of May 2023 a total of 72,028 migrant worker contracts had been registered, 72.6 per cent of which involved Venezuelan workers, 5.7 per cent Colombian workers and 4.5 per cent Chinese workers. A considerable proportion (42.7 per cent) of registered migrant workers have completed secondary school, 29.8 per cent have attended university and 19.9 per cent have received technical education, among other forms of education.⁷⁵

37. Of the total number of contracts, 27.4 per cent related to work in the service sector, 23 per cent to the real estate, business and rental sectors and 18.2 per cent to the trade sector. In terms of pension systems, most migrant workers (83.4 per cent) join private pension schemes run by pension fund administrators.⁷⁶

Reply to the question raised in paragraph 5

38. The Ombudsman's Office may intervene in response to three types of submission: (i) queries; (ii) petitions; and (iii) complaints. The risk of violation or the effective violation of the rights of a person or group is addressed through petitions and complaints. Access to these mechanisms is not limited on the basis of nationality or immigration status; it has been reported that between January 2019 and August 2023, the Ombudsman's Office dealt with 5,675 queries, 1,915 petitions and 2,021 complaints submitted by foreign nationals.⁷⁷

39. In terms of the budget, since 2018 the Ombudsman's Office has entered into various agreements with agencies including UNHCR⁷⁸ and the Spanish Agency for International Development Cooperation⁷⁹ on the implementation of projects to improve protection for persons in contexts of international mobility. These projects have allowed for the strengthening of several branches of the Ombudsman's Office at the national level and of a number of its units through the recruitment of staff specializing in matters relating to migration and refugees.⁸⁰

40. The projects have included action to promote respect for the rights of migrants and refugees in the country, such as training programmes to boost the knowledge of managers within the Ombudsman's Office regarding international and national migrant protection frameworks, the implementation of actions by the Office to provide humanitarian assistance and repatriation services to Peruvian citizens stranded abroad after the closure of international borders and dissemination activities aimed at promoting the rights of persons in contexts of international mobility.⁸¹

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ministry of Labour and Employment Promotion, Communication No. 118-2024-MTPE/2 of 9 May 2024.

⁷⁶ Ibid.

⁷⁷ Ombudsman's Office, Communication No. 0155-2023-DP/ADHPD-PPPDDP of 31 August 2023.

⁷⁸ The Ombudsman's Office reports that, through this project, it has strengthened the staff of its offices in Tumbes, Lima, Tacna, La Libertad, Arequipa, Cusco, Lima Norte, Puno, Madre de Dios and Lima Sur, as well as its units dedicated to the human rights of persons with disabilities, children and adolescents and State administration.

⁷⁹ The project undertaken with the Spanish Agency for International Development Cooperation has contributed to the hiring of staff specialized in migration issues in the Ombudsman's offices in Lima Centro, Lima Este, Lima Norte, Callao, Arequipa, La Libertad and Piura.

⁸⁰ Ombudsman's Office, Communication No. 0155-2023-DP/ADHPD-PPPDDP of 31 August 2023.

⁸¹ Ibid.

Reply to the question raised in paragraph 6

41. The National Migration Authority held 28 training activities on the human rights of migrants between 2015 and March 2024. A total of 1,169 people attended these courses, diploma programmes and conferences.⁸²

42. The Ministry of Foreign Affairs organizes annual training activities for all diplomatic and administrative personnel who carry out functions in foreign countries. These activities cover issues related to the work of protecting and assisting Peruvian migrants, including the rights enjoyed by Peruvians abroad.⁸³

43. As part of the work of the judiciary's Standing Committee on Access to Justice for Vulnerable Persons, the "Guide for judicial officials: access to justice for refugees and migrants in Peru from the perspective of human rights protection standards" was published in 2021.⁸⁴

44. In addition, the judiciary has reported that, in the period 2019–2021, nine activities were carried out to provide information on, and raise awareness of, human rights protection for persons in contexts of international mobility, including training courses and seminars for judges and judicial advisers on access to justice for migrants.⁸⁵

Reply to the question raised in paragraph 7

45. In respect of training programmes concerning international mobility that have been implemented by State institutions, the Ministry for Women and Vulnerable Groups reports that a memorandum of understanding with UNHCR is in force. Its objective is to strengthen "the professional competencies of special protection units in the provision of care to migrant and refugee children and adolescents within the scope of their mandate".⁸⁶

46. With this in mind, in the first half of 2023, the Ministry for Women and Vulnerable Groups worked with directors and coordinators of special protection units to launch a capacity-building programme on caring for children and adolescents in situations of international mobility. By September 2023, 179 officials working at special protection units in Lima had developed their skills in this area.⁸⁷

47. A course entitled "Human Rights, Migrants and Gender" was held between January and April 2024.⁸⁸ The course was attended by 2,024 officials, of whom 68 per cent were women and 32 per cent were men. A total of 1,115 people (55 per cent) obtained a certificate of completion at the end of the course.⁸⁹

48. The public and private entities from which most of the course participants came were local governments (17.7 per cent), the Ministry for Women and Vulnerable Groups (14.8 per cent), the Public Prosecution Service (7.2 per cent), the judiciary (6.3 per cent), the Ministry of Justice and Human Rights (5.5 per cent) and the Ministry of Health and voluntary organizations (5.1 per cent each). In geographical terms, the participants came mainly from the regions of Lima (40.9 per cent), Junín (5.1 per cent), Arequipa (5 per cent), Cusco

⁸² National Migration Authority, Communication No. 500-2024-GG-MIGRACIONES of 23 April 2024.

⁸³ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

⁸⁴ The guide is available at <https://idehpucp.pucp.edu.pe/publicaciones/guia-para-actores-judiciales-acceso-a-la-justicia-de-personas-refugiadas-y-migrantes-en-el-peru-desde-los-estandares-internacionales-de-proteccion-de-los-derechos-humanos/>.

⁸⁵ Judicial branch, Communication No. 003895-2023-SG-CS-PJ of 28 August 2023.

⁸⁶ Ministry for Women and Vulnerable Groups, Communication No. 527-2023-MIMP-DGNNNA of 6 September 2023.

⁸⁷ Ibid.

⁸⁸ Ministry for Women and Vulnerable Groups, Communication No. 171-2024-MIMP-DVMPV of 9 May 2024.

⁸⁹ Ibid.

(4.9 per cent) and La Libertad (4.3 per cent).⁹⁰ It is also worth noting that 11 of the officials who participated were migrants.⁹¹

49. Regarding public defence services, the Directorate of Legal Aid and Victim Defence, which is part of the Directorate General of the Public Defence Service and Access to Justice of the Ministry of Justice and Human Rights, reports that its staff members receive regular training on human rights in general and on the application of differentiated approaches in their work.⁹²

50. The Criminal Defence Directorate of the Directorate General of the Public Defence Service and Access to Justice within the Ministry of Justice and Human Rights reports that, in 2023, district-level public defence directorates were instructed to incorporate the analysis and management of migration-related issues into their training programmes. Such issues may include trafficking in persons and smuggling of migrants, discrimination, abuse and exploitation in the workplace, detention, pretrial detention, deprivation of liberty in relation to immigration, imprisonment, deportation and repatriation.⁹³

51. For 2024, the Criminal Defence Directorate plans to conduct some 150 legal aid campaigns at various prisons across the country for the benefit of persons deprived of liberty, including foreign nationals, who are in pretrial detention or serving prison sentences. The objective of these campaigns is to provide information on public defence services.⁹⁴

52. Each year, the Ministry of Foreign Affairs holds training sessions on trafficking in persons aimed at consular officials and consuls accredited to the Peruvian Government, as well as awareness-raising campaigns aimed at the general public. In addition, in coordination with the Welfare Standards Office, workshops are held to provide information and guidance to Peruvians abroad on the national pension system and the benefits of social security agreements with a view to creating a social security culture among this population.⁹⁵

53. Between 2013 and 2024, nine training activities for Peruvian consulates in foreign countries have been carried out, including a workshop for diplomatic missions and consulates. Furthermore, the Ministry of Foreign Affairs has facilitated the participation of its organizational units in 22 multisectoral events and 22 Blue Heart campaigns to commemorate the World Day against Trafficking in Persons and the National Day against Trafficking in Persons.⁹⁶

54. The National Migration Authority reports that, between 2020 and 2023, it carried out a total of 667 information and awareness-raising activities on migration management, with the participation of 2,661 public sector officials, 1,026 private sector representatives, 5,361 members of civil society, 8 embassy officials, 428 representatives of international organizations and 14,376 foreign nationals.⁹⁷

Reply to the question raised in paragraph 8

55. The Intersectoral Round Table for Migration Management currently serves as the designated forum for coordination between State entities responsible for assisting and protecting migrants and actors in the areas of international cooperation, civil society and

⁹⁰ Ibid.

⁹¹ According to the Ministry of Health, the participants in the course who were migrants came from Brazil, the United States, Italy, Poland, Argentina, Belgium, Canada, Chile, Spain, France and Japan.

⁹² Ministry of Justice and Human Rights, Memorandum No. 7538-2023-JUS/DGDPAJ of 1 September 2023.

⁹³ Ministry of Justice and Human Rights, Memorandum No. 7538-2023-JUS/DGDPAJ of 1 September 2023.

⁹⁴ Ministry of Justice and Human Rights, Memorandum No. 3721-2024-JUS/DGDPAJ of 24 April 2024.

⁹⁵ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

⁹⁶ Ministry of Foreign Affairs, Communication No. RE (DGC) 2-19-B/417 of 12 June 2024.

⁹⁷ National Migration Authority, Communication No. 996-2023-GG-MIGRACIONES of 31 August 2023.

academia. Representatives of each of these sectors may participate in both ordinary and extraordinary meetings of the Intersectoral Round Table and its subgroups.⁹⁸

56. The Intersectoral Round Table is currently composed of representatives of 20 State entities,⁹⁹ 8 civil society organizations¹⁰⁰ and various actors in the field of international cooperation, including IOM, UNHCR and the International Labour Organization (ILO).

57. The channels of coordination established between the State, international cooperation actors and civil society have facilitated the implementation of activities and the production of materials aimed at promoting the exercise of migrants' rights in Peru. It is in this context that the Superintendency of Banking and Insurance and the Ministry of Foreign Affairs published the "Practical guide for the financial inclusion of refugees and migrants" with technical assistance from the World Council of Credit Unions.¹⁰¹ In addition, documents such as the "Health road map for people living with HIV in Peru" and the "Identity and access to health road map" have been published in collaboration with civil society.¹⁰²

Reply to the question raised in paragraph 9

58. In Peru, private employment agencies for job placement in Peru and abroad are regulated by Supreme Decree No. 020-2012-TR adopting regulations for the operation of private employment agencies.¹⁰³ The regulations establish, among other things, the internal definition of a private employment agency¹⁰⁴ and set out prohibited actions, such as the prohibition on charging jobseekers using their services,¹⁰⁵ as well as the obligations with which they must comply in their operations¹⁰⁶ and the registration system for private employment agencies in Peru.¹⁰⁷

Reply to the question raised in paragraph 9 (a)

59. Between 2018 and August 2023, the National Labour Inspection Authority carried out 2,422 guidance activities for 2,423 employers and 9,257 migrant workers on the relevant social and labour regulations in force to promote compliance with those regulations. In addition, nine events were held to promote and raise awareness of the rights of foreign workers, reaching 842 people.¹⁰⁸

Reply to the question raised in paragraph 9 (b)

60. Between January 2013 and August 2023, the National Labour Inspection Authority issued 1,177 inspection orders relating to the verification of compliance with the formalities established by law regarding the recruitment of migrant workers. Of these, 62 per cent of finalized inspection orders relating to this issue were executed between 2018 and 2019.¹⁰⁹

⁹⁸ Ibid.

⁹⁹ In accordance with article 7 of Ministerial Decision No. 0037/RE-2017 adopting the regulations of the multisectoral standing commission "Intersectoral Round Table for Migration Management".

¹⁰⁰ Ministry of Foreign Affairs, Communication No. RE (ASN) 2-19-B/408 of 6 June 2024.

¹⁰¹ The guide is available at https://www.sbs.gob.pe/Portals/3/jer/Materiales_EF/2023/GuiaPracticaPoblacionRefugiadaMigranteDigital.pdf.

¹⁰² National Migration Authority, Communication No. 996-2023-GG-MIGRACIONES of 31 August 2023.

¹⁰³ Ministry of Labour and Employment Promotion, Supreme Decree No. 020-2012-TR, published on 30 December 2012.

¹⁰⁴ Supreme Decree No. 020-2012-TR, art. 2.1.

¹⁰⁵ Supreme Decree No. 020-2012-TR, arts. 6 and 7.

¹⁰⁶ Supreme Decree No. 020-2012-TR, art. 8.

¹⁰⁷ Supreme Decree No. 020-2012-TR, chap. II.

¹⁰⁸ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023.

¹⁰⁹ Ibid.

61. A total of 1,928 inspection orders relating to the verification of payments to foreign workers have been issued. The National Labour Inspection Authority reports that, since 2021, there has been a considerable increase in the number of inspection orders relating to this issue that have been executed. Of the overall total, 75 per cent were issued between January 2021 and August 2023.¹¹⁰

Reply to the question raised in paragraph 9 (c)

62. Under Peruvian law, the obligation to provide life insurance falls not on private employment agencies but on workers' direct employers.¹¹¹

Reply to the question raised in paragraph 9 (d)

63. The regulations on the operation of private employment agencies stipulate that such entities must be registered in the National Registry of Private Employment Agencies before they can carry out job placement activities in Peru or abroad. The purpose of the Registry is to facilitate the supervision of private employment agencies' activities to ensure that (i) discriminatory acts do not take place during job placement activities and (ii) private employment agencies provide jobseekers with necessary, sufficient and timely information to prevent abuses and rights violations.¹¹²

64. The body responsible for granting operating authorization to private employment agencies is the Ministry of Labour and Employment Promotion, through the Directorate General of Employment Promotion, the Regional Offices of Labour and Employment Promotion or another body acting on their behalf.¹¹³ Registration in the National Registry is valid for an indefinite period. If the competent authority confirms that the agency no longer meets the conditions required for registration, it can remove the agency from the Registry following an inspection.¹¹⁴

65. The Ministry of Labour and Employment Promotion reports that, as of May 2024, 316 private employment agencies were registered in the National Registry. Registration processes are carried out at the Regional Directorates and/or Regional Offices of Labour and Employment Promotion of Metropolitan Lima (79 per cent), Tacna (12 per cent), Arequipa (8 per cent) and Junín (1 per cent).¹¹⁵

Reply to the question raised in paragraph 9 (e)

66. The National Labour Inspection Authority is responsible for monitoring private employment agencies' compliance with their obligations. It must notify the regional government in charge of the National Registry of any infractions identified with regard to employment and placement by private employment agencies.¹¹⁶

67. Between 2021 and August 2023, this entity received 17 complaints against private employment agencies through its virtual complaints system. In addition, it reported that one inspection order on the monitoring of private employment agencies, involving four migrant workers, had been executed.¹¹⁷

¹¹⁰ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023, pp. 3–6.

¹¹¹ Ministry of Labour and Employment Promotion, Supreme Decree No. 003-2011-TR, published on 18 March 2011.

¹¹² Supreme Decree No. 020-2012-TR, art. 9.

¹¹³ Supreme Decree No. 020-2012-TR, art. 2.6.

¹¹⁴ Consolidated text of Supreme Decree No. 004-2019-JUS, art. 42.

¹¹⁵ Ministry of Labour and Employment Promotion, Communication No. 157-2024-MTPE/3/18 of 24 June 2024.

¹¹⁶ Supreme Decree No. 020-2012-TR, art. 15 (a).

¹¹⁷ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023, pp. 3–6.

68. In the same period, four first-instance decisions on penalties were issued in respect of private employment agencies, which were fined 26,975 soles (S/.) in total, and two second-instance decisions were issued, involving fines amounting to S/. 16,425 in total.¹¹⁸

Reply to the question raised in paragraph 9 (f)

69. The National Labour Inspection Authority may carry out monitoring activities to ensure that private employment agencies are complying with their obligations as set out in the regulations. As part of the regulation and monitoring of employment agencies, *inter alia* to ensure that they do not act as intermediaries for abusive employers, the Authority ensures that they meet their obligations to:

(a) Inform migrant workers about the basic working conditions offered by employers;

(b) Refrain from brokering job offers that are discriminatory in nature or contain elements that could plausibly involve practices associated with trafficking in persons, smuggling of migrants, forced labour or child labour;

(c) Provide jobseekers with information on offers of employment in other countries (including details of the entity offering employment, contract start and end dates, working conditions and grounds for cancellation or termination of the contract); and

(d) Inform migrant workers of their rights and obligations, as well as the fact that employers are prohibited from deducting amounts from their pay to wholly or partially cover the cost of the placement service.¹¹⁹

70. The following situations, which may be linked to action taken by private employment agencies acting as intermediaries for abusive employers, are grounds for the removal of such agencies from the National Registry: (a) the retention of Peruvian or foreign personal identity documents, personal belongings, valuables or similar items belonging to migrant workers; or (b) the brokering of job offers and/or placements that in any way deceive migrant workers or conceal trafficking in persons, smuggling of migrants, forced labour or child labour.¹²⁰

Reply to the question raised in paragraph 10 (a)

71. Article 9 of the regulations implementing Legislative Decree No. 1350 establishes that the judiciary and the Public Prosecution Service are responsible for guaranteeing foreigners' access to justice services, without limiting such access on the basis of their immigration status. This article also states that the Peruvian National Police is obliged to receive all complaints filed by foreigners and that the Ministry of Justice and Human Rights must take steps to ensure access to public defence services nationwide.¹²¹

72. With regard to the receipt and processing of employment-related complaints, the National Labour Inspection Authority adopted Directive No. 002-2017-SUNAFIL/INII on the labour complaints service, which regulates the handling of alleged violations of social and labour regulations and occupational safety and health standards. The Directive also establishes a process for the uniform handling of such cases by the labour inspection system.¹²² There are no nationality- or immigration status-based restrictions on the submission and handling of employment-related complaints, which may be filed online or in person.

73. With respect to court cases involving any type of rights violation alleged by migrant workers in the country, the mechanisms of the judiciary respond, based on the nature of the

¹¹⁸ Ibid.

¹¹⁹ Supreme Decree No. 020-2012-TR, art. 8.

¹²⁰ Supreme Decree No. 020-2012-TR, art. 15.

¹²¹ Ministry of the Interior, Supreme Decree No. 007-2017-IN, art. 9, published on 29 March 2017.

¹²² National Labour Inspection Authority, Decision No. 204-2020-SUNAFIL, adopted on 20 November 2020.

violation, to the proceedings initiated regardless of the nationality or immigration status of the individual concerned.¹²³

Reply to the question raised in paragraph 10 (c)

74. Act No. 29360 on the Public Defence Service¹²⁴ establishes that the purpose of the public defence services offered by the Ministry of Justice and Human Rights is to guarantee the general population's right to a defence and access to justice, based on the principle of equality and non-discrimination, by providing free technical legal assistance and/or defence services in certain cases when required to do so by law or when the individuals concerned cannot afford to pay for such services or are in a situation of vulnerability.¹²⁵ In terms of the services offered through the Directorate of Legal Aid and Victim Defence, between July 2022 and July 2023, legal assistance services and victim defence services were provided on 309 and 525 occasions, respectively. Venezuelan nationals make up the main group of foreign beneficiaries of the Directorate's services, accounting for 65 per cent of foreigners receiving legal assistance and 73.9 per cent of those receiving defence services.¹²⁶

75. During the same period, public criminal defence services were provided to a total of 5,206 migrants. Of these services, 78.9 per cent were delivered to Venezuelan nationals.¹²⁷

76. In the period from August 2023 to February 2024, public criminal defence services were provided to a total of 2,712 foreign nationals. Of these services, 76.2 per cent were delivered to Venezuelan nationals (according to the case tracking system). In the period from July 2022 to February 2024, therefore, the Criminal Defence Directorate of the Ministry of Justice and Human Rights provided public defence services to a total of 7,918 migrants.¹²⁸

77. Consular posts provide legal assistance to Peruvian migrants and their families abroad, regardless of their immigration status in the destination country.¹²⁹ According to the information available through the module on assistance and protection for Peruvians abroad, which was established in July 2022, Peruvian consular posts provided employment-related advice on four occasions in 2022 and once in 2023.¹³⁰

Reply to the question raised in paragraph 10 (e)

78. With regard to the measures taken to inform migrant workers of the legal remedies available to them in the event that their rights are violated, the National Labour Inspection Authority reports that guidance on labour discrimination has been provided on at least 4,671 occasions, reaching 43,055 workers, without any distinction based on their nationality.¹³¹

Reply to the question raised in paragraph 11

79. Following the outbreak of the global coronavirus disease (COVID-19) pandemic, the Peruvian Government ordered the closure of the country's borders on 15 March 2020.¹³² It also announced the suspension of various constitutional rights, including the rights to liberty

¹²³ Judicial branch, Communication No. 003895-2023-SG-CS-PJ of 28 August 2023.

¹²⁴ Congress of the Republic, Act No. 29360, published on 14 May 2009; Executive branch, Legislative Decree No. 1407, published on 12 September 2018.

¹²⁵ Congress of the Republic, Act No. 29360, published on 14 May 2009.

¹²⁶ Ministry of Justice and Human Rights, Memorandum No. 7538-2023-JUS/DGDPAJ of 1 September 2023.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ministry of Foreign Affairs, Supreme Decree No. 032-2023-RE, published on 2 December 2023.

¹³⁰ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

¹³¹ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023.

¹³² Office of the President of the Council of Ministers, Supreme Decree No. 044-2020-PCM, published on 15 March 2020.

and security of person and freedom of assembly and transit for all individuals under its jurisdiction.

80. As part of its duty to protect and assist Peruvian nationals abroad, the Ministry of Foreign Affairs repatriated Peruvian nationals who were stranded abroad as a result of border closures. It did so by implementing a plan that provided free or low-cost tickets to Peruvian migrants who could not afford to return to the country.¹³³

81. In terms of the measures taken to ensure that the international health emergency did not affect the processing of asylum applications, the Special Commission for Refugees implemented a system through which remote assistance could be provided by email, telephone or videoconference, with a view to facilitating communication with applicants.¹³⁴

82. There were insufficient human resources available to deal with the number of emails and calls received, which meant that it was necessary to prioritize responses based on the issues reported, which included health problems, nutrition issues, street situations and the need for documents for employment.¹³⁵

83. Virtual “work permits” were issued starting in June 2020 to prevent the pandemic from negatively impacting asylum-seekers’ exercise of their right to work. Such permits have three purposes: (1) to prove that the individual has applied for refugee status, (2) to authorize such individuals to work legally on a dependent or independent basis and (3) to enable them to remain in the country until a final decision on their application is made. The “work permit” can be generated through the refugee system by the applicants themselves, who have access to their file through a username and password sent to them by mail.¹³⁶

84. Although there were problems caused by the lack of awareness of the permit among public and private employers, in 2021, the 12 decentralized offices of the Ministry of Foreign Affairs each organized two training workshops, one for regional authorities and the other for the private sector. The purpose of the workshops was to disseminate information on the rights and obligations of applicants for refugee status and the documents issued to them.¹³⁷ It should also be noted that the Ministry of Foreign Affairs currently has a website containing information for individuals seeking international protection.¹³⁸

85. In the area of migration, the National Migration Authority issued Decision No. 121-2020-MIGRACIONES authorizing the use by foreigners of documents attesting to the fact that they are in the process of applying for a foreigner’s identity card or a temporary residence permit.¹³⁹ The Authority also decided to:

(a) Suspend, until 11 May 2020, the application of administrative penalties in cases involving individuals who breached immigration law by remaining in the country for longer than authorized;¹⁴⁰

(b) Temporarily suspend administrative deadlines and the fines imposed on individuals who remained in the country for longer than authorized;¹⁴¹

(c) Extend the duration of the special permits granted to migrants, for the purpose of enabling them to leave Peru temporarily, and to residents who were outside the country;

¹³³ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ The portal is accessible at <http://portal.rree.gob.pe/refugiados/>.

¹³⁹ National Migration Authority, Decision No. 121-2020-MIGRACIONES, adopted on 5 May 2020.

¹⁴⁰ National Migration Authority, Decision No. 100-2020-MIGRACIONES, adopted on 16 March 2020; Decision No. 123-2020-MIGRACIONES, adopted on 11 May 2020.

¹⁴¹ National Migration Authority, Decision No. 104-2020-MIGRACIONES, adopted on 11 June 2020.

(d) Extend the validity of temporary immigration status or resident status during the health emergency.¹⁴²

Reply to the question raised in paragraph 11 (a)

86. Efforts were made to provide universal access to the COVID-19 vaccine. In this connection, in April 2021, the Ministry of Health issued press release No. 486 announcing that the vaccine would be accessible locally, universally, free of charge and without distinction or exclusion for the entire population under Peruvian jurisdiction (both nationals and international migrants).¹⁴³ Accordingly, individuals were able to receive the vaccine by presenting a variety of types of identity document, including the foreigner's identity card or a temporary residence permit. A provisional identity code was generated for those migrants who did not have a valid identity document that would afford them access to the vaccine.¹⁴⁴

87. Furthermore, the Ministry of Health incorporated the "nationality" variable into its computer systems in order to guarantee the provision of care to migrants in the country. A total of 825,940 foreigners were screened for COVID-19, with 11.50 per cent of those individuals testing positive and 1.99 per cent requiring hospitalization.¹⁴⁵

Reply to the question raised in paragraph 11 (c)

88. The purpose of the Occupational Safety and Health Act¹⁴⁶ and its implementing regulations¹⁴⁷ and amendments is to promote a culture of occupational risk prevention in the country. Their scope of application covers all economic and service sectors, without making a distinction between national and migrant workers. Against the backdrop of the COVID-19 pandemic, the Occupational Safety and Health Act was amended by Act No. 31246 to guarantee workers' right to occupational safety and health in the light of the epidemiological and health risks.¹⁴⁸

89. In 2020, a number of exceptional and temporary measures aimed at preventing the spread of COVID-19 were issued through Emergency Decree No. 026-2020.¹⁴⁹ Such measures included the regulation of the remote working framework during the COVID-19 health emergency. After the national health-related state of emergency was lifted, the regulations on teleworking were updated.¹⁵⁰ Remote working can be used without distinction, depending on employers' needs, and is especially encouraged in the case of vulnerable groups.

90. As part of the plan for the monitoring, prevention and control of COVID-19, from 2021 to August 2023, 939 inspections conducted under finalized inspection orders found evidence that foreign workers had been affected.¹⁵¹ The vast majority (61 per cent) of these orders were executed in 2021.

91. The protocol on conducting labour inspections during the national health emergency in view of the serious impact of the COVID-19 pandemic on labour and economic activities

¹⁴² Ombudsman's Office (2020), *Personas venezolanas en el Perú. Análisis de la situación antes y durante la crisis sanitaria generada por el Covid-19* (Venezuelan nationals in Peru. An analysis of the situation before and during the COVID-19 health crisis), report No. 002-2020-DP/ADHPD, pp. 70 and 71.

¹⁴³ Ministry of Health, press release No. 486. Available at <https://www.gob.pe/institucion/minsa/noticias/429743-vacunacion-territorial-universal-gratuita-sin-distingos-ni-exclusiones-comunicado-n-486>.

¹⁴⁴ Ministry of Health, electronic communication of 19 June 2024.

¹⁴⁵ Ibid.

¹⁴⁶ Congress of the Republic, Act No. 29783, published on 20 August 2011.

¹⁴⁷ Ministry of Labour and Employment Promotion, Supreme Decree No. 005-2012-TR, published on 25 April 2012.

¹⁴⁸ Congress of the Republic, Act No. 31246, published on 25 June 2021.

¹⁴⁹ Executive branch, Emergency Decree No. 026-2020, published on 15 March 2020.

¹⁵⁰ Congress of the Republic, Act No. 31572, published on 11 September 2022.

¹⁵¹ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023.

in Peru was adopted in 2020 to provide a tool for ensuring that labour inspections could be conducted appropriately and efficiently during the pandemic.¹⁵²

92. In 2024, the Ministry of Health adopted an administrative directive establishing arrangements for monitoring, prevention and control in relation to the health of workers who are at risk of exposure to SARS-CoV-2.¹⁵³

Reply to the question raised in paragraph 11 (d)

93. The Peruvian Government, through its consular posts abroad and in coordination with families and the authorities of the destination countries, assisted with the burial or cremation of the remains of Peruvian nationals who died from COVID-19 while abroad, doing so in compliance with the relevant requirements and guidelines established by each country.¹⁵⁴

Reply to the question raised in paragraph 11 (e)

94. The Ministry of Development and Social Inclusion reports that migrants have access to five types of social programme, namely:

(a) The Cuna Más National Programme, which aims to enhance the development of children under 36 months of age who are living in poverty or extreme poverty in order to overcome gaps in their cognitive development. Caregivers of migrant children who wish to obtain access to the Programme can enrol by presenting their foreigner's identity card, identity papers or temporary residence permit. In 2024, the Programme has provided care to 256 foreign users in 23 regions of the country. Care has mainly been provided through its day-care service (93 per cent), and, to a lesser extent, through its family support service (7 per cent). Most foreign users come from Venezuela (50.7 per cent), Chile (16 per cent) and Ecuador (10.5 per cent). In terms of the regions where beneficiaries are located, 14 per cent are in Ancash, 9.7 per cent are in Lima and 7 per cent are in Tumbes;¹⁵⁵

(b) The Qali Warma National School Nutrition Programme, which provides food services to complement the education provided to children and adolescents in public institutions at the preschool, primary and secondary levels. The Programme is universally accessible, which means that all children and adolescents in the educational institutions prioritized have access to its benefits. In 2024, the Programme is projected to serve 4,165,811 users in 65,289 schools. Of the expected number of users, 0.49 per cent are foreign students;¹⁵⁶

(c) The National Non-Contributory Pension Programme for Persons with Severe Disabilities in Poverty, which progressively grants a bimonthly non-contributory pension of S/. 300 to persons with severe disabilities in poverty, with a view to improving their quality of life. According to the 2024 register, the pension is received by 142,771 individuals across the country, of whom 41 are migrants. The number of foreign beneficiaries for 2024 represents a 925 per cent increase over the number of migrant beneficiaries registered in 2023.¹⁵⁷

95. Foreigners also have access to the National Social Inclusion Platforms for Action Programme and the Social Development Cooperation Fund, which focus their interventions on specific geographical locations, meaning that all residents in priority areas can enjoy the benefits of these social programmes, without distinction.¹⁵⁸

¹⁵² National Labour Inspection Authority, Decision No. 189-2021-SUNAFIL, adopted on 28 June 2021.

¹⁵³ Ministry of Health, electronic communication of 19 June 2024.

¹⁵⁴ Ministry of Foreign Affairs, Communication No. RE (DGC) 2-19-B/417 of 12 June 2024.

¹⁵⁵ Ministry of Development and Social Inclusion, Communication No. 071-2024-MIDIS-DGPE of 25 June 2024.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

Reply to the question raised in paragraph 12

96. Article 2.2 of the Constitution of Peru establishes that all individuals have the right to equality and prohibits discrimination on multiple grounds, including origin, race or language. Discrimination and incitement to discrimination are characterized as criminal offences under the Criminal Code, which establishes that:

“Any person who directly or indirectly engages in acts of distinction, exclusion, restriction or preference that nullify or impair the recognition, enjoyment or exercise of any right of a person or group of persons recognized in law, the Constitution or the human rights treaties to which Peru is a party, on the grounds of race, ... nationality, ... language, ... ethnic or cultural identity, ... immigration status, ... or any other characteristic shall be sentenced to imprisonment for a term of no less than 2 and no more than 3 years or to the performance of community service for a period of 60 to 120 days.”¹⁵⁹

97. According to the Public Prosecution Service, between August 2013 and March 2024, 25 complaints of discrimination and incitement to discrimination were filed, with 26 migrants constituting the injured parties. Venezuelan nationals accounted for 81 per cent of the victims, and 46 per cent of the complaints were lodged in the Lima region.¹⁶⁰

98. In addition, coordination mechanisms and mechanisms for the monitoring and reporting of acts of discrimination have been established. Such mechanisms, which are key for combating practices that perpetuate stereotypes and the exclusion of certain groups based on prohibited grounds, include:

(a) The “Alerta contra el Racismo” platform of the Ministry of Culture, which allows for the reporting of cases related to ethnic and racial discrimination.¹⁶¹ The reporting tool allows individuals to present documents such as a foreigner’s identity card or a passport when filing complaints, with a view to guaranteeing that migrants have access to it;

(b) The “SíSeVe” platform of the Ministry of Education, which allows for the reporting of any act of school violence, including acts of discrimination on prohibited grounds that affect access to or the provision of educational services.¹⁶² As in the case of the “Alerta contra el Racismo” platform, individuals are able to present documents such as a foreigner’s identity card, a passport or a temporary residence permit when lodging complaints. In addition to the platform, the Ministry of Education has an email address for reporting and enquiring about cases.

99. In terms of workshops and similar activities aimed at combating discrimination against foreigners, between 2019 and 2023, the National Migration Authority ran nine training courses on the subject, in which 393 individuals participated.¹⁶³

100. It should also be noted that the following measures were adopted within the multilateral forums to which Peru belongs, with a view to protecting the rights of migrants in the country:¹⁶⁴

(a) In 2018, the Community of Latin American and Caribbean States adopted the Quito Declaration on the Human Mobility of Venezuelan Citizens in the Region, in which the parties reaffirmed their commitment to the promotion and protection of all human rights, including the importance of non-discrimination;¹⁶⁵

¹⁵⁹ Criminal Code, art. 323.

¹⁶⁰ Public Prosecution Service, Communication No. 2486-2024-MP-FN-SEGFIN of 28 May 2024.

¹⁶¹ The platform can be viewed at <https://alertacontraelracismo.pe/inicio>.

¹⁶² The platform can be viewed at <https://www.siseve.pe/web/app/index>.

¹⁶³ National Migration Authority, Communication No. 500-2024-GG-MIGRACIONES of 23 April 2024.

¹⁶⁴ National Migration Authority, Communication No. 996-2023-GG-MIGRACIONES of 31 August 2023.

¹⁶⁵ Quito Process (2024), Quito Declaration on the Human Mobility of Venezuelan Citizens in the Region. Available at <https://www.procesodequito.org/sites/g/files/tmzbdl466/files/2021-02/Quito%20Declaration.pdf>.

(b) Multiple declarations aimed at protecting the migrant population in the region were adopted by the South American Conference on Migration. Such declarations include the Montevideo Declaration on the inclusion and integration of migrants beyond territorial borders¹⁶⁶ (2017), the Sucre Declaration on “South American citizenship: new culture of free human mobility towards universal citizenship”¹⁶⁷ (2018) and the Lima Declaration on articulating the continental dialogue for comprehensive assistance to migration in the Americas¹⁶⁸ (2023).

101. With regard to the action taken to guarantee non-discrimination and combat discrimination, xenophobia and the stigmatization of migrants, in 2022, Peru signed the Los Angeles Declaration on Migration and Protection and subsequently assumed the leadership of the action package on combating xenophobia. The communications working group of the Intersectoral Round Table for Migration Management also ran campaigns to highlight the contributions of the migrant population in the country.¹⁶⁹

102. With respect to the specific measures taken to guarantee the protection of labour rights and equal pay for men and women, the National Labour Inspection Authority provided guidance to 3,584 employers and 28,276 workers, running 3,273 activities between January 2014 and August 2023. In addition, 110 events on equal pay and/or labour discrimination were organized, reaching 43,994 individuals across the country.¹⁷⁰

103. From 2017 to August 2023, the National Labour Inspection Authority executed a total of 91 inspection orders in response to acts of labour discrimination against foreign workers. Thirty-five of these inspection orders were linked to the payment of wages and salaries.¹⁷¹

Reply to the question raised in paragraph 13

104. The National Institute of Statistics and Information Management reports that a total of 311 foreign victims of trafficking were identified between 2021 and 2022. The victims identified are primarily of three nationalities: Venezuelan (81.9 per cent), Ecuadorian (6.75 per cent) and Colombian (6.10 per cent).¹⁷²

105. With regard to labour inspection, the National Labour Inspection Authority reports that, from 2013 to August 2023, it finalized 56 inspection orders concerning forced labour involving foreign workers. The economic sectors in which the largest number of inspection orders were executed were hotels and restaurants (41 per cent), wholesale trade (21.4 per cent) and retail trade, and “other” (16 per cent). In the case of domestic workers, 22 inspection orders were executed and finalized during the same period.¹⁷³

¹⁶⁶ South American Conference on Migration (2017), Seventeenth South American Conference on Migration, Montevideo Declaration: “Inclusion and integration of migrants beyond territorial borders”. Available at https://www.csmigraciones.org/sites/default/files/2021-01/declaracion_final_conferencia_migraciones.pdf.

¹⁶⁷ South American Conference on Migration (2018), Eighteenth South American Conference on Migration, Sucre Declaration: “South American citizenship: new culture of free human mobility towards universal citizenship”. Available at https://csmigraciones.org/sites/default/files/2021-01/sucre_declaration_xviii_sacm-en.pdf.

¹⁶⁸ South American Conference on Migration (2023), Twenty-first South American Conference on Migration, Lima Declaration: “Articulating the continental dialogue for comprehensive assistance to migration in the Americas”. Available at <https://csmigraciones.org/sites/default/files/2023-12/Lima%20Declaration.pdf>.

¹⁶⁹ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

¹⁷⁰ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023.

¹⁷¹ Ibid., p. 11.

¹⁷² National Institute of Statistics and Information Management (2023), *Perú: Estadísticas de trata de personas 2018–2022* (Peru: Statistics on trafficking in persons 2018–2022), p. 22, accessed on 21 November 2023. See <https://cdn.www.gob.pe/uploads/document/file/5021482/Per%C3%BA%3A%20Estad%C3%ADsticas%20de%20Trata%20de%20Personas%2C%202018-2022.pdf?v=1692632681>.

¹⁷³ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023, p. 12.

Reply to the question raised in paragraph 14

106. With regard to the implementation of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), it should be noted that, in 2022, the list of jobs and activities that are dangerous or harmful to the physical or moral health of adolescents¹⁷⁴ was adopted pursuant to article 58 of the Code on Children and Adolescents.¹⁷⁵

107. With respect to the protection of migrant children and adolescents, the provisions of Legislative Decree No. 1297 on the protection of children and adolescents who are without parental care or at risk of losing it¹⁷⁶ and its implementing regulations¹⁷⁷ apply to children and adolescents who are vulnerable or at risk of becoming so. The protection measures provided for in the Decree apply to migrant children and adolescents who are accompanied or unaccompanied or have been separated from their families.

108. In 2023, the Ministry for Women and Vulnerable Groups adopted the protocol of the special protection units for the care of refugee or migrant children and adolescents who lack family protection or are at risk of losing it.¹⁷⁸

109. The protocol regulates a number of aspects, including the provision of migration regularization measures for separated or unaccompanied children and adolescents who are in an irregular immigration situation through the submission of applications for special residency status to the National Migration Authority. It also sets out specific measures governing the conduct of the special protection units' staff when identifying the international protection needs of migrant children and adolescents.¹⁷⁹

110. According to the Ministry for Women and Vulnerable Groups, from 2023 to March 2024, the special protection units across the country handled a total of 2,036 cases involving migrant children and adolescents. Of these cases, 55 per cent involved girls and female adolescents, and 45 per cent involved boys and male adolescents. Most cases (61 per cent) involved children between the ages of 12 and 17, followed by those between the ages of 0 and 5 (28 per cent) and those between the ages of 6 and 11 (25 per cent). The main nationalities represented among the migrant children and adolescents supported by the special protection units were Venezuelan (78.5 per cent), Colombian (6.6 per cent), Argentine (3.6 per cent), Ecuadorian (3.2 per cent) and Chilean (2.4 per cent). The regions with the largest number of cases were Lima (47.6 per cent), Tumbes (24.7 per cent), Arequipa (5.8 per cent), Lambayeque (5.1 per cent) and La Libertad (3.3 per cent).¹⁸⁰

Reply to the question raised in paragraph 15

111. The National Integrity and Anti-Corruption Plan 2018–2021¹⁸¹ was adopted in 2018. In 2021, the Plan's period of validity was extended until an updated version of the National Integrity and Anti-Corruption Policy was issued through Supreme Decree No. 180-2021-PCM setting out the executive branch's 2022 integrity strategy for the prevention of corruption. The public sector integrity model was established through these measures.

¹⁷⁴ Ministry for Women and Vulnerable Groups, Supreme Decree No. 009-2022-MIMP, published on 24 July 2022.

¹⁷⁵ Ministry for Women and Vulnerable Groups, Communication No. 527-2023-MIMP-DGNNA of 6 September 2023.

¹⁷⁶ Executive branch, Legislative Decree No. 1297, published on 30 December 2016.

¹⁷⁷ Ministry for Women and Vulnerable Groups, Supreme Decree No. 001-2018-MIMP, published on 10 February 2018.

¹⁷⁸ Ministry for Women and Vulnerable Groups, Directorate Decision No. 076-2023-MIMP-DGNNA, adopted on 26 June 2023.

¹⁷⁹ Ibid.

¹⁸⁰ Directorate of Special Protection, electronic communication of 9 May 2024.

¹⁸¹ Office of the President of the Council of Ministers, Supreme Decree No. 044-2018-PCM, published on 26 April 2018.

112. The model is organized into nine components aimed at the implementation of a public integrity-based approach in each entity.¹⁸² The National Migration Authority has its own office of institutional integrity. As part of the fight against corruption, the Authority has adopted a directive on the management and follow-up of complaints of corruption, the granting of protection measures and the classification of complaints as having been made in bad faith.¹⁸³ It has also drawn up a code of ethics for the Authority.¹⁸⁴

113. Foreigners affected by corruption can file complaints with the entity. Complaints of violations by public officials of the principles established in Legislative Decree No. 1350, including the principles of fundamental rights, migrant family unity and non-discrimination, can also be filed.¹⁸⁵

Reply to the question raised in paragraph 16

114. Legislative Decree No. 1350 and its implementing regulations provide a series of due process guarantees that are applicable to foreigners who commit breaches of immigration law. For example, article I of its preliminary title lays down the principle of respect for fundamental rights, and article V recognizes the principle of migrant family unity. The National Migration Authority upholds these principles when conducting administrative penalty proceedings.

115. Under article 53 of Legislative Decree No. 1350, migrant children and adolescents cannot be penalized for breaches of immigration law. Moreover, the principles of family unity and the best interests of the child or adolescent are upheld during the process of assessing whether to apply penalties of obligatory departure or expulsion, which means that such penalties are suspended when the immigration authority determines that there is a clear and imminent risk of violation of those principles.¹⁸⁶

116. In 2023, Legislative Decree No. 1350 was amended by Legislative Decree No. 1582 to provide *inter alia* for the creation of exceptional special administrative penalty proceedings. The purpose of the proceedings is to determine the penalty to be applied in cases involving the irregular entry of a foreigner or the involvement of a foreigner in activities that threaten public order, internal order or national security. To that end, the Peruvian National Police is authorized to detain foreigners who are alleged to have committed breaches of immigration law for up to 12 hours. If there is evidence that such foreigners are involved in either of the above-mentioned forms of conduct, the National Migration Authority is empowered to hear their cases and issue penalties within a maximum additional period of 12 hours from the time the initial detention period ended.

117. As part of the exceptional special administrative penalty proceedings, individuals who are alleged to have committed a breach of immigration law are able to exercise their right to a defence and due process. They may be penalized only through the issuance of a duly reasoned decision following an analysis of their specific case. Individuals who are expelled through exceptional special administrative penalty proceedings are given the opportunity to submit an application for reconsideration within three working days from the date on which they are notified of the penalty. The submission of such an application does not, however, have suspensive effect.¹⁸⁷

118. The conduct of the above-mentioned proceedings is regulated by the protocol on inter-institutional coordination between the Peruvian National Police and the National

¹⁸² The nine components of the public sector integrity model are: (a) a commitment by senior management; (b) risk management; (c) compliance and integrity policies; (d) transparency; (e) oversight; (f) communication and training; (g) complaints procedure; (h) supervision and monitoring; (i) management of the model.

¹⁸³ National Migration Authority, Decision No. 000235-2022-MIGRACIONES, adopted on 27 September 2022.

¹⁸⁴ National Migration Authority, Decision No. 000146-2020-MIGRACIONES, adopted on 29 June 2020.

¹⁸⁵ These principles are set out in the preliminary title of Legislative Decree No. 1350.

¹⁸⁶ Legislative Decree No. 1350, art. 64.

¹⁸⁷ Legislative Decree No. 1350, art. 71.2.3.

Migration Authority for the application of the exceptional special administrative penalty proceedings.¹⁸⁸ According to the Authority, between October 2023 and March 2024, a total of 278 foreigners were expelled through these proceedings.¹⁸⁹

119. The imposition of penalties by the National Migration Authority is governed by principles including due process, legality and legal authority, which are set forth in the General Administrative Procedure Act.¹⁹⁰

Reply to the question raised in paragraph 17

120. In order to encourage Peruvians abroad to regularize their immigration status, consular posts organize online and in-person talks on current immigration rules and the procedure through which individuals can regularize their immigration and/or employment status. The talks provide details of aspects such as the relevant processes and requirements in each location and are organized in collaboration with the competent entities in the destination countries.¹⁹¹

121. With regard to protection and assistance, between August 2013 and March 2024, 223,325 Peruvians abroad who were in situations of vulnerability received support through consular services.¹⁹²

122. Moreover, as part of the National Gender Equality Policy and the 2023–2025 Plan of Activities to Reduce Gender Gaps, prepared by the Gender Equality Group, the Ministry of Foreign Affairs has worked with 117 consular posts abroad to strengthen the humanitarian and legal assistance services provided to victims of gender-based violence. From 2018 to March 2024, a total of 501 Peruvian victims abroad received guidance and consular assistance or were repatriated.¹⁹³

123. It should also be noted that, within the framework of the National Gender Equality Commission, the Ministry of Foreign Affairs undertook to strengthen the humanitarian and legal assistance services provided to all Peruvian women who are victims of gender-based violence and discrimination. To that end, a document entitled “Procedure and guidelines for the provision of humanitarian and legal assistance to women victims of gender-based violence” was disseminated among consular staff in 2023.¹⁹⁴

124. With respect to assistance for Peruvians who are detained abroad and involved in expulsion proceedings, representatives of Peruvian consular offices regularly visit such nationals in order to check their state of health, ensure that due process and their fundamental rights are being respected and determine whether they have access to legal assistance and interpreters where necessary. From 2023 to March 2024, assistance was provided to 5,407 Peruvian nationals detained abroad.¹⁹⁵

Reply to the question raised in paragraph 19

125. As a general rule, the recruitment of migrant workers is governed by the provisions of Legislative Decree No. 689 on the Recruitment of Foreign Workers¹⁹⁶ and its implementing regulations.¹⁹⁷ While this law establishes certain limits on the number of migrant workers who may be hired, the length of their contracts and the total amount of their remuneration, all other aspects are governed by Legislative Decree No. 728 on Labour

¹⁸⁸ Ministry of the Interior, Ministerial Decision No. 0031-2024-IN, adopted on 11 January 2024.

¹⁸⁹ National Migration Authority, Communication No. 500-2024-GG-MIGRACIONES of 23 April 2024.

¹⁹⁰ Congress of the Republic, Act No. 27444, published on 11 April 2001.

¹⁹¹ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

¹⁹² Ministry of Foreign Affairs, Communication No. RE (DGC) 2-19-B/417 of 12 June 2024.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Executive branch, Legislative Decree No. 689, published on 5 November 1991.

¹⁹⁷ Ministry of Labour and Employment Promotion, Supreme Decree No. 014-92-TR, published on 22 December 1992.

Productiveness and Competitiveness,¹⁹⁸ which sets out the general labour regime governing private activities in the country and is applicable to migrants, recognizing that they enjoy the same rights and benefits as local employees.

126. With respect to the recruitment of domestic workers, Act No. 31047 and its implementing regulations establish that national and migrant workers enjoy equal conditions and rights. In addition, they establish that the limitations set out in Legislative Decree No. 689 do not apply to migrant domestic workers.¹⁹⁹

Reply to the question raised in paragraph 20

127. With regard to foreign children's and adolescents' access to regular basic education services, between 2015 and 2022, there was an increase in the number of such children and adolescents at all levels of education (preschool, primary and secondary).²⁰⁰ In 2015, there were 13,037 migrant children enrolled in preschool education; by 2022, that figure had risen to 40,143.²⁰¹

128. In 2015, 22,142 foreign children were enrolled in primary education; this figure had increased to 99,825 by 2022. At the secondary level, in 2015, school places were allocated to 13,751 migrant students. By 2022, the population of foreign students at that educational level had reached 52,703.²⁰²

129. In terms of the progress made in guaranteeing access to basic education through other educational programmes, the Ministry of Education reports that, between 2020 and 2023, there was a gradual increase in the number of foreigners enrolled in alternative basic education centres. Accordingly, while 964 places in such centres were allocated to migrants in 2020, that figure had increased to 2,091 by 2022. As of August 2023, a total of 1,624 migrants had been allocated places in centres across the country. During the period in question, most of the foreign students enrolled in the centres were Venezuelan, Argentine or Colombian.²⁰³

130. It should be noted that children and adolescents who are migrants or Peruvian children of migrants also have access to schools for high-performing students in various regions of the country. In 2023, for instance, a total of 44 students whose mother or father reported having another nationality were enrolled.²⁰⁴ Of these students, 43 per cent were Venezuelan, 16 per cent were Chilean, 9 per cent were Argentine and 31 per cent were of other nationalities.²⁰⁵

131. Peru has entered into 29 bilateral treaties on the recognition of degrees and diplomas and is a party to 6 multilateral treaties on the matter.²⁰⁶ In addition, chapter XIV of the Trade Integration Agreement between the Republic of Peru and the United Mexican States contains provisions relating to the mutual recognition of certificates, diplomas and/or academic degrees.²⁰⁷

¹⁹⁸ Executive branch, Legislative Decree No. 728, published on 12 November 1991; Ministry of Labour and Employment Promotion, Supreme Decree No. 003-97-TR, published on 27 March 1997.

¹⁹⁹ Supreme Decree No. 009-2021-TR, Regulations implementing Act No. 31047, art. 63.

²⁰⁰ Ministry of Education, report No. 00374-2023-MINEDU-VMGP-DIGEBR of 12 May 2023.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ministry of Education, Communication No. 00591-2023-MINEDU/VMGP-DIGEIBIRA of 31 August 2023.

²⁰⁴ Ministry of Education, Communication No. 296-2024-MINEDU/VMGP-DIGESE of 23 April 2024.

²⁰⁵ According to the Ministry of Education, the other countries of origin represented among migrant students or children of migrants who attended schools for high-performing students in 2023 were Bolivia, Colombia, Ecuador, France, Italy, Japan, Mexico, Spain and the United States.

²⁰⁶ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

²⁰⁷ Ministry of Foreign Affairs, Supreme Decree No. 089-2011-RE, published on 20 July 2011.

Reply to the question raised in paragraph 21

132. Migrants' right of access to healthcare services under the same conditions as nationals, subject to the limitations established in the regulations in force, is recognized under article 9 of Legislative Decree No. 1350.²⁰⁸ The implementing regulations of Act No. 29414, which sets out the rights of health service users,²⁰⁹ establish that the right to emergency care is enjoyed by all individuals who require urgent medical, surgical or psychiatric treatment, which can be received at any public, private or mixed health centre in the country. It should also be noted that the provision of emergency care cannot be contingent on the payment of any fee or the presentation of certain documents. Thus, neither nationality nor immigration status can be grounds for limiting access to this type of care in the country.²¹⁰

133. Migrants who have resident status and, as a result, a foreigner's identity card are able to join the comprehensive health insurance system, either through the Basic Health Insurance Plan, which is open to any resident in the country who does not have health insurance,²¹¹ or through semi-contributory schemes.²¹² Individuals who belong to vulnerable groups, such as those living in poverty or extreme poverty or have any other status determined by law, may join the subsidized comprehensive health insurance scheme once it has been confirmed that they meet the eligibility requirements.²¹³

134. According to the Ministry of Health, as of September 2023, a total of 188,750 migrants were enrolled in the comprehensive health insurance system. Venezuelan nationals accounted for 48.6 per cent of those individuals.²¹⁴ That same year, the technical health standard for the assessment, classification and certification of disability was amended to incorporate provisions on confirming the identity of migrants with disabilities who request a disability certificate, allowing such migrants to present a foreigner's identity card, passport, identity papers or any other valid identity document.²¹⁵

135. During the COVID-19 pandemic, all individuals in Peru, regardless of nationality or immigration status, who were known or suspected to have COVID-19 and lacked health insurance were permitted to enrol in the subsidized comprehensive health insurance scheme on an exceptional and temporary basis.²¹⁶ As of April 2022, the Ministry of Health reported that 44,911 migrants had enrolled under this legal framework.²¹⁷

136. With regard to migrants' level of access to sexual and reproductive health services, it should be noted that the care provided across the country through the health centres of the Ministry of Health and the regional governments is free of charge and is not contingent on an individual's nationality. Between July 2022 and August 2023, care was delivered to a total of 4,844 pregnant migrant women. Most of these women came from Venezuela (77.6 per cent), Colombia (0.9 per cent) and Ecuador (0.9 per cent).²¹⁸

137. There has been an increase in the number of migrants with HIV/AIDS who are receiving antiretroviral treatment, in particular among the Venezuelan population in the country. Between 2018 and 2024, 6,924 Venezuelan nationals were reported to have received such treatment, accounting for 5.31 per cent of the total number of patients living with HIV/AIDS in the country. The vast majority of Venezuelans receiving treatment are men (88 per cent) and live in Lima and Callao (85 per cent).²¹⁹

²⁰⁸ Executive branch, Legislative Decree No. 1350, published on 7 January 2017.

²⁰⁹ Ministry of Health, Supreme Decree No. 027-2015-SA, published on 13 August 2015.

²¹⁰ *Ibid.*, art. 6.

²¹¹ Executive branch, Emergency Decree No. 017-2020, published on 24 January 2020.

²¹² Congress of the Republic, Act No. 29344, published on 9 April 2009; Ministry of Health, Supreme Decree No. 008-2010-SA, published on 3 April 2010.

²¹³ *Ibid.*

²¹⁴ Ministry of Health, electronic communication of 19 June 2024.

²¹⁵ Ministry of Health, Decision No. 558-2023-MINSA, adopted on 11 June 2023.

²¹⁶ Executive branch, Legislative Decree No. 1466, published on 21 April 2020.

²¹⁷ Ministry of Health, electronic communication of 19 June 2024.

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

138. In terms of mental health services, sectoral policy guidelines on mental health were adopted in 2018 and incorporate the comprehensive care of the migrant population's mental health as part of the mental health strategy.²²⁰ Between 2021 and 2024, a total of 20,442 migrants across the country made use of the mental health services provided by the Ministry of Health. The regions in which most foreigners were treated were Metropolitan Lima and Callao (73.69 per cent), La Libertad (4 per cent) and Piura (3.5 per cent).²²¹

Reply to the question raised in paragraph 22

139. Peruvian laws offer high levels of protection in relation to the right to a nationality. Article 52 of the Constitution establishes that Peruvian nationality may be obtained on three bases: *jus soli*, *jus sanguinis* and by naturalization. Accordingly, children born in Peru to foreign parents have the right to be registered and obtain Peruvian nationality simply by virtue of having been born in the country.

140. In the case of children born abroad to Peruvian nationals, while it had originally been established that such children could obtain Peruvian nationality only if they were registered before reaching the age of 18, this restriction was lifted in 2018 by means of Act No. 30738.²²²

141. Access to birth registration services for all children is guaranteed in Peru through the registry offices of the National Identity and Civil Status Registry. As of 2022, the Registry had 16 offices in the country, in addition to a network of 446 registration service centres²²³ and a range of online services that provide access to relevant procedures and consultations.

142. The National Identity and Civil Status Registry has a presence abroad through 202 consular offices operating in 78 countries worldwide. This allows Peruvian citizens abroad to have access to various procedures related to the single register for the identification of natural persons and the civil registry system.²²⁴ As part of the inter-institutional cooperation agreement between the Registry and the National Migration Authority, as of April 2023, 17,540 records of Peruvian children born abroad had been transferred for digitization.²²⁵

143. One example of good practice is the automation, since November 2022, of the services offered by the consular registry office in Paterson, United States,²²⁶ which resulted in the online registration of 144 births, 27 marriages and 126 deaths between November 2022 and October 2023 in the area covered by that office. In 2024, the National Identity and Civil Status Registry plans to continue with the automation of the services offered by the consular registry offices in Milan, Italy, and Nagoya, Japan.²²⁷

144. In 2023, the National Identity and Civil Status Registry adopted registry guideline No. 003-2023-DRC/RENIEC on the administrative rectification of the nationality certificates of Peruvians born abroad. It has also sought to promote online services such as the renewal of the national identity document through the "DNI Biofacial" application. By 2022, this service had been implemented in 38 consular registry offices.²²⁸

²²⁰ Ministry of Health, Decision No. 935-2018/MINSA, adopted on 12 October 2018.

²²¹ Ibid.

²²² Congress of the Republic, Act No. 30738 amending article 52 of the Constitution of Peru, published on 14 March 2018.

²²³ The network of registration service centres is composed of 64 agencies, 62 registry offices, 163 ancillary registry offices in healthcare facilities, 132 service points and 15 enhanced public service centres, in addition to 10 one-stop virtual service platforms.

²²⁴ National Identity and Civil Status Registry, Communication No. 001439-2023/SGEN/RENIEC of 13 October 2023.

²²⁵ National Identity and Civil Status Registry, Communication No. 743-2024/SGEN/RENIEC of 17 April 2024.

²²⁶ The automation process was carried out under the inter-institutional collaboration agreement between the National Identity and Civil Status Registry and the Ministry of Foreign Affairs, the second addendum to which was adopted on 2 June 2023.

²²⁷ National Identity and Civil Status Registry, Communication No. 743-2024/SGEN/RENIEC of 17 April 2024.

²²⁸ Ibid.

145. Information on how to register and on the different services provided by the National Identity and Civil Status Registry is available to the general public through the Registry's website.²²⁹

146. With regard to the training of consular staff on registration-related matters, the National Identity and Civil Status Registry reports that, in 2021, it provided training to 607 officials at various Peruvian consular registry offices worldwide.²³⁰ In 2022, 20 training activities were run for 10 such offices²³¹ and covered matters relating to registration and the right to an identity.²³²

Reply to the question raised in paragraph 25

147. Pursuant to Organic Act No. 26859 on Elections,²³³ Peruvians residing abroad who are registered with the National Identity and Civil Status Registry can participate in general elections and public consultations. Since 2013, four elections have been held (the general elections of 2016 and 2021, the national referendum of 2018 and the congressional elections of 2020), in which there was a gradual increase in the number of polling stations and eligible voters. For the 2021 general election, 3,440 polling stations were set up, and a total of 997,033 voters were registered abroad.²³⁴

148. Article 21 of the Organic Act on Elections²³⁵ was amended by means of Act No. 31032 in order to recognize Peruvians living abroad as an electoral constituency and assign them two congressional seats for their representation. The measures adopted under Act No. 31032 were implemented for the first time during the 2021 general election.

149. With regard to the steps taken to enable the 2021 electoral process to take place during the COVID-19 pandemic, the National Elections Office adopted several measures aimed at ensuring compliance with biosafety standards and encouraging citizens to participate in the elections. Such measures²³⁶ included authorizing consular offices to adapt their voting hours based on the measures in force in their respective host countries²³⁷ and providing a payment equivalent to S/. 120.00 to election officials serving abroad.²³⁸

²²⁹ The website of the National Identity and Civil Status Registry is accessible at <https://www.gob.pe/reniec>.

²³⁰ The topics addressed during these training sessions were: (i) civil and identity records for consular registrars; (ii) identification of natural persons by means of fingerprinting, handwriting analysis and facial recognition; (iii) implementation of the integrated operating system; and (iv) provision of high-quality services to the public.

²³¹ In 2022, training was provided to consular registry offices in the following countries: (i) in the Americas: Brazil, Paraguay, the United States, Chile, Colombia, Bolivia, Canada and the Dominican Republic; and (ii) in Europe: Spain and Italy.

²³² The topics addressed in the training that the National Identity and Civil Status Registry provided to consular registry offices in 2022 included: (i) use of the "DNI Biofacial" application; (ii) identification of natural persons by means of fingerprinting, handwriting analysis and facial recognition; (iii) documentation for children of migrant parents; (iv) implementation of the integrated operating system; (v) registration of birth and identity certificates; (vi) the importance of having a national identity document as a right; (vii) the use and functions of the electronic national identity document; and (viii) security features of the national identity document.

²³³ Congress of the Republic, Organic Act No. 26859, published on 1 October 1997.

²³⁴ National Elections Office, Communication No. 002001-2023-SG/ONPE of 5 December 2023; National Elections Board, Communication No. 1114-2024-SG/JNE of 16 April 2024.

²³⁵ Congress of the Republic, Act No. 31032, published on 23 July 2020.

²³⁶ National Elections Office, Communication No. 002001-2023-SG/ONPE of 5 December 2023.

²³⁷ National Elections Office, Administrative Decision No. 054-2021-JN/ONPE, adopted on 2 March 2021.

²³⁸ Ministry of Economic Affairs and Finance, Supreme Decree No. 048-2021-EF, published on 27 March 2021.

Reply to the question raised in paragraph 26

150. At the municipal level, article 7 of Act No. 26864 on Municipal Elections²³⁹ sets out the right of migrants over the age of 18 to vote and stand as candidates in municipal elections, except elections in border municipalities, provided that such migrants have been residents for more than two consecutive years prior to the election, are duly recorded in the relevant register of the National Identity and Civil Status Registry and have a foreigner's identity card.²⁴⁰

151. With respect to the participation of foreigners in the regional and municipal elections held in recent years, it has been reported that: (i) in the 2014 round of such elections, a total of 24 foreigners were registered; (ii) in the 2018 elections, 26 were registered; and (iii) in the 2022 round, that number rose to 153.²⁴¹

152. In terms of measures targeting Peruvians abroad, consultative councils have been set up to provide a space for dialogue and cooperation between Peruvian communities abroad and consular posts in identifying and resolving the problems that directly affect such communities.²⁴² The consultative councils are prohibited from carrying out activities other than those set out in the legal provisions regulating them, especially activities of a political or gainful nature. The councils are not authorized to act on behalf of the Peruvian State before local authorities or third parties or to make representations on its behalf.²⁴³

Reply to the question raised in paragraph 27

153. Legislative Decree No. 1350 sets out the duty of the State to ensure the family unity of both nationals and international migrants.²⁴⁴ To that end, the Government enables individuals to apply for "immediate relative of a resident" immigration status under the terms of article 38 of the Decree. According to the National Migration Authority, a total of 78,219 applications for that status were approved from 2013 to March 2024. The main beneficiaries of this status come from Venezuela (51.9 per cent), Colombia (5.7 per cent) and Spain (4.8 per cent).²⁴⁵

154. In addition, in order to raise awareness of the procedures and provisions for the application of the principle of family unity in migration management, between 2013 and 2024, the National Migration Authority has used social media to publish multiple informational posts concerning the requirements for obtaining immediate relative immigration status.²⁴⁶

Reply to the question raised in paragraph 28

155. In Peru, the special customs procedure for baggage and household effects, as well as the entry of clothing and items for personal use belonging to crew members of international transportation companies, is set out in the regulations on the special customs procedure for baggage and household effects.²⁴⁷ Article 9 of the regulations sets out a series of items that qualify as "exempt baggage" on which tax is not payable on entering the country. This term applies to all new or used goods that a traveller may reasonably require, provided that they are for his or her own use or consumption, in accordance with the purpose and duration of

²³⁹ Congress of the Republic, Act No. 26864, published on 14 October 1997.

²⁴⁰ National Elections Board, Communication No. 1114-2024-SG/JNE of 16 April 2024.

²⁴¹ Ibid.

²⁴² Congress of the Republic, Act No. 29495, published on 9 January 2010.

²⁴³ Ministry of Foreign Affairs, Supreme Decree No. 057-2010-RE, published on 27 April 2010.

²⁴⁴ Legislative Decree No. 1350, preliminary title, art. V.

²⁴⁵ National Migration Authority, Communication No. 713-2024-GG-MIGRACIONES of 18 June 2024.

²⁴⁶ Ibid.

²⁴⁷ Ministry of Economic Affairs and Finance, Supreme Decree No. 182-2013-EF, published on 25 July 2013.

the journey, and which, in view of their quantity, type or variety, are presumed not to be intended for trade or industry.²⁴⁸

156. In addition, under article 10 of the regulations, a single tax of 12 per cent of the customs value is payable for the import of goods regarded as household effects, defined as all home furnishings and fixtures, new or used, owned by the traveller and/or his or her family, in the case of a family unit.²⁴⁹

157. The Ibero-American Multilateral Agreement on Social Security has been effectively applicable in Peru since October 2016.²⁵⁰ The competent entity for the implementation of this international instrument at the national level is the Welfare Standards Office, which has the duty to provide guidance to members of the national pension system, whether residing in the country or abroad, on the benefits provided for in the Agreement.²⁵¹

158. The Superintendency of Banking, Insurance and Pension Fund Administrators plays a key guiding role in the implementation of the Agreement in the private pension system. In this regard, in 2017, it provided pension fund administrators with a guide on the implementation of retirement, disability and survivor's pension application forms and instructions for complying with the Agreement and for dealing with Spain, Ecuador and countries with which Peru has no bilateral social security agreement.²⁵² The Superintendency also provided the forms to be used when a member or beneficiary applies for a benefit (such as a retirement, disability or survivor's pension or certification of contribution periods) in the framework of the Agreement.²⁵³

159. In the period from October 2016 to March 2024, 2,674 procedures initiated under the Agreement were identified, of which 90 per cent are applications from Peruvian citizens. A breakdown of this figure by the type of benefit reveals that 31.8 per cent of these procedures relate to the certification of contribution periods; 46.7 per cent to applications for retirement pensions; 6.6 per cent to applications for survivor's pensions; and 14.8 per cent to applications for disability pensions.²⁵⁴

160. With respect to agreements relating to temporary work programmes, the Ministry of Labour and Employment Promotion has reported that it currently has a "Work and Holiday" programme in place with Australia, France, New Zealand, Poland, Portugal and the Pacific Alliance countries.²⁵⁵

Reply to the question raised in paragraph 29

161. Pursuant to Legislative Decree No. 1350, the Peruvian Government confers different types of immigration status (temporary or resident) separately from the work authorization that migrant workers must first obtain from the Ministry of Labour and Employment Promotion. In some cases, the National Migration Authority requires the applicant to present a work contract for a minimum period, duly approved by the Ministry, before it confers or

²⁴⁸ Items regarded as baggage include, among others, clothing, toiletries for the use of the passenger, medicines for the personal use of the traveller and a portable computer with its own power source.

²⁴⁹ Household effects are considered to include furniture in general, linens and bedding, cooking and baking items, cleaning equipment, domestic electrical appliances, bicycles and toys, among other items.

²⁵⁰ The Peruvian Government deposited the instrument of ratification of the Agreement on 31 January 2014 and subsequently signed the implementation agreement on 20 October 2016. The Agreement has been effectively applicable in the country since that date.

²⁵¹ Welfare Standards Office, Communication No. 13007-2024-DPR-ONPP of 17 April 2024.

²⁵² Superintendency of Banking, Insurance and Pension Fund Administrators, Multi-Recipient Communication No. 36563-2017-SBS of 16 October 2017.

²⁵³ Superintendency of Banking, Insurance and Pension Fund Administrators, Communication No. 29401-2024-SBS of 10 May 2024.

²⁵⁴ Ibid.

²⁵⁵ Ministry of Labour and Employment Promotion, Communication No. 118-2024-MTPE/2 of 9 May 2024.

extends the individual's immigration status, such as temporary worker, resident worker or permanent resident.

162. The period of stay (for those granted temporary immigration status and/or permits) or residence (for those granted resident status) of migrant workers in Peru is not connected to authorization to engage in remunerated activity but instead depends on the length of stay established for each category of immigration status.²⁵⁶

163. No specific measures have yet been established to ensure that migrant workers who cease their remunerated activity prior to the expiration of their work permit or similar authorization can retain their immigration status. In addition, no measures have been taken to ensure that the authorization of residence is not withdrawn at least for a period corresponding to that during which the migrant worker may be entitled to unemployment benefits. In such cases, migrant workers are responsible for changing their immigration status to one that suits their new situation in the country.²⁵⁷

Reply to the question raised in paragraph 31

164. Decision No. 545 of the Andean Community establishes regulations on the treatment of frontier and seasonal workers based on the principle of equal treatment and opportunities within the Community. It also recognizes that all Andean workers have the right to unionization and collective bargaining.²⁵⁸ Similarly, the National Decent Employment Policy recognizes the vulnerability of migrant workers in general and therefore provides for various services aimed at the dissemination and protection of their rights²⁵⁹ (see para. 10 above).

Reply to the question raised in paragraph 32

165. Decision No. 545 lays down the obligation of all member States to protect Andean workers and their families by facilitating the free movement of such workers and their spouses, children under 18 years of age, unmarried adult children with disabilities and parents and dependants, in accordance with the principle of family unity. In addition, measures are established to, inter alia, facilitate the free transfer of funds and income, access to social security systems and the granting of the documentation required for free movement between countries.²⁶⁰

Reply to the question raised in paragraph 33

166. Within the framework of the Quito Process, the Peruvian Government is leading the area of work on addressing the impact of COVID-19 on regional mobility, particularly among the Venezuelan migrant population.²⁶¹ Moreover, the agreements adopted at the most recent meeting under the Process are aimed at building a comprehensive system to respond to the migration and humanitarian crises in the region.²⁶²

²⁵⁶ National Migration Authority, Communication No. 996-2023-GG-MIGRACIONES of 31 August 2023.

²⁵⁷ Ibid.

²⁵⁸ Ministry of Labour and Employment Promotion, Communication No. 118-2024-MTPE/2 of 9 May 2024.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Quito Process (2024), areas of work: COVID-19. Available at <https://www.procesodequito.org/en/covid-19>.

²⁶² Quito Process (2024), Declaration of the Ninth Plenary Meeting of the Quito Process. Available (in Spanish) at https://www.procesodequito.org/sites/g/files/tmzbd1466/files/2023-11/IX%20RONDA%20PDQW_DECLARACION%2024%20NOV%20%28ESPAN%CC%83OL%29.pdf.

Reply to the question raised in paragraph 35

167. As part of the National Anti-Trafficking Policy, several decentralized events were held across the country to promote the proper police use of regulatory instruments, protocols and guidelines for the investigation of trafficking in persons and the identification and appropriate treatment of victims. As of August 2023, a total of 1,582 police officers had completed specialized training courses.

168. Furthermore, the Ministry of the Interior provides specialized technical assistance to the 25 regional coordination centres for the fight against human trafficking in order to strengthen the State's capacity to prevent and control human trafficking through a territorial and local approach. For 2023, the initial plan was to carry out 696 technical assistance activities. However, a total of 825 such activities were reported to have been completed at the regional level by December 2023, representing a rate of compliance with the proposed target of 118.5 per cent.²⁶³

169. In terms of international cooperation measures taken to combat trafficking in persons, Peru has signed binational or bilateral agreements on the matter with Chile, Ecuador, Bolivia, Colombia and Argentina. Under the binational agreement with the Republic of Ecuador, the Peru-Ecuador Binational Rapid Response Team has been set up to coordinate and establish joint actions by the two countries, through representatives of their respective Ministries of the Interior, to provide protection and specialized and immediate care in cases of human trafficking and other forms of exploitation.²⁶⁴

170. In 2016, the Multisectoral Standing Commission against Trafficking in Persons and Smuggling of Migrants²⁶⁵ was created to monitor and report on trafficking in persons and smuggling of migrants. In addition, between 2017 and 2020, the judiciary's Standing Committee on Access to Justice for Vulnerable Persons held the first, second, third and fourth binational meetings of justice officials of Peru and Ecuador on the issue of trafficking in persons.²⁶⁶

Reply to the question raised in paragraph 35 (a)

171. According to statistics gathered by the judiciary's Gender Justice Commission, between January 2012 and September 2023, a total of 10,067 cases of human trafficking were processed. Of these, 7,309 were heard by special or mixed courts, 2,511 by special or mixed higher courts and 247 by magistrates' courts. The percentage of cases completed by each type of court out of its total caseload stands at 32 per cent for special or mixed courts, 38 per cent for special or mixed higher courts and 38.8 per cent for magistrates' courts.²⁶⁷

172. Moreover, the Public Prosecution Service reports that, between 2014 and 2024, a total of 14 prosecutors' offices specializing in human trafficking offences were established nationwide in order to assist in the prosecution of this offence.²⁶⁸

173. In 2018, the Service adopted a protocol for recognizing the vulnerability of victims of trafficking in persons.²⁶⁹ In 2019, it adopted a protocol for the care of victims of trafficking in persons, migrant smuggling and offences in the context of migration.²⁷⁰

²⁶³ Ministry of the Interior, Communication No. 287-2024-IN-VSP of 11 May 2024.

²⁶⁴ Ministry of the Interior, Communication No. 057-2023-IN-VSP-DGSD of 26 September 2023.

²⁶⁵ Ministry of the Interior, Supreme Decree No. 001-2016-IN, published on 9 February 2016.

²⁶⁶ Judicial branch, Communication No. 116-2023-DDHH-PJ of 23 August 2023.

²⁶⁷ Judicial branch, Gender Justice Commission statistics on trafficking in persons according to the integrated judicial system. Consulted on 16 November 2023, https://www.pj.gob.pe/wps/wcm/connect/genero/s_jgen/as_estadistica.

²⁶⁸ Public Prosecution Service, Communication No. 2486-2024-MP-FN-SEGFN of 28 May 2024.

²⁶⁹ Public Prosecution Service, Decision of the Attorney General's Office No. 2636-2018-MP-FN, adopted on 18 July 2018.

²⁷⁰ Public Prosecution Service, Decision of the Attorney General's Office No. 2291-2019-MP-FN, adopted on 2 September 2019.

174. During the reporting period, the Service participated in meetings with the Ministry of Health, the Ministry of Labour and Employment Promotion, the judiciary and the National Labour Inspection Authority to improve institutional coordination channels and/or develop training activities in the area of trafficking in persons. Furthermore, 14 meetings were held with the prosecutors' offices specializing in human trafficking offences nationwide to assess the progress of cases, and a working group was set up with the chairs of the Boards of Senior Public Prosecutors of Lima Centro, Lima Sur, Lima Norte, Lima Este and Lima Noroeste to identify key aspects of the investigation of human trafficking and related offences and to improve the quality of investigations.²⁷¹

175. Furthermore, 2024 saw the publication of a document entitled *Mecanismo de coordinación para la identificación y referenciación de casos de trabajo forzoso y/o trata de personas con fines de explotación laboral* (Coordination mechanism for the identification and referral of cases of forced labour and/or trafficking in persons for the purpose of labour exploitation), prepared in conjunction with the National Migration Authority, the National Labour Inspection Authority, ILO and the United Nations Office on Drugs and Crime.²⁷²

Reply to the question raised in paragraph 35 (b)

176. The judiciary, through the Standing Committee on Access to Justice for Vulnerable Persons and the Gender Justice Commission, reports that at least 17 courses, seminars, conferences and workshops have been held on trafficking in persons, the judicial approach to the offence and measures to reintegrate victims.²⁷³

177. The Public Prosecution Service reports that 14 training activities have been held to address issues that have a differential impact on international migrants in the country. Of these, 11 covered issues related to human trafficking and 3 focused on migrants' rights, for the benefit of 264 officials of the Service nationwide.²⁷⁴

178. In addition, the National Labour Inspection Authority has organized 92 activities to provide guidance on forced labour and human trafficking for the purpose of forced labour in 17 municipalities nationwide, reaching 17 employers and 3,354 workers.²⁷⁵

Reply to the question raised in paragraph 35 (d)

179. The National Overland Passenger and Freight Transportation Authority, in coordination with the National Police and the prosecutors' offices specializing in human trafficking offences, performs checks on complementary transport infrastructure, national roads, transport companies and vehicles to detect situations involving the sale of travel tickets to unidentified children and adolescents who are not authorized to travel (where applicable).

180. Furthermore, the Ministry of Foreign Affairs has been taking steps to strengthen mechanisms for the detection of human trafficking victims through its consular offices abroad.²⁷⁶ According to reports on the implementation of the National Anti-Trafficking Policy, in 2022, Peruvian consulates identified and assisted 19 human trafficking victims worldwide.²⁷⁷

²⁷¹ Public Prosecution Service, Communication No. 2486-2024-MP-FN-SEGFIN of 28 May 2024.

²⁷² Ibid.

²⁷³ Judicial branch, Communication No. 003895-2023-SG-CS-PJ of 28 August 2023.

²⁷⁴ Public Prosecution Service, Communication No. 2486-2024-MP-FN-SEGFIN of 28 May 2024.

²⁷⁵ National Labour Inspection Authority, Communication No. 484-2023-SUNAFIL/GG of 6 September 2023.

²⁷⁶ These steps are being taken as part of National Anti-Trafficking Policy Action No. 26: Detection of possible Peruvian trafficking victims outside the national territory.

²⁷⁷ Ministry of the Interior, Communication No. D000057-2023-IN-VSP-DGSD of 26 September 2023.

181. The Ministry of Justice and Human Rights reports that, in 2022, the public defence services provided legal assistance to 803 individuals, of whom 747 were women and 56 were foreign men.²⁷⁸

182. The Ministry of Health provides specialized mental healthcare in community mental health centres to victims of violence (physical, psychological or sexual, neglect or a combination) and their families. Treatment was provided to 48,904 victims in 2022, but there are no specific figures for trafficking.²⁷⁹

Reply to the question raised in paragraph 35 (e)

183. The collection of data on human trafficking has been strengthened through the actions set out in the National Anti-Trafficking Policy,²⁸⁰ although there remains a lack of disaggregated data on aspects such as the nationality and migration status of victims. In accordance with the indicators established in the Policy, information on the number of complaints of human trafficking and related offences is compiled through services including the central complaints helpline of the Ministry of the Interior and the prosecutors' offices specializing in human trafficking offences established by the Public Prosecution Service.

184. Moreover, the prosecutors' offices specializing in human trafficking offences process data on the status of open human trafficking cases, the sentences handed down and the protection measures granted to victims. The Ministry of Justice and Human Rights contributes to protection measures through the provision of legal assistance by its public defence services.²⁸¹

Reply to the question raised in paragraph 35 (f)

185. Under Legislative Decree No. 1350, trafficking victims are classified as vulnerable persons.²⁸² The competent authorities implement the corresponding protection measures in accordance with the Protocol for the Care of Foreign Victims of Trafficking in Persons.²⁸³

186. Survivors of human trafficking can be granted special resident status by the National Migration Authority if the offence was committed in Peru, in which case they are exempted from fees and fines if they have remained in the country for longer than authorized.²⁸⁴ If the offence was committed in their country of origin and they do not wish to return for that reason, they can file an application for refugee status with the Special Commission for Refugees.²⁸⁵

²⁷⁸ Ministry of Justice and Human Rights, Memorandum No. 7538-2023-JUS/DGDPJ of 1 September 2024.

²⁷⁹ Public Prosecution Service, Communication No. 2486-2024-MP-SEGFIN of 28 May 2024.

²⁸⁰ Specifically, the following actions:

(a) Action No. 15: Receipt and referral, by the central complaints helpline of the Ministry of the Interior, of complaints involving suspected victims of trafficking in persons.

(b) Action No. 17: Management of specialized computer systems for the recording of complaints and the criminal investigation of trafficking in persons and related offences.

(c) Action No. 22: Administration of justice for human trafficking offences.

(d) Action No. 30: Granting of protection measures to victims of trafficking in persons and related offences.

(e) Action No. 31: Public defence service for victims of trafficking in persons.

²⁸¹ Ministry of the Interior, Communication No. D000057-2023-IN-VSP-DGSD of 26 September 2023.

²⁸² Legislative Decree No. 1350, art. 11.1.

²⁸³ To consult the Protocol, see

<https://cdn.www.gob.pe/uploads/document/file/2017134/Protocolo%20de%20atencion%20para%20personas%20extranjerasy%20victimas%20de%20trata.pdf.pdf?v=1626377495>.

²⁸⁴ Pursuant to articles 29.2 (j) of Legislative Decree No. 1350 and 98-A of its implementing regulations, Supreme Decree No. 007-2017-IN.

²⁸⁵ National Migration Authority, Communication No. 000996-2023-GG-MIGRACIONES of 31 August 2023.

Reply to the question raised in paragraph 36

187. Decision No. 177-2019-MIGRACIONES²⁸⁶ of the National Migration Authority, which establishes a visa requirement for the entry of Venezuelan nationals, also provides for exceptions on humanitarian grounds to allow the entry, with an identity document, of: (i) children and adolescents who are in transit to Peru to join their parents and who have only a birth certificate; (ii) persons in transit to Peru to join immediate relatives who reside in the country; (iii) extremely vulnerable persons in transit to Peru; (iv) extremely vulnerable pregnant women in transit to Peru; and (v) older persons, over 60 years of age, in transit to Peru.²⁸⁷

188. According to the National Migration Authority, between June 2019 and March 2024, the above-mentioned exceptions applicable to the entry of Venezuelan nationals were granted in 48,344 cases. Specifically, 33,852 individuals were admitted with an identity card, of whom 42 per cent were male and 58 per cent were female. In addition, 14,491 persons were admitted with a birth certificate, of whom 49 per cent were male and 51 per cent were female. Among the latter group, 99 per cent were children or adolescents at the time of authorization to enter the country.²⁸⁸

Reply to the question raised in paragraph 38

189. The National Migration Authority ran a communications campaign, in conjunction with international cooperation entities and civil society, to inform the migrant community of the benefits of the temporary residence permit and the steps to apply for it under Supreme Decree No. 010-2020-IN and Decision No. 109-2023-MIGRACIONES.²⁸⁹ In addition, 29 training sessions were held to enhance knowledge of the content and application of Supreme Decree No. 010-2020-IN and Decision No. 109-2023-MIGRACIONES among immigration officers.²⁹⁰

190. The actions taken, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to Peruvian nationals abroad include (i) the adoption of guidelines for the delivery of humanitarian and legal assistance to women victims of gender-based violence;²⁹¹ and (ii) the adoption, in 2016, of regulations governing and establishing limits on the granting of financial subsidies to Peruvian nationals abroad who are destitute or in extreme need.²⁹²

Reply to the question raised in paragraph 39 (b)

191. The regulations implementing Legislative Decree No. 1350 set out special protection measures for vulnerable individuals, including women, children and adolescents, victims of human trafficking and persons with disabilities. In addition, a set of good practices for supporting migrants in vulnerable situations has been developed through measures such as the creation of a service offering care to vulnerable citizens and the adoption, in 2021, of a protocol for the care and referral of migrants in vulnerable situations.²⁹³

²⁸⁶ National Migration Authority, Decision No. 177-2019-MIGRACIONES, adopted on 12 June 2019.

²⁸⁷ Decision No. 177-2019-MIGRACIONES, art. 2.

²⁸⁸ National Migration Authority, Communication No. 500-2024-GG-MIGRACIONES of 23 April 2024.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

²⁹¹ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-19-A/1 of 4 January 2024.

²⁹² Ministry of Foreign Affairs, Supreme Decree No. 063-2016-RE, published on 27 July 2016.

²⁹³ National Migration Authority, Decision No. 080-2021-MIGRACIONES, adopted on 7 April 2021.

Reply to the question raised in paragraph 39 (d)

192. In 2022, Peru ratified the ILO Violence and Harassment Convention, 2019 (No. 190), which has been in force in the country since 8 June 2023.²⁹⁴

193. During the fourth cycle of the universal periodic review, the Peruvian Government supported the recommendation made in relation to the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Work is continuing so that the steps necessary to move forward in this process can be taken.²⁹⁵

Reply to the question raised in paragraph 40 (a)

194. The National Institute of Statistics and Information Management recently published two important documents containing quantitative information on persons in situations of international mobility in the country. These documents are: (i) the results of the second survey, conducted in 2022, of the Venezuelan population residing in Peru;²⁹⁶ and (ii) the document entitled *Perú: Estadísticas de la Migración Internacional al 2023 (Una visión desde los registros administrativos)* (Peru: International migration statistics as of 2023 (An overview from administrative records)).²⁹⁷

195. It has been reported that, between January and August 2021, 6,287,550 foreigners entered the country, while 6,345,431 foreigners left. Of the foreigners who entered the country during that period, 83 per cent were tourists, 10 per cent were crew members and 1.27 per cent entered under international agreements of the Southern Common Market (MERCOSUR).

196. In terms of the nationalities of those entering the country, 28.4 per cent were nationals of Chile, 17.2 per cent were nationals of the United States and 8 per cent were nationals of Ecuador. The same trends are replicated among foreigners leaving the country, a majority of whom were nationals of Chile (28.2 per cent), the United States (17.2 per cent) or Ecuador (7.8 per cent).

Reply to the question raised in paragraph 40 (c)

197. According to the National Migration Authority, between 2021 and July 2023, a total of 3,678 expulsion orders were issued in respect of migrants. Of these orders, 88 per cent were issued in 2021. The regions in which the most orders were issued are Tumbes (68.59 per cent), Lima (22.7 per cent) and Callao (3.58 per cent).

Reply to the question raised in paragraph 40 (d)

198. Between January 2016 and April 2024, a total of 45,601 recognized refugees collected their foreigner's identity card.²⁹⁸

²⁹⁴ Congress of the Republic, Legislative Decision No. 31415, published on 11 February 2022. Executive branch, Supreme Decree No. 016-2022-RE, published on 31 March 2022.

²⁹⁵ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-10-A/21 of 4 January 2024.

²⁹⁶ National Institute of Statistics and Information Management (2023), *Condiciones de vida de la población venezolana que reside en el Perú* (Living conditions of the Venezuelan population residing in Peru). Available at <https://www.gob.pe/institucion/inei/informes-publicaciones/3847970-condiciones-de-vida-de-la-poblacion-venezolana-que-reside-en-el-peru-2022>.

²⁹⁷ National Institute of Statistics and Information Management (2023), *Perú: Estadísticas de la Migración Internacional al 2023 (Una visión desde los registros administrativos)* (Peru: International migration statistics as of 2023 (An overview from administrative records)). Available at <https://www.gob.pe/institucion/inei/informes-publicaciones/4952121-peru-estadisticas-de-la-migracion-internacional-al-2023-una-vision-desde-los-registros-administrativos>.

²⁹⁸ National Migration Authority, Communication No. 500-2024-GG-MIGRACIONES of 23 April 2024.

199. The Ministry of Foreign Affairs referred 101,379 asylum-seekers to the National Migration Authority so that they could obtain humanitarian immigration status in line with the guidelines on the granting and extension of that status.²⁹⁹

200. The National Migration Authority reports that, between 2018 and March 2024, 34,939 individuals, including asylum-seekers and migrants considered vulnerable in accordance with Legislative Decree No. 1350, were granted humanitarian immigration status. Of these individuals, 97 per cent were over the age of 18 and 3 per cent were children or adolescents. The vast majority of beneficiaries were located in Lima and Callao (93 per cent), La Libertad (1.55 per cent) and Arequipa (1 per cent).³⁰⁰ In addition, it was reported that 99.9 per cent of those individuals collected their foreigner's identity card within the established time frame.

Reply to the question raised in paragraph 40 (e)

201. Since 2018, the special protection units of the Ministry for Women and Vulnerable Groups have handled 5,514 cases involving foreign children and adolescents who lacked protection or were at risk of losing it, of whom 82 per cent were of Venezuelan nationality. The regions with the highest incidence of cases were Lima and Callao (47.9 per cent) and Tumbes (32 per cent). In terms of the characteristics of the children and adolescents supported, 53 per cent were girls and 47 per cent were boys. The main age group represented was 12 to 17 years of age, accounting for 57.7 per cent of cases.³⁰¹

Reply to the question raised in paragraph 40 (g)

202. Between the second quarter of 2020 and the second quarter of 2023, the average monthly variation in total remittances was 6.3 per cent. Figures from the most recent quarter analysed show that remittances sent by Peruvians working abroad reached a total of US\$ 1.094 billion,³⁰² representing a 94.9 per cent increase over the amount recorded for the same quarter of 2020 (US\$ 561 million).³⁰³

Reply to the question raised in paragraph 40 (h)

203. With regard to the number of complaints of trafficking in persons registered nationwide with provincial prosecutors' offices with criminal or mixed jurisdiction, the Public Prosecution Service provided figures limited to the period from 2017 to March 2024. A total of 5,441 complaints were received during this period, with 2019 being the year in which the largest number of complaints were registered (29.8 per cent). The regions with the highest incidences were Lima and Callao (30.3 per cent), Puno (11 per cent), Madre de Dios (10.8 per cent), Loreto (9.1 per cent) and Arequipa (8.1 per cent).³⁰⁴

204. In the case of the offence of smuggling of migrants, 782 complaints were registered at the national level, with the largest number of cases being registered in 2022 (29 per cent). The regions in which the largest number of complaints were received were Tumbes (45 per cent), Madre de Dios (36.7 per cent) and Lima and Callao (7.6 per cent).³⁰⁵

205. The judiciary reports that, at the national level, from January 2022 to July 2023, 713 cases involving trafficking in persons were registered in the integrated judicial system, and

²⁹⁹ Ministry of Foreign Affairs, Communication No. RE (VMR) 2-10-A/21 of 4 January 2024.

³⁰⁰ National Migration Authority, Communication No. 713-2024-GG-MIGRACIONES of 18 June 2024.

³⁰¹ Ministry for Women and Vulnerable Groups, Communication No. 527-2023-MIMP-DGNN of 6 September 2023.

³⁰² At the exchange rate calculated by the Ministry of Economic Affairs and Finance on 26 October 2023.

³⁰³ Ministry of Economic Affairs and Finance, Communication No. 2280-2023-EF/13.01 of 26 October 2023.

³⁰⁴ Public Prosecution Service, Communication No. 2486-2024-MP-FN-SEGFN of 28 May 2024.

³⁰⁵ Ibid.

775 cases were completed. The judicial district with the largest number of cases reported and completed was Madre de Dios, with 101 cases reported and 144 completed.

206. During the same period, 22 cases involving smuggling of migrants were reported, and 22 were completed. The judicial districts with the largest number of cases were Tumbes (four cases reported and seven completed) and Lima (four cases reported and seven completed).³⁰⁶

Reply to the question raised in paragraph 41

207. Act No. 31689 amending articles 10, 45, 61 and 63 of Legislative Decree No. 1350³⁰⁷ was adopted in February 2023, laying down the obligation of lessors to require foreign nationals to present documents proving that they have regularized their immigration status before signing rental contracts and to provide the corresponding records to the National Migration Authority.³⁰⁸ The Act also establishes that individuals who provide accommodation to foreigners without recording their details or submitting the corresponding records to the National Migration Authority are liable to penalties.³⁰⁹

208. Changes to the Peruvian Criminal Code affecting the handling of irregular migration in the country and the imposition of custodial sentences were subsequently introduced through Legislative Decree No. 1573.³¹⁰ This Decree:

(a) Provides for the possibility of converting custodial sentences of not less than 4 years and not more than 10 years to a penalty of immediate expulsion from the country in the case of foreign nationals, provided that they have served two thirds of their sentence;³¹¹

(b) Amends the definition of the offence of smuggling of migrants to specify that penalties apply to individuals who promote, support, finance or facilitate the illegal entry or re-entry or irregular transit of foreigners in order to obtain benefits for themselves or third parties;³¹²

(c) Establishes “clandestine or illegal re-entry” as an offence in order to punish migrants who re-enter the country despite having received an unappealed or final conviction or a definitive administrative penalty that prevents them from entering the country.³¹³

209. In 2023, the Ministry of Development and Social Inclusion and the National Migration Authority signed a framework agreement on inter-agency cooperation in order to guarantee foreigners’ access to the various social services offered by the Government. The agreement provides for the exchange of information between the two entities to ensure that individuals who hold a foreigner’s identity card or a temporary residence permit can be categorized according to their socioeconomic status and be registered in the General Household Register, with a view to facilitating their future coverage by targeted public interventions aimed at individuals living in poverty or extreme poverty, provided that they also meet the other eligibility criteria.³¹⁴

III. Conclusions

210. During the reporting period, the Peruvian Government implemented various actions aimed at ensuring observance of and guaranteeing the rights of migrants, with an emphasis on its international obligations under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

³⁰⁶ Judicial branch, Communication No. 003782-2023-SG-CS-PJ of 21 August 2023.

³⁰⁷ Congress of the Republic, Act No. 31689, published on 15 February 2023.

³⁰⁸ Legislative Decree No. 1350, art. 61.

³⁰⁹ Legislative Decree No. 1350, art. 63.

³¹⁰ Executive branch, Legislative Decree No. 1573, published on 5 October 2023.

³¹¹ Criminal Code, art. 52.

³¹² Criminal Code, art. 303-A.

³¹³ Criminal Code, art. 303-C.

³¹⁴ Ministry of Development and Social Inclusion, Communication No. 143-2024-MIDIS-DGFIS of 8 May 2024.

211. Although the contexts associated with international mobility present challenges in terms of protecting the migrant population, State institutions have implemented the measures described above with the aim of creating conditions that guarantee the well-being of national and foreign migrants, especially those in vulnerable situations.

212. Accordingly, Peru reaffirms its commitment to the principles underpinning the Convention and to the strengthening of democratic institutions, the observance and guarantee of human rights and the implementation of the Sustainable Development Goals.
