



Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the report submitted by Peru under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Addendum

Replies of Peru to the list of issues*, **

[Date received: 6 November 2015]

1. The Government of Peru submits this information in response to communication RE (DDH) No. 2-19-A/70 of 6 July 2015, which contains the “List of issues in relation to the report submitted by Peru under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict”.

2. The present document is the outcome of consultations led by the Ministry of Justice and Human Rights,¹ and also of multisectoral coordination and the collation of information received from the State bodies involved in this issue.²

1. Please provide information on the mechanism responsible for coordinating the implementation of the Optional Protocol, the specific roles assigned to it and

* The present document is being issued without formal editing.

** The annexes may be consulted at the offices of the secretariat.

¹ Hereafter referred to as MINJUS.

² The sectors and/or institutions that submitted the information needed to draft the present report include: the Judicial Training School; the Ministry of Defence; the Ministry of Culture; the Ministry of the Interior; the Public Prosecution Service; the National Registry of Identity and Civil Status; the National Authority to Monitor Security Services, Weapons, Ammunition and Explosives for Civilian Use; the National Migration Authority; the Technical Secretariat of the Multisectoral Committee for Peacemaking and Social and Economic Development in the VRAEM region (the Valley of the Apurímac, Ene and Mantaro Rivers) of the Office of the President of the Council of Ministers; the Judiciary; and the MINJUS Directorate-General for the Legal System and Legal Development, Directorate-General for Criminal and Prison Policy and Directorate-General for Human Rights.



the way it coordinates its work with other bodies involved in implementing the Optional Protocol.

3. In Peru, the overall strategic objective of the Ministry for Women and Vulnerable Groups, as the lead agency of the National System for the Comprehensive Care of Children and Adolescents,³ is to protect children and adolescents,⁴ including in relation to the subjects covered in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

4. Thus, within the framework of the established national and sectoral policies and its shared competencies, the Ministry for Women and Vulnerable Groups promotes and coordinates efforts by the three levels of government (national, regional and local) to carry out their related and concurrent functions, with a view to achieving the planned results and impact. To that end, one of the functions it shares with regional and local governments is precisely that of ensuring that relevant commitments, treaties, programmes and platforms for action are implemented at the international level,⁵ including the obligations under the Optional Protocol as they relate to children and adolescents.

5. As tangible proof of the above, the Ministry for Women and Vulnerable Groups has led efforts to implement the National Plan of Action for Children and Adolescents 2012-2021. The Plan of Action is a framework instrument that enables the Government to coordinate and harmonize its public policies on children and adolescents. It will guide the actions taken by the State and civil society during the current 10-year period for the comprehensive development of children and adolescents in Peru. Thus, with regard to its strategic objective No. 4, “Ensuring protection for children and adolescents up to 17 years of age”, the National Plan is expected to reduce the number of child and adolescent victims of sexual violence (expected outcome No. 21) and eliminate the participation of children and adolescents in internal conflicts (expected outcome No. 23) by 2021.⁶

6. Lastly, it should be noted that Congress has recently upgraded the status of the National Plan — which was adopted by Supreme Decree No. 001-2012-MIMP on 14 April 2012 — to that of a law.⁷

2. With regard to the dissemination and training activities referred to in paragraph 25 et seq. of the State party’s report, please provide detailed information on dissemination and specific training on the Optional Protocol for all groups of professionals working with or for children and adolescents who might be at risk or might have been involved in armed conflict, in particular for members of the armed forces, the police, immigration officials, judges, social workers and medical personnel.

³ The Act on the National System for the Comprehensive Care of Children and Adolescents — Act No. 26,518, published on 8 August 1995. Given that, from the moment of their conception, all children have the right to live in a society that provides the necessary conditions for their full development, the Government of Peru is responsible for drafting and implementing public policies that reduce inequality and social exclusion among children, keeping the children themselves at the heart of these policies. The Act on the National System for the Comprehensive Care of Children and Adolescents was established in order to achieve these goals. Available at: [http://www2.congreso.gob.pe/Sicr/Comisiones/2007/ComRevNinAdo.nsf/34069c3bb71c123b05256f470062fea7/92596B6ABA8285F105257460007C32FD/\\$FILE/SNANINA-Diagnostico.pdf](http://www2.congreso.gob.pe/Sicr/Comisiones/2007/ComRevNinAdo.nsf/34069c3bb71c123b05256f470062fea7/92596B6ABA8285F105257460007C32FD/$FILE/SNANINA-Diagnostico.pdf) (p. 5).

⁴ Available at: <http://www.mimp.gob.pe/homemimp/objetivos.php> (accessed on 27 October 2015).

⁵ Available at: <http://www.mimp.gob.pe/homemimp/funciones.php> (accessed on 27 October 2015).

⁶ Available at: http://www.mimp.gob.pe/webs/mimp/pnaia/pdf/Documento_PNAIA.pdf, p. 62 (accessed on 27 October 2015).

⁷ Available at: http://www.congreso.gob.pe/index.php?K=263&id=3749#.Vi_dr7cveM8 (accessed on 27 October 2015).

2.1 Regarding police officers

7. In this regard, the curriculum of the Officers Training Academy of the Peruvian National Police (PNP) includes a course on “Child Law” in the fourth semester for those specializing in the fields of criminal investigation and public order and safety. The course is of 51 hours’ duration and covers the importance and the contents of the Convention on the Rights of the Child as well as its guiding principles.

8. In addition, the training school of the Executive Directorate for Public Safety, which oversees the Directorate for Combating Domestic Violence, offers a course entitled “Public policies and the rights of the child”, which includes training on the Convention on the Rights of the Child as part of its core content.⁸

2.2 Regarding armed forces personnel

9. In line with the above, it should be noted that the armed forces provide their personnel with instruction on the Optional Protocol by means of various training courses in human rights and international humanitarian law offered at the Armed Forces Centre for International Humanitarian Law and Human Rights, as well as a number of separate workshops held throughout the country. Currently, there are a total of 2,999 male students and 235 female students enrolled in all the military academies run by the armed forces.⁹

2.3 Regarding justice officials

10. With regard to education and training for judges, court officials and prosecutors’ assistants on working with children and adolescents at risk, the following training activities were undertaken in the period 2014-2015:

- A multidisciplinary course on strategies to prevent gender-based violence against children and adolescents and provide care to victims (April and September 2014);
- A course on legal protection for children and adolescents, effectiveness and results achieved (April 2014);
- A multidisciplinary course on the theoretical framework and practical experiences relating to joint action in support of neglected children (May 2015);
- A workshop on general policies on providing care to children and adolescents (September 2015).¹⁰

2.4 Regarding migration policy as it pertains to children and adolescents

11. With regard to migration policy in Peru as it pertains to minors, children and adolescents who are in an irregular situation in the country are not subject to any penalty procedures or administrative penalties for breaches of migration law; when leaving the country they are issued an exit permit without any entry restrictions. These permits are issued taking into account the guidelines established at the national level, in full accordance with the international treaties to which Peru is a party, and above all with respect for the principle of the best interests of the child.¹¹ The recently adopted Migration Act (Legislative Decree No. 1,236, published in the official gazette *El*

⁸ Information provided by the Ministry of the Interior in communication No. 1306-2015/IN/DGSD, received on 18 September 2015.

⁹ Information provided by the Armed Forces Centre for International Humanitarian Law and Human Rights in communication No. 600-2015-MINDEF/VPV/C/4/c, received on 14 October 2015.

¹⁰ Information provided by the Judicial Training School in communication No. 146-2015-AMAG-DG (date received unknown).

¹¹ This reply is based solely on communication No. 267-2015-MIGRACIONES, submitted by the National Migration Authority and received on 3 September 2015.

Peruano on 26 September 2015) offers special protection for the fundamental rights of foreign citizens in vulnerable situations, such as unaccompanied minors, and establishes a special immigration status for them on humanitarian grounds.¹² Similarly, article 3, paragraph (b), of the Refugee Act (Act No. 27,891, published in the official gazette *El Peruano* on 22 December 2002) establishes that the term “refugees” covers persons — including children and adolescents — who have been forced to flee their country of nationality or usual residence because of an internal conflict, foreign aggression, massive human rights violations, or foreign occupation or domination.

3. Please provide information on the awareness-raising activities aimed at society at large, and in particular at children and adolescents and their parents, teachers, media professionals and lawmakers, carried out with a view to preventing children and adolescents from falling victim to recruitment.

12. In 2013, the PNP’s Counter-Terrorism Directorate, now known as the Executive Directorate to Combat Terrorism, held 129 awareness-raising talks on terrorist violence in schools on the outskirts of Lima, in police stations, in the Valley of the Apurímac, Ene and Mantaro Rivers (VRAEM) region and in Huallaga. A total of 9,147 children and adolescents attended the talks, more than 60 per cent of which were held in areas where terrorism is rife and a state of emergency has been declared, such as the VRAEM region and Huallaga. The Psychological Operations Department of the Executive Directorate to Combat Terrorism organized these events.

13. Furthermore — and as will be explained in detail below in the reply to question 6 of the list of issues — the PNP, together with armed forces personnel, carry out counter-terrorism intelligence operations with the aim of rescuing children held by the Shining Path terrorist organization. The police continue to hold talks to raise awareness about terrorist violence among elementary, secondary and university students, members of neighbourhood watches and labour unions, and the general public.¹³

4. Please provide data for the past three years on the number of children and adolescents recruited by both the armed forces and non-State armed groups linked to the Shining Path. Please indicate how many of those children were victims of sexual violence.

14. Based on an analysis of various intelligence sources, the Executive Directorate to Combat Terrorism estimates that in 2013 about 107 minors (51 boys and 56 girls) were abducted by the terrorist group known as Shining Path in the VRAEM region. This number fell to 101 in 2014 and 67 in 2015 (35 boys and 32 girls).

15. With regard to rescue operations, six children (four boys and two girls) were rescued in joint operations carried out by the PNP and the armed forces in 2014 in Río Tambo district, Satipo-Junín. Of those, four were aged 12 or younger and one was an adolescent between 13 and 16 years of age.

16. In 2015, a total of 34 minors (12 boys and 22 girls) were rescued. Of those, 23 were 12 or younger and 11 were between 13 and 16 years of age. These children were rescued in Río Tambo district, Satipo-Junín. They live in extreme poverty and belong to the Asháninka ethnic group.¹⁴

¹² Available at: <https://www.migraciones.gob.pe/index.php/el-peru-tiene-ahora-una-de-las-leyes-de-migraciones-mas-modernas-de-la-region/>.

¹³ Information provided by the Ministry of the Interior in communication No. 1306-2015/IN/DGSD, received on 18 September 2015.

¹⁴ Information provided by the Ministry of the Interior in communication No. 1306-2015/IN/DGSD, received on 18 September 2015. In this regard, there is a discrepancy in the number of children rescued, as the Centre for International Humanitarian Law and Human Rights reports that 33 and

6. Please provide additional information on the steps taken to prevent the recruitment and use of children and adolescents by armed groups, in particular Shining Path in the VRAEM region (Valley of the Apurímac, Ene and Mantaro Rivers) and Shining Path in Huallaga. In particular, please explain how the Programme for Multisectoral Action in the VRAEM Region 2013-2016 provides for specific activities to prevent the recruitment and use of children by armed groups and indicate what results have been achieved.¹⁵

17. With regard to steps taken to prevent the recruitment and use of children and adolescents, as part of their reintegration into their communities the National Registry of Identity and Civil Status provides services to children rescued by the Peruvian army from rebel camps located in the VRAEM region. Thus, even though the relevant documents were not issued immediately after their birth, once they are rescued the children begin a new life with their mothers, allowing them to effectively exercise their rights as Peruvian citizens. Basic facts are determined, such as their approximate age and place of birth and whether they have received adequate health care, thereby ensuring that this social problem does not remain invisible. This process involves, firstly, issuing documents to the parents, adopting a flexible approach to the documentation procedure by issuing their national identity cards as quickly as possible so that they can then start the registration process for their children.

18. In 2014, the National Registry of Identity and Civil Status handled the cases of 26 Asháninka children between 1 and 14 years of age from the left bank of the Ene river in Junín department who had been rescued from a camp run by the Shining Path terrorist group. The National Registry documented their situation and reintegrated them into their community. In addition, with the help of strategic partners, in July 2015 the National Registry handled the cases of 22 Asháninka children and adolescents between 1 and 14 years of age from the left bank of the Ene river in Junín department who had been rescued from a Shining Path camp. The Río Tambo district civil registry began preparing the children's files so that they could be authenticated by their parents, who had also been rescued, and so that their national identity cards could be issued without delay.¹⁶

19. In addition to the efforts to register and identify these children, various State institutions and/or sectors take continuous measures to prevent the recruitment of children by armed groups and carry out various types of intelligence operations to rescue minors who have been forcibly recruited.

20. As an example of this policy, since 2013 the PNP's Executive Directorate to Combat Terrorism has taken a number of actions in departments and communities affected by illegal groups or criminal organizations involved in drug trafficking, terrorism and other crimes, in order to prevent the recruitment and incorporation of children and adolescents into these criminal networks.

21. As mentioned in the reply to question 2 of the list of issues, in 2013 the Psychological Operations Department of the Executive Directorate to Combat Terrorism held 129 awareness-raising talks on terrorist violence in schools on the

not 34 children were rescued in 2015. (See: communication No. 600-2015-MINDEF/VPV/C/4/c, received on 14 October 2015).

¹⁵ This reply was largely based on communication No. 312-2015-PCM/STCODEVRAEM, which was submitted by the Technical Secretariat of the Multisectoral Committee for Peacemaking and Social and Economic Development in the VRAEM Region and received on 27 August 2015.

¹⁶ A number of photographs of the mobile registration campaigns conducted by the National Registry of Identity and Civil Status specifically for child and adolescent victims of armed conflict are annexed to this report as supplementary information. Information sent via e-mail on 6 August 2015 by Ms. Nara Huaracaya Vázquez from the Planning and Budget Office of the National Registry of Identity and Civil Status (annex No. 1).

outskirts of Lima, in police stations, in the VRAEM region and in Huallaga. More than 60 per cent of the talks were held in areas where terrorism is rife and a state of emergency has been declared, as is the case in the VRAEM region and Huallaga. A total of 9,147 children and adolescents attended these talks.

22. Similarly, various high-risk, joint operations are continuously being carried out by the PNP and the armed forces to rescue minors kidnapped by terrorists in the VRAEM region and Huallaga. For example, through a joint operation carried out in 2013, the PNP's Executive Directorate to Combat Terrorism and the armed forces succeeded in rescuing two children aged 9 and 11.

23. Similarly, in 2014 Operation Shelter 2014 was conducted in sector V (located on the right bank of the Chichireni river in Río Tambo district, Satipo-Junín) by a joint patrol of the PNP and the armed forces with the objective of locating terrorist camps, and two Asháninka children aged 4 and 6 were rescued. Operation Hope 2014, conducted in the VRAEM region between the Pijireni and Chiquireni gorges in Río Tambo district, Satipo province, Junín department, resulted in the successful rescue of two children, one 6 years of age and one whose age is unknown, with the participation of the Special Intelligence Brigade of the PNP and the armed forces.

24. The most recent operation, designated "Reunion 2015", was carried out jointly by personnel of the Executive Directorate to Combat Terrorism, anti-drug agents, personnel of the Intelligence and Special Operations Command of the Armed Forces Joint Command and members of the Public Prosecution Service, and resulted in the rescue of 13 adults and 26 children, all of whom were being held captive by the Shining Path terrorist organization, and most of whom belonged to the Asháninka ethnic group. They were subsequently cared for by staff of the Ministry for Women and Vulnerable Groups. The children were issued national identity cards by the National Registry of Identity and Civil Status and given medical and psychological treatment and support by the Ministry, while the Public Prosecution Service will ensure that those responsible for their recruitment are punished in accordance with the law and within the framework of due process. Thus, the Government of Peru has been taking the necessary measures to protect child and adolescent victims of forced recruitment, always with a view to their appropriate reintegration into society.¹⁷

25. In addition, article 3 (c), second subparagraph, of Decree Law No. 25,475¹⁸ on penalties for terrorism offences and procedures for their investigation, prosecution and trial, as amended by article 2 of Legislative Decree No. 921,¹⁹ establishes a penalty of not less than 25 and not more than 30 years' imprisonment for persons who recruit or abduct minors for the purpose of committing terrorism offences. In this connection, article 6 (A) of the above-mentioned Decree Law²⁰ establishes as an aggravating circumstance the recruitment or abduction of minors for the purpose of carrying out

¹⁷ Information provided by the Public Prosecution Service, submitted in communication No. 1345-2015-FSPNC-MP-FN and received on 7 September 2015.

¹⁸ Executive branch. Establishment of penalties for terrorism offences and procedures for their investigation, prosecution and trial. Decree Law No. 25,475. Official gazette *El Peruano* of 6 May 1992.

¹⁹ Executive branch. Legislative Decree establishing the legal regime governing life imprisonment under national law and the maximum penalties for offences covered in articles 2, 3 (b) and (c), 4, 5 and 9 of Decree Law No. 25,475. Legislative Decree No. 921. Official gazette *El Peruano* of 18 January 2003.

²⁰ Decree Law No. 25,475. Provision added by article 1 of Legislative Decree No. 985. Legislative Decree amending Decree Law No. 25,475, which establishes penalties for terrorism offences and procedures for their investigation, prosecution and trial; and Legislative Decree No. 923, which enhances the organization and workings of State defence services in terrorism cases. Official gazette *El Peruano* of 22 July 2007.

terrorist acts.²¹ Reoffenders are also subject to a penalty of 30 years' to life imprisonment.

26. In addition, inasmuch as the recruitment of persons under 18 years of age violates other rights, article 152, paragraph 8, of the Peruvian Criminal Code, as amended by the first supplementary provision amending Act No. 30,077,²² establishes a penalty of not less than 30 years' imprisonment for the act of depriving another person of their liberty, without any right, motive or justifiable reason, for the purposes of forcing them to join a criminal group. In any event, the Ministry of Defence strictly prohibits the recruitment of children by branches of the Armed Forces (Army, Navy and Air Force of Peru).²³

27. The objective of the Programme for Multisectoral Action in the VRAEM Region 2013-2016 is to: "Create a safe, law-abiding and peaceful environment that will improve the quality of life and social inclusion of the inhabitants of the VRAEM region by making lawful, productive activities in the area more profitable."

28. The programme is focused on four main areas:

- (a) Efforts to combat poverty;
- (b) Efforts to combat inequality;
- (c) Efforts to combat drug trafficking and organized criminal gangs;
- (d) Efforts to combat terrorism.

29. Generally speaking, one of the problems in the VRAEM region is the absence of the State. Thus, the Programme for Multisectoral Action is being used to strengthen the State's presence in the area, and each sector is carrying out a series of activities to achieve this goal. To that end, a number of institutions have been set up to establish stability and the rule of law in the area. The central Government's Programme for Multisectoral Action in the VRAEM Region 2013-2016 is therefore an important tool for establishing the presence of the State in the region, and, unlike other programmes that have focused more on military and police operations, it emphasizes development of the local population.

30. Given that its objective is to achieve the social development of the population living in the VRAEM region, the Programme for Multisectoral Action in the VRAEM Region 2013-2016 does not include specific activities to prevent the recruitment and use of children by armed groups. This does not mean that such activities are not a priority for the Government or that no specific steps have been taken in this regard: acting on the basis of intelligence work, the armed forces and the PNP have carried out a number of major operations in Shining Path camps where children and women were being held and have succeeded in rescuing them and freeing them from their slavery-like conditions. In 2015, a total of 54 persons, including 26 children, have been rescued from a Shining Path camp.²⁴

²¹ Provision added by article 1 of Legislative Decree No. 985. Official gazette *El Peruano* of 22 July 2007. The article in question states as follows: "Anyone who, by any means, recruits or abducts individuals for the purpose of facilitating or committing acts of terrorism shall be punished with not less than 2 and not more than 25 years' imprisonment. The penalty shall be imprisonment for not less than 25 and not more than 30 years if the perpetrator recruits or enlists minors for that purpose. If the perpetrator is a public official or civil servant, he or she shall be disqualified from holding public office, as provided for in article 36 (1), (2), (6) and (8) of the Criminal Code."

²² Congress of the Republic of Peru. Act No. 30,077. Act against Organized Crime. Official gazette *El Peruano* of 20 August 2013.

²³ Information provided by the Armed Forces Centre for International Humanitarian Law and Human Rights in communication No. 462-2015-VPD/C/04, received on 11 August 2015.

²⁴ Thanks to the counter-terrorism operations that the armed forces and the PNP are continuously

31. In summary, the implementation of the Programme for Multisectoral Action in the VRAEM Region 2013-2016 has resulted in an increased State presence, making it possible to re-establish law and order in the area. This, coupled with the successful operations carried out by the armed forces and the PNP, is helping to eliminate the recruitment and use of children in the area.

32. Lastly, the Government, through its national policy known as PUEDO (which is implemented by means of the National Plan for the Prevention and Treatment of Adolescents in Conflict with the Law 2013-2018),²⁵ is seeking to reduce the number of adolescents in conflict with the law, in particular through preventive action. In this regard, the above-mentioned National Plan identifies risk factors for adolescents in relation to six areas of their lives: the individual, their family, peers, school, community and society.²⁶

7. Please provide information on the methods and procedures used by the State party to identify children and adolescents who are at risk of falling victim to practices contrary to the Optional Protocol, in particular owing to their socioeconomic status and the remoteness of where they live.

33. Within the framework of Supreme Decree No. 004-2011-IN, published on 19 October 2011, which approved the National Plan of Action to Combat Trafficking in Persons (2011-2016) and in which forced recruitment is categorized as a form of trafficking,²⁷ it should be noted, first, that work on, and constant improvement of, the police apparatus to combat trafficking in persons are under way. The aim is to ensure that efforts to combat this crime are made by special police units throughout the country's police regions, which will make possible a system-wide response to this criminal phenomenon and better links with justice officials and those responsible for victim protection and care. It is hoped that this process will be completed by the end of the year, and to this end work is being done in the following areas.

34. In 2014, the PNP upgraded the Unit for Criminal Investigation of Trafficking in Persons and the Illegal Trafficking of Migrants from a division to a directorate, giving it authority to operate at the national level. In this context, there are currently 23 decentralized departments of the PNP for the specialized investigation of these crimes. They are located in La Libertad, Tacna, Lambayeque, Iquitos, Madre de Dios, Áncash, Huacho, San Martín, Huaraz, Huancayo, Abancay, Cajamarca, Puno, Cuzco, Sicuani, the VRAEM, Chachapoyas, Ica, Huánuco, Tingo María, Ayacucho and Arequipa. Likewise, there are 110 instructors trained in trafficking in persons in 21 police regions and fronts.

35. In addition, the Executive Directorate of Instruction and Doctrine of the PNP incorporated the issue of trafficking in the curricula of the PNP Academy for Officer and Non-Commissioned Officer Cadets. Within this framework, in the current year 258 cadets in their fifth year at the Officers' Academy have received training, as have 5,096 students in the PNP's Technical Higher Education Academy.

36. In addition, there is a "Protocol for assistance and protection to be provided by the PNP to victims of human trafficking" (Ministerial resolution No. 305-2013-

carrying out, in recent years Peru has succeeded in disrupting the Shining Path's military structure by eliminating and capturing some of its senior commanders in the VRAEM region.

²⁵ Adopted by Supreme Decree No. 014-2013-JUS of 30 November 2013.

²⁶ Information provided by the Directorate-General for Criminal and Prison Policy of the Ministry of Justice in communication No. 3581-2015-JUS/DGPCP (date received unknown).

²⁷ National Plan of Action to Combat Trafficking in Persons (2011-2016), section 3.3.7. Forced recruitment, p. 19. Available from: [http://www.mininter.gob.pe/userfiles/DS-MIN-004-2011\(1\).pdf](http://www.mininter.gob.pe/userfiles/DS-MIN-004-2011(1).pdf) (accessed 27 October 2015).

IN/DGSD), which is covered in the training of specialized personnel in order to prevent re-victimization.

37. Finally, reinforcement of the Statistical Registry System for Trafficking and Related Cases is under way. To this end, the decentralized departments have been provided with the necessary logistical means and resources at the national level; moreover, an agreement has been concluded with the Public Prosecution Service (Attorney General's Office) for a connection with the Strategic System on Human Trafficking, which will make it possible to have a single register of reports of cases of trafficking in persons.²⁸

8. Please provide updated information on offences explicitly defined in the Criminal Code in relation to the practice of forced recruitment by the armed forces, non-State armed groups, or private security and defence contractors. Please also provide updated information on the draft legislation referred to in paragraph 86 of the State party's report.

38. Under the current Peruvian Criminal Code (Legislative Decree No. 635), forced recruitment by the armed forces and non-State armed groups or private security and defence contractors is not explicitly defined as an offence.²⁹ In a meeting of 9 December 2014, however, the Justice and Human Rights Committee of the Congress of the Republic approved the new Criminal Code,³⁰ article 503 of which addresses recruitment for terrorist purposes.³¹ The Opinion on the New Criminal Code is thus to be discussed shortly by the Peruvian parliament in plenary session.³²

²⁸ Information transmitted by the Ministry of the Interior in memorandum No. 1306-2015/IN/DGSD, received on 18 September 2015.

²⁹ Information transmitted by the General Directorate for Development and the Legal System of the Ministry of Justice and Human Rights in memorandum No. 690-2015-JUS/DGDOJ, received on 14 September 2015.

³⁰ Congress of the Republic. Opinion of the Justice and Human Rights Committee concerning the bills 163/2011-CR, 183/2011-CR, 260/2011-CR, 266/2011-CR, 345/2011-CR, 396/2011-CR, 459/2011-CR, 704/2011-CR, 709/2011-CR, 777/2011-CR, 902/2011-CR, 996/2011-CR, 1061/2011-CR, 1063/2011-CR, 1075/2011-CR, 1078/2011-CR, 1107/2011-CR, 1111/2011-CR, 1127/2011-CR, 1131/2011-CR, 1314/2011-CR, 1318/2011-CR, 1350/2011-CR, 1403/2012-CR, 1406/2012-CR, 1417/2012-CR, 1425/2012-CR, 1563/2012-CR, 1569/2012-CR, 1570/2012-CR, 1571/2012-CR, 1588/2012-CR, 1599/2012-CR, 1615/2012-CR, 1622/2012-CR, 1630/2012-CR, 1637/2012-CR, 1687/2012-CR, 1688/2012-CR, 1691/2012-CR, 1707/2012-CR, 1712/2012-CR, 1725/2012-CR, 1772/2012-CR, 1828/2012-CR, 1831/2012-PE, 1881/2012-CR, 1931/2012-CR, 1945/2012-CR, 2031/2012-CR, 2047/2012-CR, 2050/2012-CR, 2053/2012-CR, 2095/2012-CR, 2127/2012-CR, 2131/2012-CR, 2150/2012-CR, 2193/2012-CR, 2213/2012-CR, 2225/2012-CR, 2227/2012-CR, 2230/2012-CR, 2231/2012-CR, 2241/2012-CR, 2246/2012-CR, 2296/2012-CR, 2384/2012-CR, 2444/2012-CR, 2450/2012-CR, 2509/2012-CR, 2530/2013-CR, 2557/2013-CR, 2582/2013-CR, 2583/2013-CR, 2719/2013-CR, 2733/2013-CR, 2744/2013-CR, 2797/2013-CR, 2841/2013-CR, 2859/2013-CR, 2862/2013-CR, 2935/2013-CR, 2965/2013-CR, 3059/2013-CR, 3071/2013-CR, 3077/2013-CR, 3138/2013-CR, 3155/2013-CR, 3179/2013-CR, 3181/2013-CR, 3182/2013-CR, 3232/2013-CR, 3266/2013-CR, 3268/2013-CR, 3304/2013-CR, 3305/2013-CR, 3306/2013-CR, 3313/2013-CR, 3334/2013-CR, 3382/2013-CR, 3383/2013-CR, 3409/2013-CR, 3428/2013-CR, 3449/2013-CR, 3454/2013-PE, 3474/2013-CR, 3476/2013-CR, 3485/2013-CR, 3491/2013-CR, 3497/2013-CR, 3499/2013-CR, 3500/2013-CR, 3539/2013-CR, 3540/2013-CR, 3541/2013-CR, 3575/2013-CR, 3579/2013-CR, 3586/2013-CR, 3589/2013-CR, 3590/2013-CR, 3628/2013-CR, 3629/2013-CR, 3657/2013-CR, 3674/2013-CR, 3684/2013-CR, 3696/2014-CR, 3724/2014-CR, 3725/2014-CR, 3778/2014-CR, 3779/2014-CR, 3833/2014-CR, 3845/2014-CR, 3876/2014-CR, 3883/2014-CR, 3896/2014-CR, 3909/2014-CR, 3914/2014-CR, 3929/2014-CR, 3947/2014-CR, 3957/2014-CR, 3962/2014-CR, 3963/2014-CR, 3966/2014-CR, 3980/2014-CR, 3993/2014-CR, 4000/2014-CR, 4001/2014-CR, 4004/2014-CR, 4029/2014-CR, 4030/2014-CR, 4032/2014-CR and 4038/2014-CR with a replacement text proposing the New Criminal Code Act. Available from: <http://www.minjus.gob.pe/wp-content/uploads/2015/01/Predictamen-Nuevo-C%C3%B3digo-Penal.pdf> (accessed 28 October 2015).

³¹ Article 503 of the Opinion states:

“Article 503: Recruitment for terrorist purposes

“1. Pursuant to article 42 (15), a sentence of imprisonment of not less than 20 years and

9. Please explain what legislative and administrative measures the State party has taken to prohibit and prevent children and adolescents from gaining access to firearms.³³

39. Peru has taken the necessary legislative and administrative measures to prevent and prohibit children and adolescents from gaining access to firearms. The administrative procedure for obtaining a firearms possession and use permit is thus open to citizens over 18 years of age. In addition to other relevant documents, it requires the presentation of a national identity card attesting to the applicant's legal majority in order to ensure proper oversight and regulation of the possession of firearms at the national level.

40. In particular, article 13 of Act No. 25,054, published on 20 June 1989, which regulates the manufacture, trade, possession and use by private individuals of weapons and ammunition not intended for combat, states that firearms possession and use permits are issued pursuant to the Act and its implementing regulations. For its part, article 91 of Supreme Decree No. 007-98-IN, the implementing regulations of the Act regulating the manufacture, trade, possession and use by private individuals of weapons and ammunition not intended for combat, states that every individual must obtain the appropriate permit for the possession and use of firearms authorized for civilian use. The documents listed in the consolidated administrative procedures manual are to be submitted to the National Authority for the Oversight of Security Services, Firearms, Ammunition and Explosives for Civilian Use (National Firearms Oversight Authority).

41. Article 98 of the implementing regulations of Act No. 25,054 thus sets forth the requirements for obtaining the various types of firearms possession and use permit. These requirements include:

disqualification shall apply to anyone who captures, recruits, selects, admits, receives, transfers or retains another person for the purposes of committing, personally or through a third party, any of the following acts:

- a. Drilling, training or instruction in ideologies, techniques, tactics, procedures, practices or skills typical of terrorist organizations or their members;
- b. Indoctrination or education that promotes or is based on exclusion, deprivation of freedom, violence, intimidation, fear, intolerance, confrontation or any other characteristic typical of terrorist organizations or their members;
- c. Facilitation or commission of any terrorist offence.

"2. The penalty is imprisonment for not less than 25 years and disqualification, pursuant to article 42 (1), (2), (4-6), (9) and (15) when the perpetrator is:

- a. An instructor, teacher, teacher's assistant, supervisor of student teaching, a relative to the fourth degree by blood or to the second by kinship or has any other post, function or position conferring trust, power, authority or supremacy that he or she has used to commit the offence;
- b. A public official or servant and uses his or her position to commit the offence;
- c. A retired member of the Peruvian National Police or the armed forces or has served in the military and uses his or her knowledge or skills to commit the crime.

"3. The sentence is indefinite imprisonment when the conduct described targets a child or adolescent, a woman or a member of a peasant, native, indigenous, tribal or Afro-descendent community and when it affects a vulnerable migrant or a person in extreme poverty, with a disability or more than 60 years of age."

Available from: <http://www.minjus.gob.pe/wp-content/uploads/2015/01/Predictamen-Nuevo-C%C3%B3digo-Penal.pdf> (accessed 28 October 2015).

³² Available from: <http://www.congreso.gob.pe/index.php?K=263&id=1453#.VjEi-LcveM8> (accessed 28 October 2015).

³³ This reply is based in large part on the information transmitted by the National Authority for the Oversight of Security Services, Firearms, Ammunition and Explosives for Civilian Use in memorandum No. 1854-2015-SUCAMEC/SN, received on 2 September 2015, and on information transmitted by the Ministry of the Interior in memorandum No. 1306-2015/IN/DGSD, received on 18 September 2015.

- Certification of having passed the firearms knowledge, handling and shooting tests;
- Application by the interested party explaining the reason for wishing to obtain a permit and making a documented case for the need for a permit;³⁴
- A copy of a valid national identity card.

42. In this connection, procedure No. 21 (permit for possession and general use of firearms) from the consolidated administrative procedures manual of the Ministry of the Interior, applicable to the National Firearms Oversight Authority, establishes the following requirements, among others:

- A copy of the applicant's national identity card, with proof of having voted in the most recent elections or applied for the corresponding waiver;
- Proof of having passed the firearms handling and shooting test.

43. Pursuant to the legal provisions mentioned above, before the firearms possession and use permit is issued, the Arms, Ammunition and Related Items Office ensures that the applicant (an individual) meets the requirements established by the Act, its implementing regulations and the consolidated administrative procedures manual.³⁵ These requirements include:

- Attaching a copy of a national identity card, with proof of having voted in the most recent elections or applied for a corresponding waiver: that is, only individuals of legal majority who have the right to vote — in other words, as of 18 years of age, in accordance with national legislation — may apply for a permit;
- Passing the firearms handling and shooting test: before the issuance of proof of having taken the firearms handling and shooting test, an individual must submit an application for that purpose in accordance with procedure No. 20 of the consolidated administrative procedures manual, which requires mention of the national identity card number;
- Justifying the reason: it must be shown that the justification of the reason and the documentary proof of the need for the self-defence permit are based on the principle of rationality established in Legislative Decree No. 1,127, article 4 (d), as authorizations are granted with due regard for keeping the peace, public safety and social welfare. In addition, there must be an objective and specific reason that must be presented and supported in the application submitted by every citizen.

44. The reason for strict regulation is that the inappropriate use of weapons, ammunition and related items is a potential danger that is closely linked to the public interest; in other words, the irresponsible, irrational and illegal use of such items has unlawful effects — such as murders, paid killings, deaths, accidents and insecurity — on social harmony. It is therefore necessary for persons applying for firearms permits to be subjects of law with full legal capacity,³⁶ responsible users who are conversant

³⁴ A requirement established by the first supplementary provision amending Supreme Decree No. 005-2014-IN. The supplementary provisions involve measures to strengthen the action of the National Firearms Oversight Authority, the current regulations on the control and oversight of the use, possession and trade in firearms, ammunition and related items for civilian use, and private security services.

³⁵ Article 36 of the rules on the organization and functions of the National Firearms Oversight Authority states: "The Arms, Ammunition and Related Items Office is the body responsible for issuing, extending, renewing and cancelling licences at the national level for the manufacture, sale, import, export, requisition, storage, transfer, possession and use of weapons, ammunition and related items for civilian use."

³⁶ Regarding full legal capacity, article 42 of the Civil Code states: "Except as provided in articles 43

with the proper handling of firearms, and express strictly objective reasons, reproduced in photocopies if possible, providing evidence of their specific need for the permit.

45. Act No. 30,299, the Act on Firearms, Ammunition, Explosives, Fireworks and Related Products for Civilian Use, published on 22 January 2015, provides for the licensing of firearm use by minors, in exceptional circumstances, for sport or hunting, and in the company of their father or mother, who must be the permit-holder (art. 23 of the Act). In this respect, the draft implementing regulations of Act No. 30,299 (pre-published) provide for the issuance to minors of a firearms permit for hunting or sport and recreational shooting in the company of their parents, with the adult being the permit-holder and the person responsible for the use and carrying of the weapon. It also prohibits the use of civilian firearms by minors — that is, firearms other than those authorized for hunting or sport or recreational use (art. 32) — and states that the owner of the firearm is responsible for its use and carrying by the minor in and outside the country (art. 33).

12. Please elaborate on the information provided in paragraphs 90 to 94 of the State party's report on the protection, physical and psychological rehabilitation and social reintegration services available in the State party specifically for children who have been or are at risk of being recruited or used in hostilities. Please specify in particular the services provided for girl and female adolescent recruits who were victims of sexual abuse.³⁷

46. The Ministry of Culture has been participating actively in various coordination mechanisms for follow-up to actions taken by the public agencies in connection with the rehabilitation and social reintegration of children recruited by Shining Path.

47. At the meeting convened on 3 September 2015 by the PNP's Executive Directorate to Combat Terrorism at Los Sinchis police headquarters in Mazamari, a multisectoral round table was held with the local authorities of Satipo province and the local governments. The aim was primarily to discuss how to support the 54 victims of terrorism rescued in the sector V area — the VRAEM, Río Tambo district — in Satipo, Junín. A multisectoral committee was established to organize a round table for dialogue with the Río Tambo Asháninka Federation, in order to look into the possibility of setting aside a geographical area in the Río Tambo district.

48. Finally, the Ministry of Culture has worked in conjunction with the head of the civil registry office of the district municipality of Río Tambo to study the situation as regards the identity of the victims of terrorism rescued in the sector V area (the VRAEM) in order to help them obtain their national identity cards and exercise their rights as citizens. Furthermore, on 24 August 2015, that sector participated in the Samaria Valley area meeting with the Teoría-Mazamari native community in order to review progress, timelines and commitments with regard to the process of integrating the persons rescued in Samaria. In the afternoon of the same day, the Ministry of Culture also participated in meetings arranged by the Commissioner for Peace and Development of the Central Forest in Satipo, which focused on various initiatives to help the rescued persons.

and 44, persons who have reached 18 years of age have full legal capacity.”

³⁷ This reply is based exclusively on the information transmitted by the Ministry of Culture in memorandum No. 053-2015-DGCI-VMI/MC, received on 29 September 2015.