NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CMW/followup/29/bs

13 September 2018

Excellency,

In my capacity as Chairperson of the Committee on Migrant Workers (CMW), I have the honour to refer to the examination of the initial report of Peru at the Committee's twenty-second session, held in April 2015. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CMW/C/PER/CO/1). You may recall that in the concluding observations, the Committee requested Peru to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 11, 27, 31 and 33 of the concluding observations.

At its twenty-ninth session, held in September 2018 in Geneva, the Committee examined the follow-up report of the State party (CMW/C/PER/CO/1/Add.1). The Committee welcomes the follow-up report received in July 2018 under the CMW follow-up procedure and commends the State party for furthering the implementation of the Convention. With respect to the follow-up report, the Committee notes the following:

Regarding the recommendation made in paragraph 27 of the concluding observations, the Committee encourages the State party to take measures to fully implement the recommendation to conduct public education and awareness campaigns in order to combat prejudice and the social stigmatization of migrant workers in general, and especially those of particular nationalities.

In regards to the recommendation made in paragraph 31 of the concluding observations, the Committee encourages the State party to take all necessary measures to fully implement the recommendations to: (i) guarantee that detention of migrant workers in an irregular situation is a measure of last resort and that detention in all circumstances is conducted in accordance with article 16 and article 17, paragraph 2, of the Convention, and also with the Committee's general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families; and (ii) provide, in its next periodic report, detailed information on the number of cases of detention and/or holding by reason of irregular migration; the places where such procedures are carried out and the conditions; the existence of alternatives to deprivation of liberty in the context of migration control procedures; and on the number of cases involving the detention or holding of migrant workers of Haitian origin and the relevant places, duration and conditions, prior to their obligatory departure.
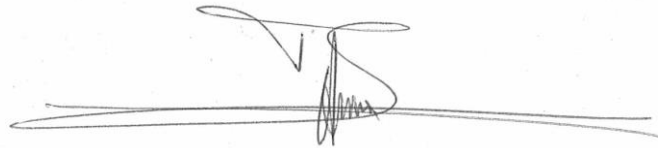
His Excellency
Mr. Claudio Julio De la Puente Ribeyro
Permanent Representative of Peru
 to the United Nations Office
Geneva, Switzerland

Email: misionperu@onuperu.org

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

PAGE 2

Regarding the recommendation made in paragraph 33 of the concluding observations, the Committee encourages the State party to take the necessary measures to fully implement its recommendations to: (i) guarantee the suspensive effect of administrative and judicial appeals against measures of expulsion or obligatory departure from the country; and (ii) ensure that the relevant institutional powers are apportioned in such a way as to avoid any kind of criminalization of irregular migration. The Committee also encourages the State party to strengthen its efforts to implement the recommendation to guarantee respect for the right to family life and other rights under the Convention, as enshrined in section one of Legislative Decree No. 1350, when the situation of a migrant worker in irregular circumstances is being resolved.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Peru on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Ahmadou Tall
Chairperson
Committee on the Protection of the Rights of All
Migrant Workers and Members of Their families