



# EVALUATION REPORT ABOUT

THE IMPLEMENTATION OF THE  
RECOMMENDATIONS  
FORMULATED BY THE  
ORGANIZATION FOR ECONOMIC  
COOPERATION AND  
DEVELOPMENT (OECD) ABOUT  
PUBLIC POLICIES ON  
RESPONSIBLE BUSINESS  
CONDUCT (RBC) IN PERU



fidh



PERÚ EQUIDAD  
Centro de Políticas Públicas y Derechos Humanos

August 2022





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ECONOMIC COOPERATION AND DEVELOPMENT (OECD) ABOUT PUBLIC POLICIES ON RESPONSIBLE  
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# INTRODUCTION

In order to promote and create favorable conditions for responsible business conduct (RBC) and ensure that business activities create value in a comprehensive manner and contribute to economic, environmental and social progress, in 2020 the Organization for Economic Co-operation and Development (OECD) published a report about Public Policies on Responsible Business Conduct (RBC) in Peru<sup>1</sup>.

The Study, prepared with the financial support of the European Union in the context of the “Responsible Business Conduct in Latin America and the Caribbean” Project, was prepared by the OECD Centre for Responsible Business Conduct, under the supervision of Froukje Boele, Manager for Latin America and the Caribbean. It includes a set of practical recommendations to the authorities of Peru - a country currently aspiring to join the OECD - aimed at strengthening the implementation of RBC principles and standards in a way that contributes both to improving Peru’s economic and sustainability performance and supporting the country’s development objectives.

The RBC issues analyzed in the study also served as input for the development of Peru’s first National Action Plan on Business and Human Rights 2021-2025, including the recommendation of actions to strengthen the role of the Peruvian National Contact Point for RBC as an agent to achieve greater coherence among public policies.

In this report, the Center for Public Policy and Human Rights (Peru EQUIDAD) and the International Federation for Human Rights (FIDH) summarize an evaluation of the implementation of these recommendations during the two years since they were formulated, to serve as input for both the Peruvian authorities and the OECD, in charge of monitoring the implementation of the RBC principles and standards in Peru. The report has been prepared based on information gathered from direct sources to the extent that official sources did not complete the requested information promptly.

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1 OECD (2020), OECD Studies on Responsible Business Conduct Public Policy: Peru, OECD, Paris.



## II. PRESENTATION OF RESULTS ON COMPLIANCE WITH THE OECD STUDY RECOMMENDATIONS

### CHAPTER I

#### OECD RECOMMENDATIONS IN THE PUBLIC POLICY ON RESPONSIBLE BUSINESS CONDUCT AND IN THE NATIONAL ACTION PLAN (NAP) ON BUSINESS AND HUMAN RIGHTS 2021-2025.

##### OECD RECOMMENDATION:

PERU SHOULD STRIVE TO ENSURE THAT THE NAP IS COMPLETED ON SCHEDULE. THE NAP DEVELOPMENT PROCESS SHOULD ENSURE THAT THE PARTICIPATION OF ALL GOVERNMENT STAKEHOLDERS IS AS EFFECTIVE AS POSSIBLE, THAT THE VIEWS OF STAKEHOLDERS ARE FAIRLY REFLECTED, AND THAT ALL PLANNED ACTIONS INCLUDE RESOURCES FOR IMPLEMENTATION. IN ADDITION, PERU SHOULD ENSURE THAT THE NAP BUILDS ON PERU'S COMMITMENT TO THE GUIDELINES AND ASSIGN THE NCP A ROLE IN THE IMPLEMENTATION OF THE PLAN THAT IS COMMENSURATE WITH, AND HELPS IT TO FULFILL ITS MANDATE.

##### a) *NAP approved according to schedule*

The National Action Plan on Business and Human Rights was promulgated and published in June 2021 through Supreme Decree No. 009-2021-

JUS<sup>2</sup>. The NAP 2021-2025 and its implementation is currently under the stewardship of the Ministry of Justice and Human Rights.

***b) NAP approved with the most effective participation of all government stakeholders, ensuring that the views of interested parties are fairly reflected.***

According to Supreme Decree No. 009-2021-JUS, during the three stages of preparation of the NAP 2021-25 there were a large number of participants and a process of participation and multi-stakeholder dialogue among equals based on the search for consensus. The process involved 132 institutions from indigenous peoples, trade unions, organized civil society, companies, the state sector, international organizations, and international cooperation agencies, which participated in 426 activities with a multi-stakeholder and decentralized approach, including working groups, bilateral meetings, international, national and regional discussions, workshops and other dialogue mechanisms "(...) who have participated in 426 activities with a multi-stakeholder and decentralized approach, including working tables, bilateral meetings, international, national and regional discussions, workshops and other dialogue mechanisms"<sup>3</sup>. Of the total number of actors that participated in the process, 40 were from the Administration, 22 from the business sector, 35 from civil society, 8 from indigenous peoples, 4 from trade unions, 3 universities, 13 international organizations, and 7 international cooperation agencies.

To date, 17 more institutions from the business sector and civil society have been incorporated, bringing the total number of institutions in the NAP to 149. Likewise, in April 2022, through Directorial Resolution No. 004-2021-JUS/DGDH the so-called "Guide for the operation of multi-stakeholder coordination spaces for the implementation, follow-up, monitoring, evaluation and updating of the National Action Plan on Business and Human Rights 2021-2025, approved by Supreme Decree No. 009-2021-JUS" was approved by which the following spaces have been formalized:

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2 Supreme Decree N° 009-2021-JUS See in <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-el-plan-nacional-de-accion-sobre-decreto-supremo-n-009-2021-jus-1962210-5/>

3 Ministry of Justice and Human Rights, 2021, p.13. For more information, please visit the following link <https://cdn.www.gob.pe/uploads/document/file/2399831/Plan%20Nacional%20de%20Acci%C3%B3n%20sobre%20Empresas%20y%20Derechos%20Humanos%202021-2025.pdf?v=1636730881>



- 1.- **Multi-stakeholder roundtable**, made up of 149 institutions; it meets three times a year (beginning, middle and end), as a space to report on the progress of NAP implementation. During 2022, the multi-stakeholder roundtable has not yet met for this purpose.
- 2.- **Multi-stakeholder Committee**, made up of 12 representatives from the business sector, 4 from indigenous peoples, five from organized civil society, four from trade unions and two from the Afro-Peruvian people. The Ministry of Justice and Human Rights, the Presidency of the Council of Ministers, the OECD National Contact Point, located in Proinversión, the Ministry of Labor and Employment Promotion and the Ministry of Culture, in addition to other state institutions that are convened according to the subject matter of the sessions, participate on a permanent basis on behalf of the State. Representatives of international organizations and international cooperation agencies that request it or are summoned also participate. It meets periodically, at least every two months, and its objective is to serve as a space for coordination and articulation among stakeholders to facilitate the implementation of the NIP. As of the closing date of this report, it has not yet been installed.
- 3.- **Executive Branch Working Group for the NAP**, made up of all the Executive Branch institutions that are part of the NAP; it meets regularly, at the call of the Ministry of Justice and Human Rights in order to be a space for coordination of the Executive Branch to facilitate the implementation of the NAP 2021-2025. As of the closing date of this report, it had been installed, but only met once in October 2021.
- 4.- **Technical Group of Indigenous Peoples for the NAP**, made up of the eight indigenous organizations that are part of the NAP, as well as the state entities with competencies in the matter. Meet periodically, at least bimonthly, with the objective of being a space for coordination to facilitate the adequate implementation of the actions of the NAP related to the rights of indigenous peoples. As of the closing date of this report, it had not yet been installed.
- 5.- **Technical Group on Labor Issues**, made up of the four trade union centers that are part of the NAP, as well as state entities with compe-

tencies in labor matters. It meets periodically, at least every two months, in order to serve as a coordination space to facilitate the adequate implementation of the NAP actions related to labor issues. As of the closing date of this report, it had not yet been installed.

**c) *Approved NAP including resources for its execution***

According to Supreme Decree No. 009-2021-JUS, which approved it, the NAP 2021-2025 is executed from the general budget allocated to the Ministry of Justice and Human Rights and the state entities with responsibilities in the implementation of its 97 actions. No specific additional budget has been approved for this purpose.

**d) *NIP approved based on Peru's commitment to the OECD Guidelines, and assigning the NCP a role in their implementation to help it fulfill its mandate.***

The OECD Guidelines for Multinational Enterprises are one of the main standards guiding the actions and goals set out in the NAP 2021-2025, together with the United Nations Guiding Principles on Business and Human Rights and the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. Accordingly, the NAP includes concrete actions aimed at the issues raised by the guidelines such as: human rights, environment, labor relations and employment, anti-corruption and consumer interests, among other actions, which are also aligned with the "Studies on public policies on Responsible Business Conduct-PERU".

It is important to mention that, providing institutional scope for adherence to the OECD Guidelines for Multinational Enterprises, the Peruvian government established in July 2009 a National Contact Point (NCP) for a RBC, located in the Peruvian Private Investment Promotion Agency (Proinversion). In accordance with the OECD Guidelines, the Peruvian NCP has the mission to promote the Guidelines and related Due Diligence Guidance and to manage cases related to possible non-compliance with the Guidelines by a multinational enterprise, through a non-judicial process of mediation and conciliation between the company and the affected parties referred to as "specific instances" (OECD, 2020b, p. 22). PROINVERSION was the institution designated as the National Contact Point, in accordance with Report N° 18-2009-DFPI/PROINVERSION and

Oficio N°40/2006/DE/PROINVERSION and the communication from the OECD General Secretariat.

Taking into account the importance of the NCP in the public policy of responsible business conduct, the NAP 2021-2025 contains 2 actions involving the NCP. First, the formulation and implementation of a training strategy aimed at the State, the business sector and civil society, in coordination with the Ministry of Justice and Human Rights. Secondly, an action aimed at strengthening the capacities of the Ombudsman Office (Defensoría del Pueblo), the NCP and other institutions in the area of RBC. This action is directly in charge of the NCP.

Action contemplated in the NAP	indicator	goal	Implementation progress
N° 1: Create and implement a permanent training program on PR-CER and other international standards, from the Justice and Human Rights sector, aimed at public officials, managers and civil servants at all hierarchical levels and in all subnational and national state sectors. This action will be carried out with the collaboration of Proinversión.	Program created and implemented, and annual progress report.	Goal (2021): 1 program created and beginning implementation. Goal (2022-2025): 1 program in implementation. Goal (2023-2025): 1 annual progress report on program implementation.	As of October 2022, there is no information on the progress of this action.

<p>No. 17 specifies: Promote capacity building on PR-ECR between the Ombudsman Office, the National Contact Point and other national agencies, which seeks to In order to strengthen the coherence of public policies on PR-ECR, it is important to generate the articulation of the different public entities.</p>	<p>Annual reports.</p>	<p>Goal (2022-2025): 1 annual report of activities and progress.</p>	<p>As of October 2022, there is no information on the progress of the committed report.</p>
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### **OECD RECOMMENDATION:**

**PERU SHOULD INCREASE THE CAPACITY OF THE OMBUDSMAN OFFICE (DEFENSORÍA DEL PUEBLO) TO ADDRESS ALLEGED HUMAN RIGHTS VIOLATIONS COMMITTED BY COMPANIES WITHIN THE LIMITS OF ITS MANDATE. THE OMBUDSMAN OFFICE SHOULD ALSO COOPERATE WITH THE NCP TO INCREASE ITS CAPACITY AND EXPERTISE IN THIS AREA AND TO SEEK SYNERGIES BETWEEN THEIR RESPECTIVE CASE MANAGEMENT FUNCTIONS. THE NCP COULD ALSO EXPLORE THE POSSIBILITY OF COOPERATING WITH OTHER NON-JUDICIAL GRIEVANCE MECHANISMS, SUCH AS THOSE PUT IN PLACE BY THE SGSD.**

*a) State norms, policies or actions aimed at increasing the capacity of the Ombudsman Office to address human rights violations committed by companies.*

As mentioned above, Action No. 17 seeks to increase the capacity of bo-

dies such as the Ombudsman Office through capacity building in the area of RBCs, in coordination with the National Contact Point and other national agencies, taking into account their role in the prevention of human rights violations and as extrajudicial mechanisms of redress.

***b) Ombudsman and NCP actions to cooperate with each other to increase their capacities and expertise in RBCs***

As noted, Action No. 17 is aimed precisely at promoting mutual cooperation between the Ombudsman Office and the NCP to increase their capacities and knowledge in RBC. As of October 2022, both institutions have jointly participated in the first stage of the NAP decentralization process in five regions: Ica, Cusco, Ucayali, Cajamarca and Piura, informing regional actors about their competencies and mechanisms in CER, and exchanging knowledge and experiences in this area. As of October 2022, no other activities related to the fulfillment of Action No. 17 are reported.

***c) NCP actions to cooperate with other non-judicial grievance mechanisms***

As of October 2022, there is no information on measures adopted and/or implementation progress.

## CHAPTER II

### IMPLEMENTATION OF OECD RECOMMENDATIONS RELATED TO THE GENERAL DUE DILIGENCE FRAMEWORK

The NAP 2021-2025 foresees four actions related to the general due diligence framework. First, action No. 67 proposes to create and implement, within the General Directorate of Human Rights, a program that provides technical assistance to the business sector, both private and public, in the implementation of due diligence mechanisms. In 2021, the established goal is 1 program created; in 2022, the program should start its implementation and, until 2025, an annual report should be issued reporting its progress.

Secondly, Action No. 68 states that specific guidelines for the implementation of due diligence mechanisms will be produced in coordination with the business sector, organized civil society, the competent state sector, indigenous or native peoples and trade unions. The topics to be addressed will be prioritized by consensus, based on the topics prioritized in the NIP elaboration phase and the OECD recommendations.

Thirdly, Action No. 96 proposes the creation and implementation of a follow-up and monitoring mechanism for corporate due diligence mechanisms in the area of reparations, which are implemented by unions and companies in the formal sector, with the participation of the business sector, civil society organizations, indigenous peoples, Andean and Amazonian peoples, trade unions and the competent state sector. In this regard, there is still no report on the level of implementation because the follow-up mechanism has been planned for 2022, and after that, an annual report on progress and challenges in the due diligence mechanisms of the business sector will be published.

Fourthly, Action No. 97 specifies that specific guidelines will be produced in coordination with the business sector, organized civil society, the competent state sector, indigenous or native, Andean and Amazonian peoples and trade unions, aimed at the business sector for the implementation of due diligence mechanisms that seek comprehensive reparation. As of August 2022 such guidelines had not been produced.

## **CHAPTER III**

### **IMPLEMENTATION OF THE OECD RECOMMENDATIONS AIMED AT GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES, SOCIAL CONFLICT AND HUMAN RIGHTS DEFENDERS.**

**OECD RECOMMENDATION:  
PERU SHOULD SEEK TO PREVENT SOCIAL CONFLICTS ARISING FROM LARGE-SCALE PROJECTS AND OTHER BUSINESS**

**OPERATIONS, WHICH ARE OFTEN RELATED TO RISKS OF HUMAN RIGHTS VIOLATIONS AND/OR TEND TO CREATE SITUATIONS PRONE TO SUCH RISKS. THE GOVERNMENT SHOULD ACTIVELY ENCOURAGE COMPANIES TO CONDUCT DUE DILIGENCE USING THE DUE DILIGENCE GUIDELINES AND ENSURE THAT, WHERE NECESSARY, THERE IS SUFFICIENT GOVERNMENT PRESENCE ON THE GROUND TO PREVENT AND MANAGE THESE CONFLICTS. SPECIFICALLY, THE IMPLEMENTATION OF NCPF MEASURE 8.9 SHOULD, TO THE GREATEST EXTENT POSSIBLE, BE BASED ON THE CONCEPT OF DUE DILIGENCE AND THE DUE DILIGENCE GUIDANCE. THE GOVERNMENT SHOULD ENSURE THAT THE NCP IS INVOLVED IN THESE EFFORTS AND RECEIVES SUFFICIENT RESOURCES TO PRIORITIZE THE PROMOTION OF DUE DILIGENCE AMONG COMPANIES.**

*a) Policies, plans, regulations for the prevention of social conflicts incorporating the RBC approach.*

The NAP has adopted five actions in the area of social conflict prevention

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 7: Implement a training program on PR-CER in the territory, aimed at social management teams of sectors for the prevention of social conflicts.	Annual progress report.	Goal (2022-2025): 1 annual progress report on the implementation of initiatives.	National and regional officials of the Secretariat of Social Management and Dialogue of the Presidency of the Council of Ministers, the governing body in matters of social conflict, have been trained on two occasions (November 2021 and March 2022 by the Ministry of Justice and Human Rights on CER and the NAP 2021-2025.

<p>Action N° 11: Develop spaces with the business sector and organized civil society for the promotion of the RBC approach to social conflict prevention and management.</p>	<p>Number of spaces with representatives of the business sector and civil society in the prevention and attention of social conflict scenarios, under an RBC approach.</p>	<p>Goal (2023-2025): 1 annual progress report.</p>	<p>There is still no report on the goals set for 2023.</p>
<p>Action N° 37: Follow up on the social commitments assumed in dialogue processes during social conflicts. Whose indicator is: Development of a protocol for monitoring commitments, including voluntary socio-environmental commitments. Information platform for commitment management. In charge of the SGSD-PCM.</p>	<p>Development of a protocol for monitoring commitments, including voluntary socio-environmental commitments. Information platform for commitment management.</p>	<p>Goal (2021): 1 Protocol approved. Goal (2022): 1 Platform presented. Goal (2023-2025): 1 annual report on the implementation of the guidelines.</p>	<p>There is no implementation progress report.</p>



<p>Action N° 65: Incorporate the component referring to CER, under a preventive approach, to the Guidelines addressed to the Executive Power, Regional and Local Governments for the management of social conflict.</p>	<p>Guidelines approved with incorporation of human rights and business. Guidelines approved with incorporation of human rights and business, implemented. Guidelines evaluated.</p>	<p>Goal (2021-2022): Guideline approved. Goal (2022): 1 annual report. Goal (2023-2025): 1 annual implementation and evaluation report.</p>	<p>In August 2021, the Secretariat for Social Management and Dialogue updated its "Guidelines and protocols for the intervention of the Executive Branch, regional and local governments in social management and dialogue", incorporating the human rights approach, responsible business conduct and due diligence as components of its actions in the prevention and management of social conflict at the national and regional levels.</p>
<p>Action N° 66: Institutionalize intersectoral articulation through the creation of a permanent coordination space, made up of directors of the Executive's Social Management Offices.</p>	<p>Standard for the creation of the permanent intersectoral coordination space.</p>	<p>Goal (2022): 1 Standard approved.</p>	<p>There is no progress report on the implementation of this action.</p>

**b) State promotion actions for the use of due diligence guidelines by the business sector**

The NAP 2021-2025 proposed two actions aimed at technical assistance and support for the development of due diligence guidelines.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action #67: Create and implement, within the General Directorate of Human Rights, a program to provide technical assistance to the business sector, both private and public, in the implementation of due diligence mechanisms for PR-CERs.	Program created and implemented, and annual progress report.	Goal (2021): 1 program created and beginning implementation. Goal (2022): 1 program implemented. Goal (2023-2025): 1 annual progress report on program implementation.	The program was not implemented in 2021 and as of August 2022 had not yet been implemented.
Action N° 68: Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous peoples and trade unions, specific guides for the business sector for the implementation of due diligence mechanisms.	Guidelines developed and publicly presented. Follow-up reports on the implementation of the guidelines.	Goal (2021): 1 coordination space for the development of guidelines formed. Goal (2022-2025): 4 guidelines per year. Goal (2022-2025): 1 annual report on implementation of guidelines.	In its July 2022 report DAF/INV/NCP(2022)36, the NCP does not report on compliance with this action. Likewise, there is no information on its progress.

It is important to mention that no information has been identified from the National Contact Point - Proinversion regarding the adoption of actions for the State promotion of the use of due diligence guidelines directed towards the business sector.

**c) State actions to ensure that there is sufficient government presence on the ground to prevent and manage conflicts, specifically in relation to measure 8.9 of the NCPP (based on the concept of due diligence and due diligence guidelines).**

Within the NAP 2021-2025, three actions have been proposed for the prevention of social conflict.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 77: Produce an instrument for use by the business sector, referring to the prevention of social conflict and RBC, within the framework of the National Action Plan on Business and Human Rights. This action is in charge of the SGSD - PCM.	Guide for good business practices in the area of PR-ERC that contribute to the prevention of social conflict.	Goal (2022-2025): 1 instrument.	There is no progress report on the implementation of this action as of August 2022.

<p>Action N°80: Formulate and implement a guideline for the implementation of due diligence management mechanisms for the CER, aimed at public companies. This action is in charge of FONAFE, with the collaboration of MINJUSDH and other competent entities. No measures have been identified by the Secretariat of Social Management and Dialogue - PCM.</p>	<p>Policy formulation by portfolios.</p>	<p>Goal (2022): Policy formulated and implemented in the portfolio of generating and distributing companies.                      Goal (2023): Policy formulated and implemented in the portfolio of generating, distribution and financial companies.                      Goal (2024): Policy formulated and implemented in the portfolio of non-electricity, miscellaneous and Defense infrastructure companies.                      Goal (2022-2025): Policy implementation report.</p>	<p>There is no progress report on the implementation of this action as of August 2022.</p>
<p>Action N° 37: Follow up on the social commitments assumed in dialogue processes during social conflicts.</p>	<p>Development of a protocol for monitoring commitments, including voluntary socio-environmental commitments. Information platform for commitment management.</p>	<p>Goal (2021): 1 Protocol approved.                      Goal (2022): 1 Platform presented.                      Goal (2023-2025): 1 annual report on the implementation of the guidelines.</p>	<p>The protocol was not approved in 2021, nor is there an implementation progress report as of August 2022.</p>

- d) *State actions to ensure that the NCP participates in these efforts and receives sufficient resources to prioritize the promotion of due diligence among companies.*

There is no information available from the National Contact Point - Proinversion to report on the implementation of the programmed actions.

**OECD RECOMMENDATION:**

**GIVEN THAT A LARGE PROPORTION OF SOCIAL CONFLICTS ARE RELATED TO THE MINING AND EXTRACTIVE SECTORS, PRIORITY SHOULD BE GIVEN TO PROMOTING DUE DILIGENCE GUIDANCE RELEVANT TO THESE SECTORS, NAMELY THE OECD DUE DILIGENCE GUIDANCE FOR RESPONSIBLE MINERAL SUPPLY CHAINS IN CONFLICT OR HIGH-RISK AREAS AND THE OECD DUE DILIGENCE GUIDANCE FOR MEANINGFUL STAKEHOLDER ENGAGEMENT IN THE EXTRACTIVE SECTOR.**

- a) *Actions to promote the OECD due diligence guidelines for 1) responsible supply chains for minerals in conflict or high-risk areas and 2) guidance for meaningful stakeholder engagement in the extractive sector.*

The NAP has considered 5 actions related to due diligence issues, as well as the prevention of social conflict. In the guidelines addressed to the business sector for the implementation of due diligence mechanisms in areas such as mining, hydrocarbons and protection of human rights defenders, the following actions were included

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 68: Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous	Guidelines developed and publicly presented. Follow-up reports on the implementation of the guidelines. The action is in	Goal (2021): 1 coordination space for the development of guidelines, formed. Goal (2022-2025): 4 guides	The coordination space planned for 2021 has not been created, nor does it have, as of August 2022, a progress report on the im-

peoples and trade unions, specific guides for the business sector for the implementation of due diligence mechanisms.	charge of MIN-JUSDH with the collaboration of competent public entities.	per year. Goal (2022-2025): 1 annual report on the implementation of the guidelines.	plementation of the action.
Action N° 70: Produce an instrument for use by the business sector, referring to the prevention of social conflict and CER, within the framework of the National Action Plan on Business and Human Rights.	Due diligence guidelines for small-scale mining units developed, submitted and implemented. Follow-up reports on the implementation of the guide.	Goal (2022): Guidance developed, presented and implemented. Goal (2023-2025): 1 annual report on the implementation of the guide.	There is no progress report on the implementation of the action.
Action N° 71: Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous peoples and trade unions, specific guides for the business sector for the implementation of due diligence	Due diligence guide on human rights defenders prepared and publicly presented.	Goal (2021): 1 working group formed and designated for the development of the guide. Goal (2021): 1 guide on the protection of human rights defenders.	The working group was not formed in 2021 and there is no progress report on the implementation of the action as of August 2022.

mechanisms for human rights defenders.			
Action N° 87: Progressively create and implement a mechanism for follow-up, monitoring and voluntary reporting of corporate due diligence mechanisms implemented by formal sector associations and companies, with the participation of the business sector, civil society organizations, indigenous peoples, trade unions and the competent state sector.	Follow-up and monitoring mechanism for business sector due diligence mechanisms.	Goal (2022): 1 regulated follow-up and monitoring mechanism. Goal (2023-2025): 1 annual report on progress and challenges in due diligence mechanisms in the business sector.	As of August 2022, there is no progress report on the implementation of the action.
Action N° 36: Strengthen the State's response strategy and operational capacity in the prevention and attention to social conflict sce-	Guidelines for the Executive Branch, Regional and Local Governments for the prevention and management of social conflict, inclu-	Goal (2022): 1 regulated follow-up and monitoring mechanism. Goal (2023-2025): 1 annual report on progress and cha-	As of August 2022, there is no progress report on the implementation of the action.

narios with a PR-CER approach.	ding the PR-CER approach.	llenges in due diligence mechanisms in the business sector.	
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No information has been found provided by the Ministry of Energy and Mines or by the NCP, being that action No. 70 will be carried out in coordination with MINEM.

**OECD RECOMMENDATION:**

**PERU SHOULD ENSURE THAT INDIGENOUS PEOPLES AND HUMAN RIGHTS DEFENDERS ARE EFFECTIVELY PROTECTED FROM NEGATIVE IMPACTS ARISING FROM FORMAL AND INFORMAL BUSINESS OPERATIONS. THIS APPLIES PARTICULARLY TO IMPACTS LINKED TO LARGE-SCALE PROJECTS, ESPECIALLY IN HIGH-RISK SECTORS SUCH AS MINING, OIL AND GAS, AND AGRI-FOOD. IN DOING SO, PERU SHOULD ADDRESS THE SHORTCOMINGS IDENTIFIED IN THE IMPLEMENTATION OF ITS PRIOR CONSULTATION LAW. PERU SHOULD ALSO INCREASE THE PROTECTION OF HUMAN RIGHTS DEFENDERS AND RAISE AWARENESS AMONG COMPANIES ABOUT THE NEED TO INVOLVE THEM IN DUE DILIGENCE PROCESSES. THE NCP SHOULD PLAY A ROLE IN THIS REGARD, THROUGH ADVOCACY ACTIVITIES, AND BY HANDLING CASES BROUGHT BY INDIGENOUS PEOPLES AND HUMAN RIGHTS DEFENDERS.**

*a) State regulations or actions aimed at protecting indigenous peoples and human rights defenders from the negative impacts of formal and informal business operations, especially those linked to large-scale projects, particularly in high-risk sectors such as mining, oil and gas, and agribusiness.*

The NAP 2021-2025 considers that trade unions are part of the human rights defenders. In this sense, it has adopted actions focused on promoting a change in the culture regarding the way trade unions are viewed and actions aimed at the intersectoral mechanism for the protection of human rights defenders.



It is important to mention that a significant number of social conflicts in the country are related to mining, oil, gas and agribusiness activities. In this regard, it should be noted that, according to a report by the Ombudsman Office in August 2022, 72.9% of the conflicts registered in Peru are of a socio-environmental nature<sup>4</sup>, so the NAP considered the importance of focusing on the environmental aspect in a cross-cutting manner within strategic actions on social conflicts. In this regard, 3 actions have been adopted to prevent violations against indigenous peoples and human rights defenders.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 10: Promote a change in the culture of trade unions as defenders of human rights. This action is in charge of the MTPE.	a) Number of people trained in the area of union participation as human rights defenders, considering the business and human rights approach.	a) Goal (2022): 120 people trained. Goal 2023-2025: To be defined based on the number of people trained in 2022.	The Ministry of Justice and Human Rights, in coordination with the Ministry of Labor and Employment Promotion and the four Peruvian trade union centers, with technical assistance from the ILO, developed a training workshop in May 2022, aimed at their national leaders. The workshop also approved a methodology and a decentralized training stra-

4 See Defensorial Report No. 222, 2022, p. 20.

			<p>tegy aimed at the regional federations of the four trade union centers.</p> <p>Accordingly, between August and September 2022, with technical assistance from ILO and UNDP, 270 regional leaders from Ica, Cusco, Ucayali, Cajamarca and Piura were trained. In all cases, the focus of the workshops was the human rights approach, RBC, labor rights as human rights and the work of trade unions as human rights defenders.</p>
	<p>b) Percentage of trained persons who effectively participate in labor unions.</p>	<p>b) Goal (2022): 60%. Goal (2023-2025): To be defined based on the percentage established in 2022.</p>	<p>Taking into account the two aforementioned training spaces, 100% of those trained actually participate in trade unions.</p>

Action N° 48: Evaluate the implementation process of the Intersectoral Mechanism for the protection of human rights defenders, incorporating the business and human rights approach.	Annual evaluation report on the implementation of the intersectoral mechanism for the protection of human rights defenders.	Goal (2022): First evaluation report on the implementation of the Intersectoral Mechanism for the Protection of Human Rights Defenders.	As of August 2022, there is no progress report on the implementation of the action.
Action N° 89: Disseminate information on how to access the Intersectoral Mechanism for the Protection of Human Rights Defenders.	a) Disseminate information on how to access the Intersectoral Mechanism for the Protection of Human Rights Defenders. Responsible for this first indicator are: MIN-JUSDH, MIN-CUL, MINAM	a) Goal (2021): Informative and dissemination graphic material on protection mechanisms for human rights defenders, with cultural and linguistic relevance.	The graphic, informative and dissemination material on the mechanism for the protection of human rights defenders, which was scheduled for dissemination in 2021, was not disseminated. As of August 2022, no progress report on the implementation of the action is available at .
	b) Prepare a report on the situation of environmental defenders. MINAM is responsible for this indicator.	b) Goal (2022): Report on the situational status of environmental defenders.	As of August 2022, there is no progress report on the implementation of the action.

**b) Standards or actions aimed at strengthening prior consultation to protect indigenous peoples and human rights defenders.**

The institution in charge of implementing the obligation to carry out the free, prior and informed consultation provided for in ILO Convention 169, to which Peru is a State Party, is the Ministry of Culture. In this regard, the national policy for the mainstreaming of the intercultural approach<sup>5</sup> included as its Guideline 2: Guarantee the exercise of the collective rights of indigenous peoples through the consolidation of the legal framework and the strengthening of the institutional framework in the field of interculturality. In its point 6, it also states that the policy will seek to “Promote, through processes of Prior Consultation and participation mechanisms, spaces for intercultural dialogue that will generate channels of exchange and communication with indigenous peoples”. However, the policy has no specific actions, indicators or goals. Likewise, to date there is no progress report on the implementation of the national policy.

However, since the NAP 2021-2025, the topic of indigenous peoples was included as part of the diagnoses and baselines for the development of strategic actions. As a result, an action was adopted aimed at strengthening the consultation processes with indigenous peoples based on ILO Convention No. 169 and the CER. This action is in charge of MINJUSDH and is carried out jointly with MINCUL.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 19: Formulate a proposal to strengthen the implementation of prior consultation, based on ILO Convention N° 169 and the PR-	Technical report on the status of the implementation of prior consultation and proposals for measures to strengthen it.	Goal (2021): Intersectoral space installed. Goal (2022): 1 technical report of the proposal on the status of implementation of prior consulta-	To date, the intersectoral space has not been established and, therefore, no progress has been made on the following indicators and

<sup>5</sup> The national policy for the transversalization of the intercultural perspective was published in October 2015 through Supreme Decree No. 003-2015-MINCUL. See at <https://www.gob.pe/institucion/cultura/normas-legales/206210-003-2015-mc>

CER framework, considering the development of productive activities in a context of sustainable development of the country, with the participation of the competent state entities.		tion and proposals for measures to strengthen it. Goal (2023-2025): 1 annual report on the implementation of the proposed activities and progress of the intersectoral team, as well as the proposed measures to strengthen the implementation of prior consultation.	goals.
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It is important to mention that in March 2022, the Constitutional Court issued a decision (Case N° 03066-2019-PA/TC), which declared by simple majority that an amparo lawsuit filed by the Chila Chambilla and Chila Pucará peasant communities against the Ministry of Energy and Mines (MINEM) and another was not admissible. In this judgment it was stated that the right to prior consultation is not recognized in the Peruvian Constitution, and therefore it will not be considered as a fundamental right. As a consequence of this, after this judgment, it will not be possible to claim the protection of this right through an amparo proceeding, which is a preferential and summary proceeding. This sentence constitutes, in this sense, a setback in the protection of the right to prior consultation recognized by ILO Convention 169, collides with the jurisprudence of the Inter-American Court and, in addition, does not agree with the public policy on RBC and, specifically with the NAP 2021-2025, which includes actions for its strengthening. The Ombudsman Office has expressed its concern and a position similar to the one presented here.<sup>6</sup>

<sup>6</sup> For further information, please refer to the March 2022 press release from the Ombudsman's Office, which opposes the ruling of the Constitutional Court. Retrieved from: <https://www.defensoria.gob.pe/defensoria-del-pueblo-rechaza-sentencia-del-tribunal-constitucional-que-desconoce-consulta-previa-a-los-pueblos-indigenas-como-derecho-fundamental/>

State standards or actions to increase the protection of human rights defenders and raise awareness among companies about the need to involve them in due diligence processes.

The NAP 2021-2025 has focused its actions on highlighting the importance of companies incorporating due diligence actions into their production processes. In this regard, a specific action was adopted that proposes the creation of a due diligence guide on issues related to human rights defenders. The characteristic of the due diligence guides that will be developed in compliance with this task is that their development should be coordinated between different sectors, i.e., human rights defenders, indigenous peoples, companies, among others, which will allow the mechanisms to be implemented to be participatory.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 71: Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous peoples and trade unions, specific guides for the business sector for the implementation of due diligence mechanisms for human rights defenders.	Due diligence guide on human rights defenders prepared and publicly presented.	Goal (2021): 1 working group formed and designated for the development of the guide. Goal (2021): 1 guide on the protection of human rights defenders.	The working group has not been formed and, therefore, the other goals are also not being met.

***c) NCP actions to promote the protection of human rights defenders and raise awareness among companies, and manage cases brought by indigenous peoples and human rights defenders***

In the NAP 2021-2025, only one action was proposed with the collaboration of the NCP that is linked to training topics with a PR-ER approach, among which indigenous peoples and human rights defenders are considered. In this regard, Action No. 1 proposes: To create and implement a permanent training program on PR-ERC and other international standards, from the leadership of the Justice and Human Rights sector, aimed at officials, managers and public servants at all hierarchical levels and in all subnational and national state sectors. In this regard, there is no information on the progress of the implementation of this measure.

## **CHAPTER IV**

### **IMPLEMENTATION OF OECD RECOMMENDATIONS AIMED TO ENSURE LABOR RIGHTS AND ADDRESS THE SERIOUS PROBLEM OF INFORMALITY IN THE COUNTRY**

**OECD RECOMMENDATION:**

**PERU SHOULD INCREASE ITS INSTITUTIONAL PRESENCE AND LAW ENFORCEMENT CAPACITY WITH REGARD TO THE PROTECTION OF HUMAN RIGHTS, ESPECIALLY IN (REMOTE) REGIONS AND WITH RESPECT TO THE INFORMAL ECONOMY. IN ADDITION TO GENERAL EFFORTS TO BRING BUSINESSES OUT OF INFORMALITY, PERU SHOULD TAKE MEASURES TO DETECT AND ADDRESS HUMAN RIGHTS VIOLATIONS IN THE INFORMAL SECTOR.**

***a) Standards, policies or actions implemented by the national or subnational State to duly enforce legislation that addresses the problem of the informal economy, especially in regions***

The issue of the informal economy has been addressed through two public policies: the National Competitiveness and Productivity Plan 2019-

2030 (hereinafter, NCPP)<sup>7</sup> and the National Action Plan on Business and Human Rights 2021-2025<sup>8</sup>.

In the first place, the NCPP considers within priority objective No. 5: "To create the conditions for a dynamic and competitive labor market for the generation of decent employment". To this end, it establishes 3 guidelines: 1) Generate and improve mechanisms for the transition from informality to formality in employment, with greater productivity, 2) Review and adapt the regulatory framework and employment services according to the needs of the labor market, considering the dialogue between employers, workers and government, and 3) Improve the processes for monitoring compliance with labor and current obligations. The proposed guidelines are broken down into 8 policy measures, which are outlined below:

- Updating of the labor regulatory framework
- Part-time work
- Telework
- Modernization of the MSE regime
- Improvement of the legal framework for training modalities
- Restructuring of insertion and employability promotion programs
- Modernization of the National Employment Service
- Modernization of the Labor Inspection System

A key aspect of the formalization process lies in the implementation of timely, sufficient and adequate audit actions. In 2020, the number of closed programmed inspection orders (operations), which complied with the requirement measure (culminated in the report), will be reduced by 48.8 % compared to 2019. In this sense, shows that the programmed audit orders (operatives) decreased that year due to the effect of the pandemic, therefore, this is what explains why the programmed audit orders that complied with the requirement measure decreased<sup>9</sup>. (MEF, 2021, p.8-9)

Secondly, within the NAP, the issue of informality was considered within the actions N<sup>o</sup> 23 and 49. The first refers to the need to integrate appro-

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7 This public policy was approved by Supreme Decree No. 237-2019-EF.

8 This public policy was approved by Supreme Decree No. 009-2021-JUS.

9 For more information, the 2020 Implementation Assessment Report of the National Competitiveness and Productivity Policy 2019 - 2030 can be consulted. Retrieved from: [https://www.mef.gob.pe/contenidos/acerc\\_mins/doc\\_gestion/PNCP\\_Formato\\_2\\_Informe\\_Evaluacion\\_Implementacion.pdf](https://www.mef.gob.pe/contenidos/acerc_mins/doc_gestion/PNCP_Formato_2_Informe_Evaluacion_Implementacion.pdf)



appropriate measures to contribute to formalization through the public procurement regime. In this regard, the NAP considers that the framework of the Guiding Principles can contribute to reduce informality by influencing aspects related to public procurement, and at the same time contribute to the formalization of small, medium and micro enterprises, including those that are part of the supply chains. Thus, Peru must continue to make progress in ensuring that public procurement excludes companies that directly, or through their supply chains, engage in forced labor, the worst forms of child labor, and other serious human rights violations. Similarly, the State should promote measures so that through public procurement, companies and their supply chains are encouraged to respect human rights (Ministry of Justice and Human Rights, 2021, p.73).

The second action emphasizes child labor in informal spaces in production chains. This is due to the fact that, as the OECD study specified when referring to the public policies of responsible business conduct, “child labor is still widespread in Peru and is a predominant phenomenon in the informal sector” (OECD, 2020, p.41), so action No. 49 focused on strengthening a public policy of business conduct in sectors not served in the informal sector of the economy. These actions are aligned with the OECD Guidelines for Multinational Enterprises.

Action contemplated in the NAP	indicator	goal	Implementation progress
<p><b>Action #23:</b> Evaluate, based on the status report, the incorporation of appropriate measures to contribute to formalization through the public procurement system; as well as prevent</p>	<p>Report that, based on the assessment of the situation, appropriate measures should be identified to contribute to formalization, prevent the State from contracting with companies that incur in</p>	<p>Goal (2023): Report identifying appropriate measures.</p> <p>Goal (2023-2025): Annual report on measures implemented.</p>	<p>In 2023, should have published the first report identifying the appropriate measures to contribute to formalization through the public procurement regime. However, as of August 2022,</p>

<p>the State from contracting with companies that commit serious human rights violations, specifically those related to forced labor and the worst forms of child labor, directly or through their supply chain; and promote and guarantee respect for human rights by companies in their supply chains.<sup>10</sup></p>	<p>serious human rights violations, directly or through their supply chain; and promote that companies and their supply chains respect human rights.</p>		<p>there is no report on whether such a report is being prepared.</p>
<p><b>Action #49:</b> Prepare a study that includes an analysis and situational status of child labor in the informal sector.</p>	<p>Study of the analysis and situational status of child labor in the informal sector and production chains.</p>	<p>Goal (2023): To have a respective Study on child labor in the informal sector.</p>	<p>In 2023, should have published the first report identifying child labor in the informal sector and production chains. However, as of August 2022, there is no report available on whether this report is being prepared.</p>

Source: NAP 2021-2025

<sup>10</sup> This action would be in charge of MINJUSDH, OSCE, MEF, PERU COMPRAS in coordination with other competent entities.

**b) Standards, policies or actions aimed at bringing enterprises out of informality and to detect human rights violations in the informal sector.**

The NAP has adopted four actions aimed at reducing the levels of informality in public and private companies through economic formalization, providing services through the “Formaliza Perú” Integrated Center and due diligence actions.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 63: Strengthen the supervision of public and private companies regarding compliance with regulations related to economic formalization.	a) Number of workers incorporated in the registry of workers on the payroll.	Goal (2021): 78,000. Goal (2022): 80,000. Goal (2023): 85,000. Goal (2024): 90,000. Goal (2025): 95,000.	As of August 2022, no progress reports on the implementation of this action are available at.
	b) Number of inspections on social benefits (bonuses, CTS and vacations) to private companies.	Goal (2021): 11,000. Goal (2022): 11,500. Goal (2023): 12,000. Goal (2024): 12,500. Goal (2025): 13,000.	As of August 2022, there are no progress reports on the implementation of this action.
	c) Number of inspections on social benefits (bonuses, CTS and vacations)	Goal (2021): 10. Goal (2022): 12. Goal (2023): 14. Goal (2024): 16. Goal (2025): 18.	As of August 2022, there are no progress reports on the implementation of

	to public companies.		this action.
Action N° 64: Implement the services of the Integrated Center "Formaliza Perú", at national level.	Number of Regions that have implemented the Formaliza Perú Integrated Center	Goal (2025): 24 regions implemented.	Implementation progress will be reported in 2025.
Action N° 69: Produce, in coordination with the business sector, organized civil society and the competent state sector, a guide aimed at the micro and small business sector to promote their formalization and, progressively, a culture of due diligence.	Due diligence guide for micro and small companies prepared, presented and implemented.	Goal (2022): Guidance developed, presented and implemented.	Not implemented.
	Follow-up reports on the implementation of the guide.	Goal (2023-2025): 1 annual report on the implementation of the guide.	In 2023, the progress of the implementation of the guide will be reported.
Action #70: Produce, in coordination with the business sector, organized civil society and the competent state sector, a guide aimed at small-scale mining units to promote their for-	Due diligence guidance for small-scale mining units developed, submitted and implemented.	Goal (2022): Guidance developed, presented and implemented. Goal	Not implemented.
	Follow-up reports on the implementation of the guide.	Goal (2023-2025): 1 annual report on the implementation of the guide.	Progress on the implementation of this action will be reported in 2023.

malization and, progressively, a culture of due diligence.			
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The National Policy for Decent Employment (hereinafter, PNED) published in 2021<sup>11</sup>, is a public policy instrument adopted by the Ministry of Labor and Employment Promotion focused on to address the problem of “the high deficit of decent employment for women and men in their diversity” (p.5). In this regard, two of the six priority objectives set out in the policy refer to aspects of the fight against informality. Objective No. 3 refers to: increasing the generation of formal employment in productive units and objective No. 4 to expanding access to social protection, rights and social benefits for workers. Objective No. 3 is aimed at companies, with special emphasis on productive units and enterprises. Thus, it contemplates 7 guidelines.

- Expand the supply of sources of financing for established productive units and/or start-up ventures.
- Provide information and advice on alternative sources of financing for drivers of established productive units and start-up businesses.
- Improve the capacities and actions for the development of business management skills, innovation and technology adoption of the drivers of productive units and enterprises (including the self-employed).
- Simplify tax regimes for smaller productive units.
- Implement services and programs that promote the access of productive units to new markets.
- Develop strategies and spaces that promote associativity and strengthen the value chains of productive units.
- Improve control tools, the dissemination of regulations and processes to combat business informality, and ensure continuity within the formalization process.

Likewise, in August 2022, the Ministry of Labor and Employment Promotion set up a “Working Group in charge of proposing specific mechanisms for the promotion and formalization of productive self-employment under decent work conditions”. This roundtable will last 90 days to prepare a work plan and policy guidelines and a proposal for a service model to support

productive self-employment<sup>12</sup>. In this regard, the level of progress of this measure has not been recorded.

### OECD RECOMMENDATION:

**PERU SHOULD ENSURE THAT A STRONG AND PARTICIPATORY LEGAL AND REGULATORY SYSTEM FOR THE PROTECTION OF LABOR RIGHTS IS MAINTAINED. IN PARTICULAR, IT SHOULD SIGNIFICANTLY REDOUBLE ITS EFFORTS TO DETECT AND ADDRESS LABOR RIGHTS VIOLATIONS BY COMPANIES BY INCREASING THE STAFF, INDEPENDENCE AND AUTHORITY OF SUNAFIL.**

*a) Standards, policies or actions to ensure the maintenance of a strong and participatory legal and regulatory system for the protection of labor rights.*

The NAP has considered 3 actions aimed at strengthening the labor rights protection system in public and private companies, with special emphasis on vulnerable populations.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 26: Promote the adaptation of the labor regulatory framework in order to protect LGB-IT people from a differential approach.	Proposals for regulatory modification to include legal categories for the protection of LGBTI persons.	Goal (2023): Elaboration of normative proposal.	Progress on the implementation of this action will be reported in 2023.
	Regulatory proposals that recognize labor and social security rights for LGBTI couples.	Goal (2022): Preparation of technical report supporting normative proposals for the	There is no implementation progress report.

<sup>12</sup> For further information, please refer to Ministerial Resolution No. 229-2022-TR. Recuperado de: <https://cdn.www.gob.pe/uploads/document/file/3500187/RM%20N%C2%B0229-2022-TR.pdf?v=1660606964>

		recognition of labor rights and social security for same-sex couples.	
Action #85: Adopt measures to avoid real and potential risks to the safety and health of workers.	a) Number of trainings and/or orientations in the area of occupational health and safety.	Goal (2021): 900 orientations. Goal (2022): 930 orientations. Goal (2023): 960 orientations. Goal (2024): 990 orientations. Goal (2025): 1020 orientations.	As of August 2022, there is no progress report on implementation of this action.
	b) Number of companies audited for occupational health and safety.	b) Goal (2021): 1950 inspections. Goal (2022): 1970 inspections. Goal (2023): 1990 inspections. Goal (2024): 2010 inspections. Goal (2025): 2030 inspections.	As of August 2022, there is no progress report on the implementation of this action.
Action N° 63: Strengthen the supervision of public and private companies regarding compliance with regulations related to economic formalization.	a) Number of workers incorporated in the registry of workers on the payroll.	Goal (2021): 78,000. Goal (2022): 80,000. Goal (2023): 85,000. Goal (2024): 90,000. Goal (2025): 95,000.	As of August 2022, there is no progress report on the implementation of this action.

	b) Number of inspections on social benefits (bonuses, CTS and vacations) to private companies.	Goal (2021): 11,000. Goal (2022): 11,500. Goal (2023): 12,000. Goal (2024): 12,500. Goal (2025): 13,000	As of August 2022, there is no progress report on the implementation of this action.
	c) Number of inspections on social benefits (bonuses, CTS and vacations) to public companies.	Goal (2021): 10. Goal (2022): 12. Goal (2023): 14. Goal (2024): 16. Goal (2025): 18.	As of August 2022, there is no progress report on the implementation of this action.

On the other hand, in its priority objective N<sup>o</sup>4, the PNED proposes to expand access to social protection, rights and social benefits for workers through the following actions;

- Expand mechanisms and/or alternatives for health insurance and pension coverage for workers.
- Expand the control capacity of the competent authorities in occupational health and safety and labor matters.
- Implement actions to promote the formalization of labor formalization of women and men in their diversity from the productive units.
- Progressively update and expand the coverage of the list of economic activities for the benefit of occupational risk insurance.
- Implement mechanisms to protect workers from job and/or income loss.
- Disseminate knowledge about workers' rights.
- Promote social dialogue that contributes to decent employment among social actors.

The PNED has only recently been published, so there are still no progress reports on its implementation.



***b) Standards, policies or actions to strengthen SUNAFIL (increasing personnel, independence and authority)***

The PNED establishes in Guideline 4.2. that it is necessary to expand the inspection capacity of the competent authorities in occupational health and safety and labor matters, where the inspection service is considered through the use of information and communication technologies (ICT), this service would be in charge of SUNAFIL. There is no information on implementation reports.

**OECD RECOMMENDATION:**

**PERU SHOULD REDOUBLE ITS EFFORTS TO ENSURE FULL IMPLEMENTATION OF THE RIGHT TO FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING BOTH IN LAW AND IN PRACTICE, AS RECOMMENDED BY THE ILO SUPERVISORY BODIES. TO SUPPORT THESE EFFORTS, THE NCP SHOULD PRIORITIZE THE PROMOTION OF THE OBJECTIVES OF CHAPTER V OF THE GUIDELINES AMONG COMPANIES, EMPLOYERS' ORGANIZATIONS AND TRADE UNIONS.**

***a) Standards, policies, or actions to ensure full implementation of the right to freedom of association and collective bargaining in law and practice, as recommended by the ILO.***

The National Policy on Decent Employment establishes two guidelines aimed at strengthening aspects related to collective bargaining and social dialogue: The first, guideline 4.6, states: "Disseminate knowledge of workers' rights", and to this end it specifies two actions:

- Information and guidance services for collective bargaining and unionization.
- Information services for the development and strengthening of social security culture.

In second place, guideline 4.7 proposes "Promoting social dialogue that contributes to decent employment among social actors"; and, for this purpose, proposes the implementation of 3 services: (i) Management of spaces and processes for dialogue and/or consultation on socio-labor issues, (ii) Technical assistance to the technical secretariats of the regional labor and employment promotion councils and other regional spaces for socio-labor dialogue, and (iii) technical training for actors participating in socio-labor dialogue.

The PNED does not specify the goals to be achieved in this regard during the period from 2022 to 2025. It only establishes the services to be provided. According to the report on compliance with the implementation of the PNED, with respect to guideline No. 4, it is reported that in 2021, 6 spaces and dialogue processes managed as scheduled were completed. According to the Technical Secretariat of the National Council for Labor and Employment Promotion (CNTPE), this result was due to the availability of financial, human and technological resources to carry out social dialogue activities.

Likewise, in 2021, the number of technical assistances for regional socio-labor dialogue provided amounted to 18, equal to the programmed target. The most important reason for achieving the goal was the planning and constant monitoring of the activity by the CNTPE Technical Secretariat team. Regarding technical training for the actors participating in the socio-labor dialogue. The CNTPE Technical Secretariat carried out 6 technical trainings on the use of dialogue tools with results.

It should be noted that the two PNED actions mentioned above are mainly aimed at promoting knowledge in the area of collective bargaining and social dialogue, but not necessarily at guaranteeing access to these rights in practice.

Similarly, the NAP 2021-2025 establishes a set of actions to raise awareness of labor rights, especially in the production chain. Thus, action No. 84 foresees "Provide information and raise awareness on due diligence on respect for collective labor rights throughout the supply chain", for which purpose the 2022 will develop an information booklet on due diligence measures on respect for collective labor rights throughout the supply chain.

***b) Policies or actions by the NCP to promote the objectives of Chapter V of the OECD Guidelines to companies, employers' organizations and trade unions.***

There is no report on actions implemented by the NCP to achieve the objectives of Chapter V of the OECD Guidelines.

**OECD RECOMMENDATION:**

**THE GOVERNMENT SHOULD ENSURE THAT LABOR LAWS AND REGULATIONS ARE ENFORCED, PARTICULARLY THOSE RELATING TO KEY ISSUES SUCH AS FORCED AND CHILD LABOR, AS WELL AS NON-DISCRIMINATION. IT SHOULD ALSO ENSURE THAT THE RELEVANT AUTHORITIES (AT CENTRAL AND REGIONAL LEVELS) HAVE SUFFICIENT RESOURCES AND CAPACITY TO MONITOR COMPANY COMPLIANCE AND RESPOND TO ANY VIOLATIONS. IN PARTICULAR, THE GOVERNMENT SHOULD ENSURE THAT THE NCP IS SUFFICIENTLY VISIBLE AND ACCESSIBLE, AND HAS SUFFICIENT EXPERTISE AND CAPACITY TO PROMOTE COMPANY COMPLIANCE WITH THE GUIDELINES, AS WELL AS TO EFFECTIVELY MANAGE RELATED CASES.**

*a) Standards, policies, or actions to ensure compliance with regulations concerning forced and child labor and nondiscrimination.*

The NAP addressed the issue of child labor as one of 23 prioritized diagnostic and baseline issues. The issue of forced labor was taken into account in a cross-cutting manner. Thus, Action No. 21 proposes garantizar que todas las formas peligrosas de trabajo queden prohibidas para los menores de 18 años. The indicator for which is to prepare a technical report proposing a list of hazardous jobs drawn up as part of the activities of the National Steering Committee for the Prevention and Eradication of Child Labor (CPETI).

Action No. 23 establishes to evaluate, based on the status assessment report, the incorporation of appropriate measures to contribute to formalization through the public procurement system; to prevent the State from contracting with companies that commit serious human rights violations, specifically those related to forced labor and the worst forms of child labor, directly or through their supply chain; and to promote and guarantee respect for human rights by companies in their supply chains.

Action No. 49 proposes to prepare a study that includes an analysis and situational status of child labor in the informal sector. The target date for this action is 2023, so there is still no progress report on its implementation.

The National Strategy for the Prevention and Eradication of Child Labor (ENPETI) 2012-2021 has 6 objectives: Increase timely completion of basic education and creative use of free time by children and adolescents, Reduce social tolerance of child labor, Improve working conditions for permitted adolescent labor, Increase and strengthen detection, protection and sanction services against hazardous child labor and child and adolescent exploitation, and Identify child labor and generate information and knowledge.

The progress of ENPETI is reported in the annual reports of the National Plan for Children and Adolescents 2012-2021. Thus, the IX NPCA) report for the year 2021, states that by 2020 there was an increase in the percentage of children and adolescents working below the minimum age. In this way, it is observed that at the national level there was an increase from 17.2% (2019) to 20.1% (2020), which means an increase of 2.9 percentage points. Likewise, in 2020 there is an increase in the number of weekly hours worked by children and adolescents working under the minimum age.

The ENPETI has proposed that by 2021, 0% of children and adolescents between 5 and 13 years of age who work below the minimum age should be reached, and the indicator value in 2012. The baseline was 22.2%, so the initial gap was 22.2 percentage points. According to preliminary information for 2020 the value is 20.1%,

The IX ENPETI report has pointed out that there are difficulties in the area of child labor, such as: Lack of consolidation of intersectoral articulations or coordination for the development of comprehensive interventions in the territory. This, considering that the most effective strategies to address child labor, as a public problem, require concerted efforts by the different sectors of public management, in addition to key organizations, such as employers, workers and civil society.

- Health measures to control the spread of COVID-19 have limited access to the population of children, adolescents, fathers and mothers who are agricultural producers in rural areas to disseminate information and raise awareness about child labor.
- The constant changes or rotations of personnel in the DRTPE/GRT-

- PE, delay the development of public policy interventions.
- The implementation of remote care is limited by the digital divide faced by users.

The National Plan to Combat Forced Labor has two objectives: to develop an adequate institutional response capacity of the State for the prevention and eradication of forced labor and to reduce the population's tolerance of forced labor. The National Plan to Combat Forced Labor has the following specific objectives: To generate and disseminate information on the prevalence, characteristics and risk factors of forced labor in the areas of greatest vulnerability to forced labor, and on the services available in the country to prevent, identify and report forced labor. The Plan to Combat Forced Labor, however, does not have an implementation report.

***b) Policies or actions to ensure that national and regional authorities have sufficient resources and capacity to monitor compliance by companies and to respond to any violations***

There is no information on the resources and capacities of national and regional authorities to monitor the compliance of companies to prevent human rights violations.

***c) Actions to ensure that the NCP is sufficiently visible and accessible, and has sufficient expertise and capacity to promote corporate compliance with the OECD Guidelines, as well as to effectively handle related cases***

In the NAP, the NCP has a joint action with MINJUSDH focused on training issues that requires the creation and implementation of a permanent training program on PR-CER and other international standards, from the Justice and Human Rights sector, aimed at public officials, managers and civil servants at all hierarchical levels and in all subnational and national state sectors. There is no progress report on the implementation of this action.

Chapter IV: Implementation of OECD recommendations aimed at guaranteeing the right to the environment: environmental justice, deforestation and damage to biodiversity; mining sector.

**OECD RECOMMENDATION:  
THE GOVERNMENT SHOULD ENCOURAGE COMPANIES, AS PART OF THEIR SUPPLY CHAIN DUE DILIGENCE PROCESSES, TO IDENTIFY, ADDRESS AND IMPLEMENT EXPECTATIONS RELATED TO CLIMATE CHANGE ADAPTATION AND RESILIENCE AND GHG EMISSION REDUCTION TARGETS, IN PARTICULAR WITH RESPECT TO IDENTIFIED PRIORITY SECTORS.**

*Policies or actions aimed at companies identifying measures related to climate change in their due diligence processes.*

The NAP 2021-2025 establishes that the National Environmental Action Plan and the National Environmental Policy include the RBC approach in their regulations. In this sense, two goals have been established for each indicator, establishing that the approach must be incorporated for actions related to environmental issues, but also establishing that, between 2023 and 2025, there will be a report on the progress of policy implementation. The Ministry of the Environment is in charge of the action.

Action contemplated in the NAP	indicator	goal	Implementation progress
No. 45 of the NAP incorporates RBC into environmental care. In this way, it expresses: To expressly incorporate the PR-CER approach in the actions related to climate change, biological diversity and environmental land use	a) National Environmental Action Plan, including or expressly contemplating the PR-CER approach in actions related to climate change, biological diversity and environmental land use planning.	a) Goal (2022): Express incorporation of the PR-CER approach in the next National Environmental Action Plan. Goal (2023-2025): Annual progress report on the implementation of the plan.	The National Environmental Action Plan has not yet been published, so the implementation of this action is still pending.

planning in the next National Environmental Action Plan and in the National Environmental Policy.	b) The National Environmental Policy expressly contemplates the PC- CER approach in the actions.	b) Goal (2022): Express incorporation of the PR- CER approach in the National Environmental Policy. Goal (2023-2025): Annual progress report on the implementation of the Policy.	The National Environmental Policy has not yet been published, so the implementation of this action is still pending.
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### **OECD RECOMMENDATION:**

**WITH THE OPENING OF NEW COURTS DEDICATED TO ENVIRONMENTAL ISSUES, IT IS NECESSARY TO CONTINUE DEVELOPING THE INSTITUTIONAL CAPACITY OF THE ENVIRONMENTAL JUDICIAL SYSTEM TO ENSURE ACCESS TO JUSTICE.**

#### ***a) Standards, policies or actions to strengthen the institutional capacity of the environmental justice system***

In June 2022, the National Commission for Environmental Management of the Judiciary presented the Environmental Justice Observatory, this space facilitates access to information for those in the justice system, human rights defenders, as well as citizens. The platform will contain information on environmental matters (procedural burden, types of proceedings and sentences by judicial district), jurisprudence and regulations. This instrument allows for follow-up and monitoring of environmental issues, thus strengthening the environmental system. The platform is supported by Derecho Ambiente y Recursos Naturales (DAR)<sup>13</sup>.

According to the “Specialization Course in Forestry and Wildlife Auditing for Judges and Civil Servants of the Judiciary”, this course was held

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<sup>13</sup> For further information, please visit the following link of the Observatory: <https://observatoriogeneroyjusticiaambiental.org/>

between the coordination of the Judiciary and the Forestry and Wildlife Resources Oversight Agency (OSINFOR, by its acronym in Spanish) with the aim of strengthening their skills and knowledge in the field of administrative auditing<sup>14</sup>.

**OECD RECOMMENDATION:**

**THE IMPACTS ON ENVIRONMENTAL RIGHTS IN PERU (WHICH ARE OFTEN LINKED TO NEGATIVE ENVIRONMENTAL IMPACTS OF LARGE-SCALE PROJECTS AND AFFECT INDIGENOUS PEOPLES) HIGHLIGHT THE NEED TO ENSURE STRONG REGULATORY PROTECTIONS AND ENFORCEMENT OF LEGISLATION TO PREVENT CORPORATE VIOLATIONS OF THE RIGHT TO A BALANCED ENVIRONMENT ADEQUATE FOR THE DEVELOPMENT OF LIFE, AS WELL AS THE NEED TO ENSURE THAT THE RIGHTS OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS ARE PROTECTED. THIS INCLUDES SAFEGUARDING ACCESS TO ENVIRONMENTAL INFORMATION, PUBLIC PARTICIPATION PROCESSES, AND ACCESS TO ENVIRONMENTAL JUSTICE THROUGH THE JUDICIAL SYSTEM. THE GOVERNMENT SHOULD PRIORITIZE RATIFICATION OF THE ESCAZÚ AGREEMENT AS A FIRST STEP IN ENSURING THESE PROTECTIONS.**

***a) Subscription and ratification of the Escazú Agreement***

The ratification of the Escazú Agreement (Legislative Resolution No. 239) was filed by the Foreign Affairs Committee of the Congress of the Republic. Thus, it ratified the negative opinion approved in October 2020. It is important to mention that the NAP did not adopt this recommendation within its Plan.

**OECD RECOMMENDATION:**

**THE GOVERNMENT COULD ENCOURAGE COMPANIES TO CONSIDER BIODIVERSITY-RELATED DEPENDENCIES, RISKS AND IMPACTS IN RISK-BASED DUE DILIGENCE PROCESSES.**

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<sup>14</sup> This course was organized jointly with the Peruvian Society of Environmental Law and the National Commission of Environmental Management of the Judiciary, with the support and technical assistance of USAID's FOREST Program and the U.S. Forest Service. For more information, please visit the following link:



**a) Policies or actions aimed at encouraging companies to consider biodiversity-related dependencies, risks and impacts in due diligence processes.**

Action contemplated in the NAP	indicator	goal	Implementation progress
<p>Action N° 46: Evaluate the aspects of the PR-CER approach that need to be considered in the citizen participation mechanisms in order to adopt the corresponding improvements, within the framework of the National Environmental Impact Assessment System.</p>	<p>Evaluation report on the incorporation of the PR-CER approach in the mechanisms for citizen participation, within the framework of the National Environmental Impact Assessment System.</p>	<p>Goal (2021-2022): 1 evaluation report on the aspects of the PR-ECR approach that need to be considered in citizen participation mechanisms. Goal (2022-2023): Regulations, guidelines, among others that include the PR-ER approach in citizen participation mechanisms, within the framework of the SEIA. Goal (2023-2024): Report on the implementation of regulations, guidelines, among others that include the PR-CER approach in citizen participation mecha-</p>	<p>There is no progress report on the implementation of this action.</p>

		<p>nisms, within the framework of the SEIA. Goal (2024-2025): Evaluation and follow-up report (feedback) on the implementation of regulations, guidelines, among others that include the PR-CER approach in the mechanisms for citizen participation, within the framework of the SEIA.</p>	
<p>Action N° 47: Evaluate the aspects of the PR-CER approach that need to be integrated into the guides, manuals and other documents of the National Environmental Impact Assessment System (SEIA), related to the role of the evaluating entities and project owners, in order</p>	<p>Guides, manuals and other documents for project evaluators and project owners within the SEIA framework, incorporating the PR-CER approach.</p>	<p>Goal (2021-2022): 01 evaluation report on the aspects of the PR-CER approach that need to be integrated into the guides, manuals and other documents of the National Environmental Impact Assessment System (SEIA), related to the role of the evaluating enti-</p>	<p>There is no progress report on the implementation of this action.</p>

<p>to adopt the corresponding improvements, as the case may be.</p>		<p>ties and project owners, with the purpose of adopting the corresponding improvements, as the case may be. Goal (2022-2023): Guides, manuals, among other SEIA documents that include the PR-CER approach, related to the role of the evaluating entities and project owners. .</p> <p>Goal (2023-2024): Report on the implementation of Guidelines, Manuals, among other SEIA documents that include the PR-CER approach, related to the role of evaluating entities and project holders. Goal (2024-2025): Evaluation and follow-up report (feedback) on the implemen-</p>	
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		<p>tation of the Guidelines, Manuals, among other SEIA documents, that include the PR-CER approach, related to the role of the evaluating entities and project holders.</p>	
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**OECD RECOMMENDATION:  
 DEFORESTATION COULD BE ADDRESSED BY ENFORCING THE  
 EXISTING REGULATORY FRAMEWORK AND BUILDING THE  
 CAPACITY OF LAW ENFORCEMENT INSTITUTIONS, PARTICULARLY  
 AT THE REGIONAL AND LOCAL LEVELS.**

***a) Norms, policies or actions aimed at strengthening state capacities to combat deforestation, especially in regional areas.***

Strategic Action No. 4.1 of the National Environmental Action Plan 2011-2021 proposed: Reduce the rate of deforestation of primary forests, promoting their conservation and sustainable use. To this end, 3 indicators were considered:

- Percentage reduction in the average annual rate of deforestation.
- Percentage of categorized forests incorporated into forest management.
- Percent reduction in greenhouse gas (GHG) emissions from land use, land-use change, and forestry (Uscuss).

According to the 2021 report of the National Environmental Action Plan, according to MINAM's Geobosques platform, by 2020, forest loss reached a rate of 203,272 hectares, the highest figure in the last twenty years.

Secondly, it is specified that, as of 2020, there was an area of 60 180 065 hectares of forests categorized at the national level within the framework of current forest management. The percentage has been calculated on the basis of the total forest area, which is 73,973,000 hectares.

Third, the DGCCD has prepared the National Greenhouse Gas Inventory 2016 (INGEI 2016). In said inventory for 2016, emissions from land use, land use change and forestry were 108 991.29 Gg CO<sub>2</sub>eq (representing 53 % of national emissions). Likewise, the INGEI shows that emissions from the LULUCF sector for the year 2000 were 160 218.12 Gg CO<sub>2</sub>eq (representing 72% of national emissions). Therefore, the percentage reduction of GHG emissions from the LULUCF sector in 2016 compared to 2000 is 32 %<sup>15</sup>.

Likewise, strategic action No. 4.2 Promote afforestation and reforestation at the national level as a means to improve, implement or create the provision of environmental services. To this end, 1 indicator was considered:

- Number of hectares forested and reforested.

In this regard, according to the 2021 report of the National Environmental Action Plan, it is not possible to determine the progress made because there is no baseline to do so. During 2020, a total of 6954.88 hectares of forest plantations were registered, but there is no goal established to measure the progress to 2020 with respect to the 2021 goal and its indicator<sup>16</sup>.

Likewise, the new National Environmental Action Plan has not yet been published, so there is no information on whether these objectives will remain and the level of progress made up to 2021. In the case of the NAP 2021-2025, no actions on this issue were contemplated within its policy.

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15 For more information, see the National Environmental Action Plan 2011-2021 report, p.55. Recuperado de: <https://cdn.www.gob.pe/uploads/document/file/2829472/REPORTE%20DE%20SEGUIMIENTO%20-PLANAA%20PER%20C3%9A%202011-2021%20-%20MINAM%20-%20DGPIGA.pdf>

16 idem, p. 56

**OECD RECOMMENDATION:**

**ENSURE THAT REGULATIONS THAT PROTECT HUMAN RIGHTS ARE EFFECTIVELY IMPLEMENTED AND THAT REMEDY MECHANISMS ARE AVAILABLE WHEN VIOLATIONS BY BUSINESS OCCUR, PARTICULARLY IN REMOTE REGIONS. TO THIS END, THE CAPACITY AND RESOURCES OF JUDICIAL AND NON-JUDICIAL MECHANISMS TO ADDRESS CORPORATE HUMAN RIGHTS VIOLATIONS SHOULD BE INCREASED. SPECIAL ATTENTION SHOULD BE PAID TO VIOLATIONS COMMITTED BY INFORMAL COMPANIES IN SPECIFIC SECTORS (SUCH AS MINING, OIL AND GAS AND AGRICULTURE), AND AGAINST VULNERABLE GROUPS.**

*a) Standards, policies or actions to enhance the capacity and resources of judicial and non-judicial mechanisms to address corporate human rights abuses*

In December 2021, a Supraprovincial Specialized Environmental Prosecutor's Office was created in Lima, with jurisdiction over the entire national territory. This was due to the fact that there was an overload of prosecutors in the specialized environmental prosecutor's offices, especially the specialized environmental prosecutor's office in Cusco and the specialized environmental prosecutor's office in Loreto<sup>17</sup>.

There is no information on the adoption of actions to provide greater capacity and resources to judicial and non-judicial mechanisms adopted on issues of human rights violations committed by companies in sectors such as mining, oil, gas and/or agriculture.

*b) Policies or actions to prioritize attention to violations committed by informal companies in mining, oil and gas, agriculture and against vulnerable groups.*

The NAP 2021-2025 has worked on strategic actions to seek formalization in public procurement and supply chains. In this regard, the first action seeks to prevent possible violations of human rights, with special emphasis on forced labor and the worst forms of child labor.

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<sup>17</sup> For further information, please refer to the Resolution of the Board of Public Prosecutors No. 090-2021-MP-FN-JFS. Retrieved from: <https://busquedas.elperuano.pe/normaslegales/crean-fiscalia-supraprovincial-especializada-en-materia-ambi-resolucion-no-090-2021-mp-fn-jfs-2026834-1/>

Action No. 23: Evaluate, based on the situational status evaluation report, the incorporation of appropriate measures to contribute to formalization through the public procurement system; as well as prevent the State from contracting with companies that incur in serious human rights violations, specifically those related to forced labor and the worst forms of child labor, directly or through their supply chain; and promote and guarantee respect for human rights by companies in their supply chains. The second action is aimed at diagnosing and identifying the conditions and characteristics of child labor in informal spaces, which, according to the baselines conducted for the NAP, are recurrent activities that generate violations of rights such as the health and education of working children.

Action #23 establishes that in 2023 the appropriate measures to be adopted will be identified and, thereafter, an annual report will be given to account for the measures adopted. In this sense, from 2023 onwards, the progress of the measures adopted should be reported.

In addition, Action No. 49 proposes the preparation of a study that includes an analysis and situational status of child labor in the informal sector. In this regard, the goal for 2023 is to have a study on child labor in the informal sector. According to the child labor diagnostic report, there is a violation of the rights of children and adolescents in informal mining and agricultural activities.

The actions addressed by the NAP 2021-2025 are aimed especially at issues of informality in the public procurement regime and supply chains, with special emphasis on issues of forced labor and the worst forms of child labor. The objective is to avoid contracting with companies that do not raise or incorporate due diligence standards within their production chain. The actions addressed are not aimed at addressing violations committed by informal companies in mining, oil and gas and agriculture, but to prevent them from occurring. In addition, the NIP establishes follow-up mechanisms for the implementation of due diligence measures for companies.

**OECD RECOMMENDATION:  
THE GOVERNMENT COULD ENCOURAGE COMPANIES TO CONSIDER  
BIODIVERSITY-RELATED DEPENDENCIES, RISKS AND IMPACTS IN  
RISK-BASED DUE DILIGENCE PROCESSES.**

*Policies or actions aimed at encouraging companies to consider biodiversity-related dependencies, risks and impacts in due diligence processes.*

The NAP 2021-2025 considers two actions related to environmental sustainability issues aimed at companies:

First, Action No. 46 proposes to: Evaluate the aspects of the PR-CER approach that require consideration in citizen participation mechanisms with the aim of adopting the corresponding improvements, within the framework of the National Environmental Impact Assessment System. The goals proposed for this action require the preparation of an evaluation report on the aspects of the PR-ECR approach that need to be considered in the mechanisms for citizen participation by 2022, and then adopt regulations that include the PR-ECR approach in the mechanisms for citizen participation in the framework of the SEIA by 2023 and annual reports on the implementation of the measures adopted.

Secondly, Action No. 47 states that the aspects of the PR-CER approach that need to be integrated into the guides, manuals and other documents of the National System of Environmental Impact Assessment (SEIA), related to the role of the assessing entities and project owners, will be evaluated in order to adopt the corresponding improvements, as the case may be. In this regard, the specified goals consider the elaboration of 1 PR-CER evaluation report that require to be integrated into guides of the National System of Environmental Impact Assessment (SEIA) to be reported in 2022, while by 2023 SEIA documents will be published that include the PR-CER approach related to the role of the evaluating entities and project holders. Reports on the implementation of the adopted guidelines and documents will be made from 2024 onwards.

Likewise, environmental impact issues were considered in the diagnostic phase of the NAP, which is why it is one of the topics prioritized and considered in the training on guiding principles and responsible business conduct, as well as in the preparation of due diligence guidelines.



**OECD RECOMMENDATION:**

**THE GOVERNMENT SHOULD CONTINUE TO STRENGTHEN ENFORCEMENT OF BIODIVERSITY AND FORESTRY-RELATED REGULATION AND ENSURE COMPLIANCE WITH THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), WHICH INCLUDES PROVISIONS ON LEGAL AND ILLEGAL TRADE. THIS COULD INVOLVE ENCOURAGING THE USE OF PRODUCTS ORIGINATING FROM RESPONSIBLY MANAGED FORESTS AND PROMOTING DUE DILIGENCE IN ACCORDANCE WITH DUE DILIGENCE GUIDELINES, TAKING INTO ACCOUNT THE RISKS ASSOCIATED WITH ILLEGAL LOGGING AND TRADE.**

*a) Standards, policies, or actions to ensure compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).*

In 2005 Supreme Decree N° 030-2005-AG was adopted and in 2008 Supreme Decree N°001-2008-MINAM was published, these documents regulated the Convention in Peru. These rules include the main regulations of the CITES Management and Scientific Authorities, designates the Enforcement Authorities and defines the procedures for the issuance of CITES permits, establishing conditions and requirements for trade, traffic and possession of species. Thus, SERFOR is the authority for wildlife specimens that reproduce on land, while the Ministry of Production is the authority for specimens of marine and inland hydrobiological species.

According to the National Environmental Action Plan report, by 2020, nine (9) wild species have been sustainably harvested. During the 2020 period, MINAM, through the DGDB, has issued 8 non-detriment findings (NDFs) for nine (9) CITES species: mahogany (1 NDF-1 species), tunilla (1 NDF-1 species), peccaries (sajino and huangana: 1 NDF-2 species), taricayas (1 NDF-1 species), hammerhead shark (1 NDF-1 species), common thresher shark (1 NDF-1 species), pelagic thresher shark (1 NDF-1 species) and vicuña (1 NDF-1 species). Due to the current sanitary context, management and harvesting requests have been reduced before the administrative authorities and, therefore, also the issuance of advisory reports and NDFs that are prepared by MINAM, at the request of these authorities (MINAM, 2020, p.60).

It is important to mention that the NAP has not taken any actions in this area.

***b) Policies or actions to encourage the use of products originating from responsibly managed forests***

The National Environmental Plan establishes as priority objective No. 2: to reduce the levels of deforestation and degradation of ecosystems. To this end, it establishes two indicators: a) Variation rate of land ecosystem degradation. b) Annual variation rate of forest loss.

The guidelines of the priority objective are: 1) increase interventions for the recovery and restoration of degraded ecosystems, 2) strengthen mechanisms for the control, monitoring and oversight of activities that use ecosystem resources, 3) guarantee the recovery of traditional ecological knowledge of indigenous peoples, 4) reduce pressures and threats to ecosystems, and 5) increase the value of ecosystem goods and services.

Likewise, Objective No. 4 specifies that forestation and reforestation will be promoted at the national level as a means to improve, implement or create the provision of environmental services. The indicator for this action is the GHG emissions growth rate/ GDP growth rate.

According to the progress report of the indicator reported in 2019, with data from the 2014 National Greenhouse Gas Inventory (INGEI 2014), it was updated with data from the 2016 National Greenhouse Gas Inventory (INGEI 2016) and with the report of the gross domestic product by economic sectors 1950- 2019 (Values at constant 2007 prices) from INEI, which indicates that the growth rate of GHG emissions, in relation to the GDP growth rate, was 0.53 %. It should be noted that the decrease in the value of the indicator is due to the change in methodology in the INGEI 2016 GHG estimates with respect to INGEI 2014. The INGEI 2016 estimates fully apply the 2006 IPCC (Intergovernmental Panel on Climate Change) guidelines, while in the previous report (INGEI 2014) a combination of methodologies is applied (MINAM, 2020, p.41).

***c) Policies or actions to promote due diligence taking into account the risks associated with illegal logging and illegal trade***

Action No. 68 of the NAP proposes: Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous or native peoples and trade unions, specific guides aimed at the business sector for the implementation of due diligence mechanisms. In this regard, the description of the actions does not establish all the issues to be prioritized. Instead, it states that the MINJUSDH will produce specific guides for special protection groups and issues prioritized in the diagnosis and baseline and others to be prioritized, in order to implement due diligence mechanisms. In this regard, although the topics to be addressed have not been defined. The Plan considers the possibility of establishing priority issues within the implementation process.

**OECD RECOMMENDATION:**

**THE GOVERNMENT SHOULD SEEK TO PROMOTE COMPLIANCE WITH MINING REGULATIONS, AS WELL AS ENCOURAGE DUE DILIGENCE IN ACCORDANCE WITH DUE DILIGENCE GUIDELINES, AND PROMOTE CLARITY AND UNIFORMITY OF DUE DILIGENCE EXPECTATIONS AND, IN PARTICULAR, THOSE FOUND IN THE OECD DUE DILIGENCE GUIDANCE FOR THE MEANINGFUL PARTICIPATION OF EXTRACTIVE SECTOR STAKEHOLDERS, ESPECIALLY WITH RESPECT TO RISKS AND NEGATIVE IMPACTS RELATED TO THE ENVIRONMENT.**

***d) Policies or actions to promote due diligence in the mining sector through the OECD due diligence guidelines for meaningful stakeholder engagement in the extractive sector.***

Action No. 70 of the NAP specifically considers the mining issue. Thus, it establishes: Produce, in coordination with the business sector, organized civil society and the competent state sector, a guide aimed at small-scale mining units to promote their formalization and, progressively, a culture of due diligence. By 2022, the expected goal is a guide prepared, presented and implemented and, based on this, progress will be reported annually. There is no progress report on the goals set for 2022.

## CHAPTER V

### IMPLEMENTATION OF OECD RECOMMENDATIONS AIMED AT IMPROVING THE ANTI-CORRUPTION AND INTEGRITY FRAMEWORK.

**OECD RECOMMENDATION:**  
**THE GOVERNMENT SHOULD GUIDE AND ASSIST COMPANIES IN THEIR EFFORTS TO PREVENT AND DETECT IRREGULARITIES RELATED TO CORRUPTION OR ARISING FROM CONFLICTS OF INTEREST. PERU'S NPC COULD PLAY AN IMPORTANT ROLE IN THIS TASK BY CONTRIBUTING TO THE GOVERNMENT'S EFFORTS TO RAISE AWARENESS AMONG COMPANIES.**

a) *Standards, policies or actions to guide and assist companies in their efforts to prevent and detect irregularities related to corruption or arising from conflicts of interest.*

Regarding corruption and conflicts of interest, the NAP 2021-2025 considered these issues in its diagnostic phase in order to define actions in conjunction with the Public Integrity Secretariat attached to the Presidency of the Council of Ministers, the institution in charge of compliance and implementation reporting. In this sense, three actions were proposed:

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 29: Structure the regulations on conflict-of-interest management, developing the necessary tools	Guide for managing conflicts of interest with a PR-CER approach.	Goal (2022): Guide developed and disseminated. Goal (2022-2025): Annual report on guide implementation.	As of August 2022, , there is no progress report on the implementation of this action.available.

and instruments to identify, manage and resolve situations of public-private conflicts of interest, with a PR-CER approach.			
Action N° 74: Promote the implementation of compliance and corruption prevention mechanisms, considering the PR-CER approach.	Number of activities to disseminate and promote the measure.	Goal (2022): 1 regulated follow-up and monitoring mechanism.	As of August 2022, there is no progress report on the implementation of this action.
Action N° 90: Promote and encourage expeditious and accessible procedures for the redress of persons directly affected by serious acts of corruption or when their commission involves legal persons, incorporating the PR-CER approach and, therefore, evaluating the inclusion of guarantees of non-repetition, apologies, and non-judicial mechanisms based on mediation.	Number of activities to promote and encourage the aforementioned procedures.	Goal (2022-2023): Development of activities to promote and drive procedures. Goal (2024): Proposal developed.	As of August 2022, there is no progress report on the implementation of this action.

***b) Policies or actions of the NCP to contribute with the government in this task of guidance and awareness-raising for companies***

There is no report of actions or policies implemented by the NCP to contribute to prevention, awareness or guidance on corruption and conflict of interest issues. However, the NCP coordinates a joint action with MINJUSDH within the NAP 2021-2025, this action is aimed at training.

Action N° 1: Create and implement a permanent training program on PR-CER and other international standards, from the Justice and Human Rights sector, aimed at public officials, managers and civil servants at all hierarchical levels and in all subnational and national state sectors.

The report on the progress of the implementation is unavailable, but according to the website of the Human Rights Observatory in charge of the MINJUSDH, it is specified that in 2022 training on Business and Human Rights for public officials began.

**OECD RECOMMENDATION:**

**IN COOPERATION WITH COMPANIES AND OTHER RELEVANT ORGANIZATIONS, THE GOVERNMENT HAS A KEY ROLE TO PLAY IN HELPING COMPANIES TAKE PREVENTIVE MEASURES AND DETECT IRREGULARITIES RELATED TO CORRUPTION OR ARISING FROM CONFLICTS OF INTEREST THROUGH RISK-BASED DUE DILIGENCE. IN ADDITION, THE GOVERNMENT COULD DEVELOP GUIDELINES AND OTHER GUIDANCE MECHANISMS TO STRENGTHEN PREVENTION EFFORTS. THE GOVERNMENT COULD ALSO CONSIDER TAKING ADDITIONAL MEASURES TO FACILITATE THE REPORTING OF SUSPICIONS OF CORRUPTION TO PUBLIC AUTHORITIES, FOR EXAMPLE, BY ENHANCING AND PROMOTING THE PROTECTION OF PUBLIC AND PRIVATE SECTOR EMPLOYEES WHO REPORT SUCH SUSPICIONS IN GOOD FAITH, TO ENCOURAGE THEM TO REPORT WITHOUT FEAR OF REPRISAL. IN ITS EFFORTS TO IMPROVE INTEGRITY IN THE PUBLIC AND PRIVATE SECTOR, THE GOVERNMENT SHOULD ALSO CONTINUE TO STRENGTHEN APPLICABLE STANDARDS AND ENSURE THEIR EFFECTIVE ENFORCEMENT.**

**a) *State policies or actions to help companies take preventive measures and detect irregularities related to corruption or arising from conflicts of interest through due diligence.***

As mentioned above, the NAP adopted action No. 29, which states: “ Structure the regulations on conflict-of-interest management, developing the necessary tools and instruments to identify, manage and resolve situations of public-private conflicts of interest, with a PR-CER approach”. Likewise, within the NAP 2021-2025, the training and development of due diligence guidelines for companies was considered in order to prevent possible violations. Corruption and conflict of interest issues, however, are only one of the topics considered; and, at there is no progress report on the implementation of this action.

**b) *Actions to develop guidelines and other guidance mechanisms that strengthen prevention***

The National Integrity and Anti-Corruption Plan 2018-2021 considers in its objective No. 1: Strengthen the State’s capacity to prevent acts of corruption. This objective is aimed at promoting structural changes to foster a transversal integrity culture in society. In this way, it proposes:

- Guarantee transparency and access to public information in State entities.
- Consolidate integrated information management for the prevention of corruption in public administration.
- Promote and consolidate the reform of Peru’s electoral system and political organizations.
- Promote and install a culture of integrity and public ethics among civil servants and citizens.
- Install and consolidate conflict of interest management and interest management in the public administration.

According to the 2020 progress report<sup>18</sup>, this axis achieved 59% progress. Thus, it was reported:

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<sup>18</sup> For more information, please refer to the PNILCC Follow-up and Monitoring Report. Balance of 2020 goals. Retrieved from: <https://cdn.www.gob.pe/uploads/document/file/1954041/Reporte%20de%20seguimiento%20y%20monitoreo%20del%20PNILCC.%20Balance%20de%20metas%202020.pdf?v=1628800324>

Of the five specific objectives of this axis, only three have targets programmed for 2020: the following objectives achieved intermediate levels of fulfillment: 1.1. Consolidate an integrated information management for the prevention of corruption in the Public Administration (67 %); and 1.4, Promote and install a culture of integrity and ethics, which registered a compliance rate of 67%. (High Level Anti-Corruption Commission, 2020, p.5).

The NAP has taken action to provide guidance and adopt guidelines on due diligence issues. One of the topics to be addressed is the fight against corruption and integrity. As mentioned above, there is no information on the level of progress of this measure.

**c) *Standards, policies or actions to facilitate the reporting of suspicions of corruption to public authorities***

Objective 2 of the National Integrity and Anti-Corruption Plan states that it is necessary to: Strengthen the mechanism for handling complaints of alleged acts of corruption. In this sense, it raises 4 points:

- Strengthen the mechanism for handling complaints of alleged acts of corruption.
- Promoting a meritocratic public career path
- Ensuring Integrity in Contracting of Works, Goods and Services
- Strengthen Risk Management within each Public Entity.

According to the 2020 progress report, this axis achieved 52 % progress: 6 goals were partially met, 2 goals are in initial stage and 1 goal is still pending. Of the four specific objectives, only two have Goals set for 2020, with the following levels of compliance: objective 2.2. Promote a meritocratic public career (47 %); and specific objective 2.3. (High Level Anti-Corruption Commission, 2020, p.6).

Objective No. 2.1, which foresees “Strengthen the mechanism for handling complaints of alleged acts of corruption”, establishes 3 actions.

- Implement an integrated whistleblower mechanism in the public administration, ensuring the protection of whistleblowers of alleged acts of corruption.
- Generate a reporting mechanism to facilitate the disclosure of irregu-



- larities in the private sector.
- Strengthen monetary incentives for those who report acts of corruption in the public sector.

However, there is no progress report on the implementation of these goals until 2022.

***d) Standards, policies or actions to strengthen the integrity and anti-corruption regulatory framework***

The National Integrity and Anti-Corruption Plan is valid until 2021, so a new Plan should be published during 2022. From the NIP, actions No. 29, 74 and 90 have been adopted (which have been mentioned above), these actions propose Structuring the regulations on conflict-of-interest management, implementing compliance mechanisms and promoting procedures for the redress of persons directly affected by acts of corruption. All actions must contain the CER approach.

## **CHAPTER VI**

### **IMPLEMENTATION OF THE OECD RECOMMENDATIONS AIMED AT PROMOTING AND ENCOURAGING RESPONSIBLE BUSINESS CONDUCT IN PUBLIC PROCUREMENT.**

**OECD RECOMMENDATION:**

**PERU COULD ENCOURAGE THE USE OF PUBLIC PROCUREMENT AS A PUBLIC POLICY INSTRUMENT TO PROMOTE RBCs. IN THIS REGARD, PERU COULD CONSIDER DEVELOPING A STRATEGY TO TAKE GREATER ACCOUNT OF SOURCING CONSIDERATIONS IN THE PROCUREMENT OF GOODS, SERVICES OR WORKS. TO THIS END, PERU COULD FIRST DEVELOP A TWO-STEP STRATEGY AIMED AT PROGRESSIVELY INTEGRATING SC CONCERNS IN ITS PROCUREMENT POLICIES AND PROCESSES.**

*State policy or action to incorporate the RBC approach in the public procurement regime.*

The NAP 2021-2025 adopted Action No. 23 on public procurement and contracting with companies, which seeks to prevent the State from contracting with companies that commit serious human rights violations, either directly or through their supply chain, and to promote respect for human rights by companies and their supply chains. Thus, it proposes: Evaluate, based on the situational status assessment report, the incorporation of appropriate measures to contribute to formalization through the public procurement regime; as well as prevent the State from contracting with companies that incur in serious human rights violations, specifically, those related to forced labor and worst forms of child labor, directly or through its supply chain; and promote and guarantee respect for human rights by companies in their supply chains.

This action must be reported starting in 2023, when annual reports will be issued on progress in the implementation of measures in the area of public procurement and contracting with companies.

**OECD RECOMMENDATION:**  
**SECOND, THE GOVERNMENT COULD CONSIDER ADOPTING MEASURES TO SENSITIZE ITS PUBLIC PROCUREMENT OFFICIALS ON THE IMPORTANCE OF INTEGRATING CER CONSIDERATIONS INTO ITS POLICIES AND PROCESSES, AND BUILD THEIR CAPACITY TO DEAL WITH CER-RELATED CRITERIA AND CERTIFICATIONS, WITH THE SUPPORT OF THE NPC.**

*Policies or actions to train and sensitize officials on this issue*

The NIP has considered the issue of training and sensitization of officials in RBC matters, taking into consideration the recommendations of the OECD and the issues prioritized in the preparation of the NIP. In this regard, it proposes: Create and implement a permanent training program on PR-CER and other international standards, from the stewardship of the Justice and Human Rights sector, aimed at officials, managers and public servants at all hierarchical levels and in all subnational and national state sectors.

**OECD RECOMMENDATION:**

**FINALLY, PERU COULD CONSIDER IMPLEMENTING PROGRAMS TO MONITOR THE INTEGRATION OF CERTIFICATION-RELATED CRITERIA AND CERTIFICATIONS IN ITS PUBLIC PROCUREMENT PROCESSES AND POLICIES AND TO VERIFY COMPLIANCE WITH THESE CRITERIA AND CERTIFICATIONS BY ITS CONTRACTORS AND/OR SUPPLIERS.**

*Policies or actions to implement programs to monitor the integration of CER-related criteria and certifications.*

No actions have been taken to integrate RBC criteria in public procurement processes.

## **CHAPTER VII**

### **IMPLEMENTATION OF OECD RECOMMENDATIONS AIMED AT STRENGTHENING THE GOVERNANCE OF STATE-OWNED ENTERPRISES.**

**OECD RECOMMENDATION:**

**PERU COULD CONSIDER STRENGTHENING THE INCLUSION OF FCC CONSIDERATIONS IN THE POLICIES THAT APPLY TO ITS STATE-OWNED ENTERPRISES BY DEVELOPING A COHERENT OVERALL STRATEGY AIMED AT PROMOTING THEIR CONTRIBUTION TO ECONOMIC, ENVIRONMENTAL AND SOCIAL PROGRESS, WHILE PREVENTING AND MITIGATING THE NEGATIVE IMPACTS OF THEIR OPERATIONS, SUPPLY CHAINS AND BUSINESS RELATIONSHIPS ON PEOPLE, PLANET AND SOCIETY. TO THIS END, PERU COULD FIRST CONSIDER COMMUNICATING, IN A CLEAR AND TRANSPARENT MANNER, ITS EXPECTATIONS WITH RESPECT TO THE CERTIFICATION POLICIES AND PRACTICES TO BE DEVELOPED BY ALL ITS SOES - I.E. PETROPERU AND THOSE ADMINISTERED BY FONAFE - EMPHASIZING THE IMPORTANCE OF ALIGNING THEM WITH THE RECOMMENDATIONS CONTAINED IN THE GUIDELINES**

## AND CONDUCTING RISK-BASED DUE DILIGENCE FOR THIS PURPOSE.

### *Policies or actions aimed at implementing strategies to promote CER in state-owned enterprises.*

The NIP has established 3 actions to promote CER in state-owned companies linked to the implementation of guidelines and the reporting of progress in the implementation of these measures.

Action contemplated in the NAP	indicator	goal	Implementation progress
Action N° 79: Incorporate the PR-CER approach in FONAFE Corporation's management instruments.	Guidelines incorporating the PR-CER approach.	Goal (2021): Management guideline incorporating the approved PR-CER approach. Goal (2022-2025): Annual report on the implementation of the guideline.	The Goal set for 23021 was not met and, as of August 2022, there is no progress report on the implementation of this action.
Action #80: Formulate and implement a guideline for the implementation of due diligence management mechanisms for the CER, aimed at public companies.	Policy formulation by portfolios.	Goal (2022): Policy formulated and implemented in the portfolio of generating and distributing companies. Goal (2023): Policy formulated and implemented in the portfolio of generating, distribution and	As of August 2022, there is no progress report on the implementation of this action.

		financial companies. Goal (2024): Policy formulated and implemented in the portfolio of non-electricity, miscellaneous and Defense infrastructure companies. Goal (2022-2025): Policy implementation report.	
Action #81: Formulate and implement a follow-up, monitoring and evaluation mechanism for the implementation of due diligence mechanisms in public companies.	Mechanism for follow-up, monitoring and evaluation of the implementation of due diligence mechanisms in public companies.	Goal (2022): Follow-up, monitoring and evaluation mechanism implemented. Goal (2023-2025): Annual report of the follow-up, monitoring and evaluation mechanism.	As of August 2022, there is no progress report on the implementation of this action.

**OECD RECOMMENDATION:**

**TO ENSURE THE EFFECTIVE IMPLEMENTATION OF ITS OVERALL STRATEGY ON C&C BY ALL ITS SES, PERU COULD, AS A SECOND STEP, TAKE MEASURES TO RAISE AWARENESS AMONG SE OFFICIALS OF THE IMPORTANCE OF INCLUDING C&C CONSIDERATIONS IN THEIR POLICIES AND PRACTICES AND TRAIN THEM TO CARRY OUT DUE DILIGENCE WITH THE SUPPORT OF THE NCP.**

***Policies or actions to sensitize their employees on CER in state-owned companies***

The NAP 2021-2025 proposed a training action on guiding principles and responsible business conduct. In this regard, the action states: Create and implement a permanent training program on PR-CER and other international standards, from the stewardship of the Justice and Human Rights sector, aimed at officials, managers and public servants at all hierarchical levels and in all subnational and national state sectors.

This action is aimed at both public sector employees and managers. No information has been recorded on the progress of the implementation of this measure.

## **CHAPTER VIII**

### **IMPLEMENTATION OF OECD RECOMMENDATIONS FOR THE INCLUSION OF S&C CONSIDERATIONS IN TRADE AGREEMENTS AND INVESTMENT TREATIES**

**OECD RECOMMENDATION:**

**PERU COULD CONSIDER TAKING STEPS TO ADOPT A MORE PROACTIVE ROLE WITH RESPECT TO THE INCLUSION OF ZER CONSIDERATIONS IN ITS TRADE AND INVESTMENT AGREEMENTS. MORE SPECIFICALLY, IT COULD CONSISTENTLY ADDRESS THE CS IN ITS TRADE AND INVESTMENT NEGOTIATIONS, WITH THE OBJECTIVE OF SYSTEMATICALLY INCLUDING PROVISIONS RELATED TO THE CS AND/OR CS CLAUSES IN ITS TRADE AGREEMENTS AND INVESTMENT TREATIES.**

***Policies and actions to include RBC in its policy on trade agreements and investment treaties.***

According to the PNC Peru 2021 Annual Report<sup>19</sup>, Peru has a policy of negotiating REC articles in international investment treaties. Specifically, in the Investment Chapter of the Trade Agreement negotiated with the member countries of the Pacific Alliance, we have included in the Social Responsibility Policy article, a direct reference to the OECD Guidelines (OECD, 2022, p.9). However, despite the fact that in 2019 Peru began the renegotiation of the trade agreement it has had with the People's Republic of China since 2009, Peru has not proposed to its Chinese counterpart to include a chapter or title that relates trade to sustainable development and, therefore, obliges both parties to assume commitments to respect human rights in the areas of labor and the environment, as Peru has already included in the trade agreements it has previously concluded with the United States, Canada and the European Union.

On the other hand, the NAP 2021-2025 has not adopted actions that include the RBC in trade agreements and/or investment treaties policy.

## CHAPTER IX

### IMPLEMENTATION OF OECD RECOMMENDATIONS AIMED AT STRENGTHENING THE NCP

*State norms, policies or actions aimed at increasing the capacity of The Ombudsman Office to address human rights violations committed by companies.*

The NAP 2021-2025 established Action No. 17, which seeks to increase the capacity of bodies such as the Ombudsman Office. In this regard, it proposes: Promote capacity building on PR-CER between the Ombudsman Office, the National Contact Point and other national agencies. The proposed action will report annually on the progress made.

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<sup>19</sup> For more information, you can review the information provided by the NCP in the 2021 annual report, p.9 : Retrieved from: <https://info.proinversion.gob.pe/wp-content/uploads/2022/10/reporte-2021.pdf>

***Ombudsman and NCP actions to cooperate with each other to increase their capacities and expertise in RBCs***

No actions taken by the NCP and the Ombudsman Office to cooperate in capacity building and knowledge enhancement in RBC have been identified.

***NCP actions to cooperate with other non-judicial grievance mechanisms***

No NCP actions have been identified to cooperate with other non-judicial grievance mechanisms. However, the NAP 2021-2025 proposed action No. 88: Promote regulatory changes to ensure appropriate redress mechanisms, in accordance with international standards. In this regard, 3 indicators were proposed

- Sectoral intersectoral coordination space for the revision of legislative frameworks and judicial and extrajudicial mechanisms, created and implemented.
- Regulatory proposal for the modification of the offenses for criminal liability of legal persons.
- Technical report evaluating the internal regulations on corporate responsibility to prevent adverse impacts on human rights.

The 3 indicators are under the responsibility of MINJUSDH, but the implementation progress of the first indicator has not been reported. The second and third indicators are due to be implemented during 2023, so they are not yet reported.

Likewise, Action No. 95: Disseminate judicial and extrajudicial mechanisms for the protection of human rights in business activities. The indicator for this action is the presentation of: 1 Report on activities for the dissemination of judicial and extrajudicial mechanisms implemented. In this regard, no progress has been reported on the implementation of this measure.

**OECD RECOMMENDATION:**  
**STRENGTHEN THE ROLE OF THE PERUVIAN NCP AS AN AGENT FOR POLICY COHERENCE AND AS A PROMOTER OF WHOLE-OF-GOVERNMENT COHERENCE, INCLUDING THE FOLLOWING SPECIFIC RECOMMENDATIONS: ▪ ENSURE THAT THE NCP**



**ESTABLISHES STRONG MECHANISMS FOR ENGAGEMENT WITH OTHER GOVERNMENT DEPARTMENTS AND STAKEHOLDERS, FOR EXAMPLE BY CREATING AN INTER-MINISTERIAL AND MULTI-STAKEHOLDER CONSULTATIVE BODY. CURRENTLY, THE NCP DOES NOT HAVE SUCH A BODY, WHICH AFFECTS ITS VISIBILITY AND ITS ABILITY TO MEET THE CHALLENGE OF ACTING AS AN AGENT FOR POLICY COHERENCE IN PERU AND PLAYING A CENTRAL ROLE IN THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THIS STUDY. • ENSURE THAT THE NCP HAS SUFFICIENT RESOURCES AND CAPACITY TO BE ABLE TO PLAY AN EFFECTIVE ROLE IN IMPLEMENTING THE RECOMMENDATIONS OF THIS STUDY. IN PARTICULAR, THE NCP SHOULD RECEIVE REGULAR SPECIALIZED TRAINING ON THE KEY ISSUES OF THE CER THAT THIS STUDY HAS HIGHLIGHTED, SUCH AS THE PROMOTION OF DUE DILIGENCE, ACCESS TO REDRESS MECHANISMS, THE CONTEXT OF WIDESPREAD INFORMALITY IN PERU, OR GAPS IN THE PROTECTION OF FUNDAMENTAL LABOR RIGHTS. • INVOLVE THE NPC IN THE DEVELOPMENT OF THE NPP AND ASSIGN IT A CLEAR AND KEY ROLE IN THE IMPLEMENTATION OF THE NPP OBJECTIVES LINKED TO THE RELATED DUE DILIGENCE GUIDELINES AND GUIDELINES. • ESTABLISH A PARTNERSHIP BETWEEN THE NCP AND THE OMBUDSMAN OFFICE TO HELP THE LATTER BUILD CER CAPACITY AND SEEK SYNERGIES BETWEEN THEIR RESPECTIVE CASE MANAGEMENT FUNCTIONS. THE NCP COULD ALSO EXPLORE THE POSSIBILITY OF COOPERATING WITH OTHER NON-JUDICIAL REDRESS MECHANISMS, SUCH AS THOSE ESTABLISHED BY THE SGSD.**

*Policy for institutional strengthening of the NCP as a central actor in RBC public policy*

The NIP has two actions in coordination with the NCP related to training and strengthening the NCP's capacities in the area of PR-ERC. These actions also include annual reports on the level of implementation of the measures adopted. Both actions are carried out by MINJUSDH in coordination with the NCP.

<b>Action contemplated in the NAP</b>	<b>indicator</b>	<b>goal</b>	<b>Implementation progress</b>
Action N° 1: Create and implement a permanent training program on PR-CER and other international standards, from the Justice and Human Rights sector, aimed at public officials, managers and civil servants at all hierarchical levels and in all subnational and national state sectors.	Program created and implemented, and annual progress report.	Goal (2021): 1 program created and beginning implementation. Goal (2022-2025): 1 program under implementation. Goal (2023-2025): 1 annual progress report on program implementation.	As of August 2022, there is no progress report on the implementation of this action.
Action No. 17: Promote capacity building in the area of PR-ERC between the Ombudsman Office, the National Contact Point and other national agencies. The objective of this action is to strengthen the coherence of public poli-	Annual reports.	Goal (2022-2025): 1 annual activity and progress report.	As of August 2022, there is no progress report on the implementation of this action.

<p>cies in the area of PR-ERC, it is important to generate the articulation of the different public entities. In this sense, the work of the National Contact Point would be strengthened through synergies with the Ombudsman Office and other additional agencies, which could also be strengthened in the fulfillment of its functions.</p>			
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