

# National Action Plan on Business and Human Rights

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de Justicia  
y Derechos Humanos



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## **National Action Plan on Business and Human Rights (NAP) 2021-2025**

Ministry of Justice and Human Rights  
Calle Scipión Llona 350, Miraflores, Lima 15046  
Telephone (01) 204-8020

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**Minister of Justice and Human Rights:** Aníbal Torres Vásquez

**Vice-Minister of Human Rights and Access to Justice:** Guillermo Julio Vargas Jaramillo

**General Director of Human Rights:** Edgardo Gonzalo Rodríguez Gómez

**General Coordinator of the elaboration process of the NAP 2021-2025:** Federico Chunga Fiestas

**NAP 2021-2025 elaboration process team:** Mónica Peceros Suárez, Carlos Chunga Yesquén, Ximena Solórzano Salleres, Francisco Mamani Ortega

**Editorial Coordination:** Carlos Chunga Yesquén

**Proofreading:** Dany Cruz Guerrero

**English translation:** © Hispana Idiomas

**Design and layout:** © Kipu Visual S.A.C.

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# PREFACE

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The National Action Plan on Business and Human Rights (NAP) 2021-2025, the first of its kind in the country and the third in Latin America and the Pacific Alliance, is part of a State policy, whose objective is to guarantee the protection and respect of human rights in the field of business activities. It is also the result of an arduous collaborative work in which, since January 2019, 132 State institutions, the business sector, indigenous peoples, trade unions and organized civil society have participated, with the support of international organizations and international cooperation.

Its approval marks an important milestone in public policies on human rights, since for the first time the business sector is formally incorporated in this type of process, through a set of collaborative actions with the State and all social actors to promote an increasingly strong culture of business due diligence on human rights. But it is more than that. The process of preparing this plan, which included the approval of its methodology and the dialogue on 23 diagnostic and baseline reports, has been a clear demonstration of the importance and great possibilities of multi-stakeholder dialogue as a condition and engine of sustainable development. It is a dialogue based on good faith, equality, inclusion, decentralization and search for consensus; that builds agreements, that admits the existence of discrepancies, trying to process them with the conviction that these are also opportunities to continue strengthening ties of collaboration in pursuit of a common goal: the dignity of the human person, the improvement of the quality of life of people directly or indirectly linked to business activities, especially those who are most vulnerable, such as women, children and adolescents, indigenous and afro-peruvian peoples, LGBTI people, people with disabilities, migrants, older people, among other groups.

As stated in the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, main instruments, among others, that sustain the NAP, the due diligence is a condition of operation for every company, inseparable from its function of generating wealth. But it is also a fundamental element of the success of their businesses, as it will allow them to obtain and maintain an adequate relationship with their social environment, have business opportunities in which their good reputation and trust are essential, attract and retain increasingly productive staff, access new markets and capitals, have lower insurance premiums, improve their capacity for innovation and acceptance of their products and services, among other advantages; that is, a series of benefits that will impact on improving its competitiveness and productivity, as well as on the sustainable development of Peru as a whole.

As a State and a society, we have the obligation to promote economic development with a real impact on improving the quality of everyone's life, beyond the macroeconomic figures, which are certainly important. It must also translate into decent work, decent remuneration, adequate health and safety conditions at work, a reduction of informality, respect for diversity and the fight against racism and all forms of discrimination in labor, consumer and advertising relations. Also in an increasingly better protection of environmental health, the harmonization between work and family life, respect for prior consultation with indigenous peoples, the preventive and timely approach to social conflict, the strengthening of a culture of integrity, among other fundamental issues. The NAP, if properly implemented, can be an invaluable tool to help continue to establish a culture of human rights

in Peru that involves and benefits everyone equally, which is a complex but unavoidable challenge, especially within the framework of the Bicentennial of the Independence of Peru.

To contribute to address this, the NAP foresees a set of actions that includes specialized training for all sectors, taking into account the particularities of each one of them. Likewise, it influences a strategy of advising and accompanying from the State to the business sector for the implementation and reporting, voluntary and progressive, of operational due diligence mechanisms that strengthen the capacity of private companies to prevent and timely address their risks of affecting human rights. Naturally, it also foresees that public companies implement similar mechanisms as a reaffirmation of the State's commitment to lead this public policy by example. It also includes measures to strengthen the regulatory and supervisory capacity of the State, the social conflict prevention policy and the integrity and fight against corruption policy, to contribute to the reduction of informality, adapt internal regulations to international standards, consolidate a sustainable public procurement regime and guarantee accessible and timely avenues of redress for citizens.

There are a total of 97 actions with more than 150 indicators, distributed in five strategic guidelines and 13 objectives, involving 21 public entities of the Executive Power, with the support, according to their competences, of the Judicial Power, the Public Ministry, the Academy of the Magistracy, the Ombudsman's Office, regional governments and other institutions. These actions have the State as the main responsible, but their effectiveness requires a strategic alliance with the business sector and all social actors, based on equitable participation, timely accountability, and compliance with each one's duty.

The consensus on these actions has been the result of the commitment permanently assumed by the members of the Multi-stakeholder Roundtable. It has also been fundamental the support provided from the beginning of the process by the UN Working Group on Business and Human Rights, the OHCHR, the ILO, the OECD and the European Union, through the project Responsible Business Conduct in Latin America and The Caribbean (RBCLAC), as well as the embassies of Germany, the Kingdom of the Netherlands, the United Kingdom, Sweden and Switzerland, the Friedrich Ebert Foundation, the Spanish Chamber; the NGO Derecho, Ambiente y Recursos Naturales and Sociedad Peruana de Derecho Ambiental; and the Institute of Ethics and Development of the Antonio Ruiz de Montoya University, the Center for Mining and Sustainability Studies of the University of the Pacific, and the Institute for Democracy and Human Rights of the Pontifical Catholic University of Peru.

Thus, the process of preparing the NAP and now its implementation shows the consolidation of a multi-stakeholder strategic alliance, much more necessary in the face of the health, economic and social emergency generated by COVID-19, which we can only overcome by cooperating, overcoming our differences, understanding that economic reactivation must have human content; that development is only possible with justice, that the economy and public policies are not an end in themselves, but a tool at the service of people. The current government, with full conviction, will continue this work, and is convinced that the representatives of all the institutions of the Multi-stakeholder Roundtable will accompany this effort through follow-up, monitoring and vigilance of the proper implementation of the NAP. In this task, I have no doubt that the valuable support of international institutions and international cooperation will continue to be counted on.

Lima, October 2021

Aníbal Torres Vásquez

Minister of Justice and Human Rights



# INTRODUCTION

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The adoption of the United Nations Guiding Principles on Business and Human Rights (hereinafter, GP) in 2011 marked an international milestone on the issue of business and human rights, this was aligned with the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises (2011) and the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (2017), which formed the international framework for the so-called “Responsible Business Conduct” (hereinafter, RBC), with the aim of promoting the positive contribution that companies can make towards sustainable development and helping to prevent and address negative impacts.

These instruments establish that all companies, regardless of their size, sector, operating context, ownership and structure, have a responsibility to avoid and address the negative consequences in which they may be involved (OECD et al., n.d., p. 2), including those present in supply chains, while making a positive contribution to the economic, environmental and social progress of the countries in which they operate.

Among the means identified to achieve this dual objective, the usefulness and versatility of national action plans (NAPs) stands out, as reflected in the fact that 24 countries around the world have approved such an instrument. The NAP on Business and Human Rights is understood as a framework for implementing public policies that lead the State and companies -together with other stakeholders- to make the Guiding Principles effective and to comply with human rights obligations. In addition, it positions each country that has one as a sustainable destination for investments, as it guarantees a RBC in line with the aforementioned international standards and instruments.

In Peru, the first approaches to the issue date back to the participation of the OECD’s “Country Program”, a mechanism to achieve the standards and practices of that organization and serve as a basis for the reform process in its public policies, as well as Peru’s adherence to the OECD Guidelines for Multinational Enterprises in 2008, also establishing a National Contact Point for the RBC in 2009. In addition to the general recommendations of international human rights bodies, in 2017 the Working Group on the issue of human rights and transnational corporations and other business enterprises of the United Nations (UN) visited the country. This recognized the political will of the Peruvian government to implement the Guiding Principles and warned of the benefits of the development of a NAP on the subject for greater coherence in public policies, as well as for the protection and guarantee of human rights.

It is also noteworthy that Peru has taken significant steps to implement due diligence standards. In this regard, in 2018 it adhered to the OECD Council Recommendation on Due Diligence Guidance for a RBC, which adds to previous accessions to the Council Recommendations on Due Diligence Guidance for the mining sector in 2011 and the textile and footwear sector in 2017.

In particular, the Due Diligence Guidance for a Responsible Business Conduct, published in 2018, in addition to having been agreed by governments, trade unions, companies, and civil society, seeks to promote a consensus on due diligence and also to help companies implement the due diligence recommendations contained in the Guiding Principles, as well as in the Tripartite Declaration of



Principles Concerning Multinational Enterprises and Social Policy of the International Labour Organization (ILO) (cf. OECD, 2018).

For its part, in recent years, the Peruvian business sector has shown a willingness to move forward from the logic of corporate social responsibility to that of due diligence and RBC. In addition, the sector recognizes that the Guiding Principles have become the guiding framework for business and human rights, clarifying the role and responsibilities of both states and companies. Despite persistent problems such as the high level of informality and, recently, the global pandemic of Covid-19, the formal business sector has progressively adopted good practices guided by the Guiding Principles and other related international standards.

Under this context, the State adopted the third National Human Rights Plan (PNDH) 2018-2021, which incorporated in Strategic Guideline No. 5 the implementation of international standards on business and human rights, with the objective of: “Ensuring that public and private companies respect human rights in their scope of action”. In accordance with the current regulatory and public policy framework, the Executive Branch then proposed to promote the progressive implementation of the Guiding Principles and other related international instruments, through the elaboration of a NAP on Business and Human Rights. Thus, the incorporation of the NAP as a public policy objective within the NHRP 2018-2021 welcomes the recommendations provided by the Working Group on the issue of human rights and transnational corporations and other business enterprises during its visit, conveyed during the Universal Periodic Review (UPR) and by other international human rights protection bodies.

In this sense, the development and implementation of a NAP based on the Guiding Principles and other international standards poses a turning point and contributes significantly to raising awareness and activating interest —both in the public sector and in the private sector and civil society, among others— in the pro-business and human rights agenda. The process of elaborating the NAP began in January 2019 and concluded in May 2021, under the leadership of the Ministry of Justice and Human Rights (Minjusdh) and within the framework of a strategic alliance with the UN System, the OECD and the ILO, as well as embassies of allied countries and international cooperation bodies. During the process, at the request of the Peruvian State, the OECD (2020b) prepared and published the report “OECD Studies on Public Policies on Responsible Business Conduct-PERU”, through which it addressed a series of recommendations to contribute to the strengthening of public policies on the matter.

As will be explained in this document, the process of preparing the NAP involved the participation of 132 State entities, companies, civil society, indigenous peoples, trade unions and international organizations and international cooperation agencies, in a highly participatory dialogue focused on strengthening public policies to contribute to the promotion and respect for the human rights of all individuals and groups, especially the most vulnerable, and to the sustainable development of the country.

<sup>1</sup> See UN. Working Group on the issue of human rights and transnational corporations and other business enterprises (2018, §§ 87, 90.c and 92.c), UN. Working Group on the Universal Periodic Review (2018, §§ 111.17, 111.41 and 111.45), UN. Working Group on the Universal Periodic Review (2012, §§ 116.113) and UN. Committee on the Rights of the Child (2016, § 24).

# CHAPTER I

## PROCESS OF ELABORATING THE FIRST NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

### 1.1. Background and context

The issue of business and human rights entered the international political agenda in the 1990s in response to the global expansion of the private sector and the rise of transnational economic activity (UN. Human Rights Council, 2011b, § 1). In order to identify and clarify existing norms and practices with respect to that issue, in 2005, the now UN Human Rights Council established the mandate for a “Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises” (cf. UN. Commission on Human Rights, 2005). His work was concluded six years later, when he presented in his final report the “Guiding Principles on Business and Human Rights: Implementing the UN Framework to Protect, Respect and Remedy” (cf. UN. Human Rights Council, 2011b).

In 2011, through Resolution 17/4, the Human Rights Council endorsed the Guiding Principles and established a Working Group to - among other functions - promote their effective and comprehensive dissemination and implementation (cf. UN. Human Rights Council, 2011a). The Guiding Principles contain 31 foundational and operational principles structured in three pillars: (i) the State duty to protect human rights; (ii) the corporate responsibility to respect human rights; and (iii) access to remedy mechanisms. Their universal nature allows them to be applied to all states and companies, transnational or otherwise.

The Guiding Principles do not establish new obligations under international law, but rather clarify the implications of existing standards and methods for states and companies, integrate them into a coherent and inclusive model, and recognize the weaknesses of the current system and possible improvements (cf. UN Human Rights Council, 2011b, § 14). Moreover, as the Special Representative pointed out, they have not been conceived as a set of tools that can be simply taken and applied, since their implementation implies that states assess and choose the most appropriate means to do so, which will respond to each case and context in which they find themselves (cf. UN. Human Rights Council, 2011b, § 15).

The adoption of the Guiding Principles was an international milestone on the issue of business and human rights, which, in complement to the OECD Guidelines for Multinational Enterprises (2011) and the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (2017), reflect the main international expectations and standards established in order to promote the positive contribution that companies can make towards sustainable development while preventing, mitigating and addressing negative impacts.

In addition, various international private and multi-stakeholder initiatives have taken into consideration the framework proposed by the Guiding Principles, including the United Nations Global Compact (Global Compact), the ISO 26000 Standard of the International Organization for Standardization, the Children’s Rights and Business Principles (2013) of the United Nations Children’s Fund, Save

the Children and Global Compact, and the Sustainable Development Goals (SDGs) (2015) of the UN Agenda 2030.

In addition, various bodies of the international human rights protection systems have contemplated the Guiding Principles in their production. Within the UN framework, General Comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights, and General Comment No. 16 (2013) of the Committee on the Rights of the Child have developed the relationship between business activities and human rights under their competence. However, the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises<sup>2</sup>, a thematic mandate of the UN that was also established by the Human Rights Council through resolution 17/4 in 2011, stands out. Having as one of its functions to promote the dissemination and application of the Guiding Principles in all its thematic reports and country missions, it has developed recommendations for their implementation, in addition to promoting capacity building in the use of the Guiding Principles, identifying and sharing best practices and lessons learned, as well as integrating the gender perspective and providing technical assistance for effective access to remedy.

The Working Group on the issue of human rights and transnational corporations and other business enterprises (2014, § 2) considered NAPs as an important means to expedite the implementation of the Guiding Principles, as their fundamental purpose is “to prevent and strengthen protection against corporate human rights abuses through an inclusive process in which needs and gaps are identified, along with practical and feasible measures and targets”. In 2014, through Resolution 26/22, the Human Rights Council encouraged states to take steps towards the implementation of the Guiding Principles, including the development of a NAP or other similar framework (cf. UN. Human Rights Council, 2014). In addition, in 2016, the Working Group published the document “Guidance for National Action Plans on Business and Human Rights”<sup>3</sup>, designed as a reference guide for stakeholders in the processes of developing such instruments.

In that document, the Working Group on the issue of human rights and transnational corporations and other business enterprises (2016, p. i) indicated that NAPs should meet the following key criteria: (i) they should be based on the Guiding Principles, adequately expressing the duties of the State and promoting corporate respect for human rights, including through due diligence processes and corporate measures that allow access to remedies; (ii) they should be context-specific and should reflect their material priorities, defining concrete and realistic measures that offer the greatest possible impact in preventing, mitigating and remedying actual and potential adverse human rights impacts related to business activities; (iii) they should be developed within inclusive and transparent processes so that stakeholders’ views are taken into account and contribute to establishing potentially effective business and human rights challenges and solutions; and (iv) they should be regularly reviewed and updated.

In Latin America and the Caribbean, the Guiding Principles have also been placed on the regional agenda. In 2014, through Resolution 2840 (XLIV-O/14), the General Assembly of the Organization of American States (OAS) resolved to promote the implementation of the Guiding Principles, and therefore urged Member States to give the widest dissemination and facilitation to the exchange of information and sharing best practices in this area (cf. OAS. General Assembly, 2014). In 2016,

<sup>2</sup> See, in this regard, the documents produced by the UN Working Group on the issue of human rights and transnational corporations and other business enterprises available at <https://www.ohchr.org/SP/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>.

<sup>3</sup> Guidance from the Working Group to assist in the development of a NAP can be found at the following link. Available at: [https://www.ohchr.org/Documents/Issues/Business/UNWG\\_NAPGuidance\\_SP.pdf](https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance_SP.pdf)

through Resolution 2887 (XLVI-O/16), the OAS General Assembly pronounced itself in the same sense, invoking the implementation of the Guiding Principles and inviting constructive participation in initiatives related to the effective compliance of companies with respect to human rights (cf. OAS. General Assembly, 2016). In addition, it requested the Inter-American Commission on Human Rights (IACHR) to conduct a study on Inter-American standards on business and human rights based on an analysis of conventions, jurisprudence and reports emanating from the Inter-American system.<sup>4</sup>

By virtue of this, in 2019, the IACHR published the report “Business and Human Rights: Inter-American Standards”. In this document, it recognized that the Guiding Principles have been consolidating as the minimum reference base for global governance on the matter, and that they are an authoritative source for fostering an environment that prevents and remedies human rights violations in the context of business activities. However, like the UN Special Representative, he cautioned that the Guiding Principles are a starting point and, therefore, the development of Inter-American standards for human rights in the context of business activities was complemented by what had already been issued within the Inter-American system. Among its recommendations, the IACHR establishes that states incorporate these Inter-American standards in the processes of drafting NAPs on business and human rights (OAS. IACHR, 2019, § 414, A.2). Likewise, given the importance of the Guiding Principles, the Inter-American Court of Human Rights (IACHR Court), the jurisdictional body of the inter-American system, has incorporated their content in its case-law to determine state responsibilities to protect human rights, as well as the obligations of companies to respect human rights and to guarantee access to effective resources.<sup>5</sup>

Thus, with the adoption of the Guiding Principles and the recommendations of human rights bodies, several countries began to implement them by developing a NAP on business and human rights. Currently, 24 countries around the world have this instrument in place.<sup>6</sup> In Latin America, Chile and Colombia have already approved their respective NAPs. Chile is currently reviewing its NAP (2017), to draft a second version, and Colombia has already adopted the second version of its NAP on December 10, 2020. Meanwhile, the governments of Argentina, Brazil, Costa Rica, Ecuador, Guatemala, Honduras, and Mexico have expressed their commitment to develop a NAP and are at different stages of development.

In the Peruvian case, the approach to issues such as RBC and the adoption of public policies that address the issue of business and human rights dates back about ten years. In 2009, as part of its adherence to the OECD Guidelines for Multinational Enterprises, the government established a National Contact Point (NCP) for RBCs, located in Peru’s Private Investment Promotion Agency (Proinversión). Under the OECD Guidelines, the Peruvian NCP is tasked with promoting the Guidelines and related Due Diligence Guidance and handling cases related to potential 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). In

<sup>4</sup> Resolution 2928 (XLVIII-O/18) of the OAS General Assembly, adopted on June 5, 2018, reiterates such request to the IACHR and requests its Rapporteurship on Economic, Social, Cultural and Environmental Rights (Redesca) to make a presentation on the progress of the consultations and work carried out in relation to the preparation of such report.

<sup>5</sup> Cf. I/A Court H.R., Case of the Kaliña and Lokono Peoples v. Suriname. *Case of the Kaliña and Lokono Peoples v. Suriname*. Merits, Reparations and Costs. Judgment of November 25, 2015. Series C No. 309, para. 224; *Environment and human rights (state obligations in relation to the environment in the framework of the protection and guarantee of the rights to life and personal integrity-interpretation and scope of Articles 4(1) and 5(1), in relation to Articles 1(1) and 2 of the American Convention on Human Rights)*. Advisory Opinion OC-23/17 of November 15, 2017. Series A No. 23, § 155; *Case of the Employees of the Santo Antônio de Jesus Fire Factory v. Brazil*. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 15, 2020. Series C No. 407, §§ 150 et seq, 167.

<sup>7</sup> See The Organisation for Economic Co-operation and Development (OECD) and the Country Program for Peru, available at [http://acuerdonacional.pe/wp-content/uploads/2015/02/AyudaM\\_Programa-Pais-Peru-OCDE.pdf](http://acuerdonacional.pe/wp-content/uploads/2015/02/AyudaM_Programa-Pais-Peru-OCDE.pdf).

2014, Peru was invited to participate in the OECD's<sup>7</sup> "Country Programme", a mechanism aimed at helping a limited number of countries to achieve the standards and practices of that organization, and thus serve as a basis for the reform process in other areas of their public policies. The negotiated Country Program contemplated objectives such as: aligning economic growth with social inclusion, improving competitiveness and diversifying the national economy, increasing the credibility of public institutions, and achieving better environmental results.

Subsequently, between July 10 and 19, 2017, the UN Working Group on the issue of business and human rights conducted a mission to Peru, which resulted in its country report published in 2018. In this, it acknowledged the political will of the State to implement the Guiding Principles and warned that the main public problem in this area was that

[...] in general, the linkages between different policy areas and the issue of business and human rights were not sufficiently understood or discussed, underscoring the need for more coherent policies across government ministries and departments, particularly the policies of those dealing with human rights issues and those shaping business practices. (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2018, § 17).

In the same vein, it was stressed that

[...] the process of developing a national action plan should help to increase policy coherence and, in particular, ensure linkages between initiatives in the area of business and human rights, competitiveness, and sustainable investment. (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2018, § 17).

In this context, in 2018, the State adopted its third NHRP 2018-2021,<sup>8</sup> which incorporated for the first time a strategic guideline aimed at the implementation of international standards on business and human rights, with the objective of: "Ensuring that public and private companies respect human rights in their sphere of action" (Guideline No. 5). This guideline states that public and private companies should ensure that they respect human rights within the framework of the Peruvian State's international obligations, the Political Constitution, domestic legislation, and the different related sectorial policies. Following the applicable regulatory and public policy framework, the Executive Branch proposed to promote the progressive implementation of the Guiding Principles and other related international instruments, through the elaboration of a NAP on Business and Human Rights.

In order to implement said guideline, on June 15, 2018, MINJUSDH, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru (Idehpucp), held the event "Routes for the Implementation of the National Action Plan on Business and Human Rights" (Idehpucp, 2018), which aimed to provide a space for dialogue and exchange between the different stakeholders that would participate in the process of developing the NAP and thus create inputs that would serve for the formal stage of developing the methodology, baseline, and diagnosis.

In November 2018, at the proposal of the General Directorate of Human Rights (DGDH) of the Minjurdh, the National Human Rights Council approved the following strategic guidelines that guide the development of the NAP on Business and Rights:

<sup>8</sup> Approved by Supreme Decree No. 02-2018-JUS, published on February 1, 2018.



- Strategic guideline N° 1: Promotion and dissemination of a culture of respect for human rights in the business environment under the framework of the international standards of the Guiding Principles and other international instruments.
- Strategic guideline N° 2: Design of public protection policies to prevent human rights violations in the business environment.
- Strategic guideline N° 3: Design of public policies that promote respect for human rights by companies through accountability, investigation, and sanction for the impacts of their activities.
- Strategic guideline N° 4: Promotion and design of due diligence procedures to ensure corporate respect for human rights.
- Strategic guideline N° 5: Design and strengthening of mechanisms to ensure that those affected by human rights violations have access to judicial, administrative, legislative, or other means of redress.

These guidelines develop the three pillars of the Guiding Principles, which guide the preparation of the NAP, as well as the diagnosis and the baseline. In this way, they are aimed at strengthening the institutional framework and the work of the State in the implementation of public policies that prevent and, if necessary, adequately address possible human rights violations that occur in the context of business activities, both formal and informal.

With all this in mind, the main objective of the NAP was to adopt actions to progressively overcome the gaps in the coherence of the country's public policies in relation to the international framework for business and human rights, competitiveness, and sustainable investment. Consequently, the NAP has necessarily implied the formulation of space for the materialization of public policies that will lead the State, companies, civil society organizations, indigenous peoples, and trade unions to effectively comply with their human rights obligations. This process has been characterized by the search for constructive dialogue, in which all parties involved can interact in an assertive, equitable, and respectful manner on the problems addressed and their proposed solutions, even in the case of differing positions. Thus, the identification of gaps in the implementation of the Guiding Principles has not had an accusatory character, much less a resolutive one, but rather one of collecting and processing the contributions of each stakeholder and establishing, as far as possible by consensus, the issues that deserve attention under the NAP framework.

As part of the NAP preparation process, in 2019 the government requested the OECD to prepare a Study on RBC public policies, becoming the first country to adhere to the Guidelines to carry out such an exercise, reflecting a strong willingness to address these challenges from the public policy-making sphere. Through the good offices of the government, the Study benefited from input from multiple entities and stakeholders involved in the development of the NAP and included among the main recommendations delivered with the completion of the Study in June 2020 that “[t]he 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 it should ensure that the participation of all government stakeholders is as effective as possible, that stakeholders’ views are fairly reflected [...]” and to ensure that “[...] the NAP is based on Peru’s commitment to the Guidelines [...]” (OECD, 2020b, p. 29).

It should also be noted that, since its inception, the process has had a strategic alliance with international organizations such as the UNHCR, the ILO, and the OECD, through the Responsible Business



Conduct in Latin America and the Caribbean (Ceralc)<sup>9</sup> Project, financed and designed in collaboration with the European Union (EU). It has also received valuable support from embassies of allied countries: the United Kingdom, Germany, Switzerland, Sweden, Spain, the Kingdom of the Netherlands and France.

The global health emergency caused by Covid-19 further highlighted important gaps and challenges, making it necessary to rethink the characteristics of the process and its scope. But it also generated the conviction that the human rights approach and, in particular, the business and human rights approach in public policies, is fundamental to overcome the crisis and to ensure sustainable development that has the human rights of people as its central objective.

## 1.2. Methodology: Peer-to-peer dialogue as the basis of the NAP

In accordance with the Guiding Principles and the NHRP 2018-2021, the formulation of the NAP was characterized by being a broad, highly participatory, good faith, consensus-building, transparent and decentralized process, in which stakeholders from different sectors linked to the issue coincided.

The methodological tools of the process were, therefore, aimed at guaranteeing the strengthening of dialogue among equals that would restore and build trust, in which all positions would be respected and duly represented, and in which everyone could put forward their points of view, make their observations, suggestions, and criticisms of the process, in short, make their voice heard on equal terms. This has been essential to building a public policy with the highest possible level of legitimacy and, therefore, one that is viable and commits all stakeholders and, progressively, all citizens to a common goal, even when disagreements remain as an expression of the democratic dialogue.

The process was conducted by the DGDH of the Minjusdh, in coordination with the relevant state sectors, taking advantage of advances in areas such as sectoral policies, national regulations, spaces for inter-institutional dialogue, and best practices of public and private companies, civil society, trade unions, and indigenous organizations, among others.

In September 2019, through Vice-Ministerial Resolution No. 001-2019-JUS, the Vice-Ministry of Human Rights and Access to Justice formally approved the “Methodology for the elaboration process of the National Action Plan on Business and Human Rights”.<sup>10</sup> This methodological proposal was the result of multiple working meetings in Lima and other regions with the stakeholders involved, training to the participants of the process, as well as the installation of working tables and sessions, in which entities of the Executive Branch, companies, civil society, indigenous or native peoples, unions, universities, among others, took part. In this way, contributions and suggestions were gathered from more than thirty institutions for the elaboration of the proposal.

Under the framework of the National Public Management Modernization Policy, the methodology reflects the results-based management approach in public administration. The projection of this approach implied that the methodology ensures, on the one hand, the identification and definition of problems focused on human rights and, on the other hand, the identification of effective strategic interventions, preferably based on evidence. Consequently, the logic of management by results made it possible to prioritize the response to the needs of the people who make up the special

<sup>9</sup> The objective of the Ceralc project is to promote smart, sustainable and inclusive growth in the EU and Latin America and the Caribbean by supporting responsible business conduct practices, including Colombia as one of the countries prioritized to align with the relevant international standards (mentioned in Chapter V) contained in the respective instruments of the implementing organizations.

<sup>10</sup> Approved by Vice-Ministerial Resolution No. 001-2019-JUS, published on September 9, 2019.

protection groups, in order to plan interventions for all the problems identified in the process of developing the management tool.

Additionally, management by results favors that the NAP complies with the requirement of mainstreaming the human rights approach and its complementary approaches (Minjusdh, 2019), which are the following:

- Gender approach: considers the roles and tasks performed by women and men in a society, as well as the asymmetries and power relations and inequalities that occur between them, and seeks to understand and explain the causes that produce them in order to formulate measures that contribute to overcoming the social gaps generated by gender inequality, ensuring access by women and men to public resources and services and strengthening their political and citizen participation under equal conditions.
- Disability perspective: evaluates social relations considering the needs and interests of people with disabilities; and considers disability as the product of the interaction between the sensory, physical, intellectual, or mental deficiencies of people and the different barriers imposed by society, addressing the multidimensional nature of the problem of exclusion and discrimination that affects them and committing the State and society to take measures to eliminate them, in order to ensure their full and effective participation in society, without discrimination and on equal terms.
- Intercultural approach: establishes the recognition of cultural differences as one of the pillars of the construction of a democratic society, based on the establishment of relations of equity and equality of opportunities and rights. The intercultural approach in public management is the process of adaptation of the different entities, at the regulatory, administrative, and civil service levels of the State, to address the cultural and social needs of the country's different ethnic-cultural groups in a relevant manner.
- Age approach: it states that the violation of human rights impacts men and women of all ages in different ways, allowing the distinction of the impacts that affect the victims, as well as the adoption of appropriate measures according to the assessment of specific problems of age groups.
- Territorial approach: emphasizes that the strengthening of relations between stakeholders in a territory, within the framework of public policies, should promote the creation and development of mechanisms that enable the exchange of opinions and experiences between productive organizations and the different levels of government.
- Differential approach: this contemplates a progressive development of the principle of equality and non-discrimination, considering that, although all people are equal before the law, the law affects each person differently, according to their class, gender, ethnic group, age, physical or mental health, sexual orientation, gender identity, or another status.
- Gerontological approach: the gerontological approach refers to a multidisciplinary or integral perspective of the older adult. That is, it takes into consideration all the dimensions of the human being (biological, psychological, and social), as well as the study of the impact of sociocultural and environmental conditions on the aging process and, in old age, the social consequences of such processes. Thus, the approach implies recognizing the particular differences of this age group and, therefore, the need to adapt services to ensure their relevance, promoting a dignified, active, productive, and healthy old age.
- Life-course approach: this approach proposes a new way of studying aging, understanding it as an integrated process within the human life course as a whole. With this approach, the

health outcomes of individuals and the community depend on the interaction of multiple protective and risk factors throughout a person's life. Thus, each life stage influences the next. The factors refer to environmental, biological, behavioral, psychological characteristics and access to health services. This approach provides a comprehensive view of health and its determinants, which encourages the development of health and other services focused on the needs of individuals over the life course. The life course perspective serves as a basis for predicting future health scenarios. Trajectories, temporality, transitions, critical periods, the interconnectedness of lives, and cumulative effects form the conceptual platform to contribute, as part of the available scientific evidence, to model the health and life scenarios of the country's resident population, mainly in terms of prevention, taking into account avoidable causes.

- **Intergenerational approach:** Intergenerationality is the relationship between people of different generations or age groups. Each generation has experiences, knowledge, values, and cultural patterns in common that differentiate them from other groups. Thus, the intergenerational approach proposes mutual respect and collaboration between generations, strengthening emotional ties, overcoming myths and stereotypes attributed to age, promoting spaces for exchange, dialogue, appreciation, and learning between generations of adults, older adults, adolescents, and children. In this sense, the purpose of this approach is to build a society for all ages, combating inequalities based on age and improving the living conditions of vulnerable age groups.
- **Intersectional approach:** is a tool for the analysis of the multiple discriminations that people suffer individually and collectively, especially women; this approach helps us to understand how different variables (social, cultural, economic, religious, ethnic, generational, etc.) influence access to rights and opportunities, for example, being an older woman, being indigenous and having a disability. Thus, the intersectional analysis aims to reveal the various identities, exposing the different types of discrimination and disadvantage that occur as a result of the combination of these. (Association for Women's Rights and Development-AWID, 2004).

On the other hand, the NAP preparation process has been characterized by a broad, participatory, flexible, inclusive, decentralized, and consensus-building dialogue among the different stakeholders. Although it focused on the participation of stakeholders from certain sectors, it also included participation mechanisms that allowed the general public to receive information on the process and its different components; to present their proposals; and to follow up or monitor all stages. As of June 2020, it also had to be adapted to the use of virtual platforms, taking into account the health emergency caused by Covid-19. Thus, under the leadership of the Minjusdh, the activities detailed below were developed:

**Table 1. General activities during the NAP development process**

#	Type of activity	Total
1	Multi-Stakeholder Board Meetings	15
2	Executive Branch Working Group meetings	14
3	Working groups on diagnostics and baselines	12
4	Bilateral working meetings	318
5	Regional dialogues	22
6	Training workshops	17
7	National discussions	11
8	International discussions	2
9	Participation in external activities	16
Total number of activities		427

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The main space for dialogue was developed through the Multi-stakeholder Roundtable strategy, which incorporated the aforementioned approaches and in which representatives of the state, business, workers, indigenous peoples, and civil society, as well as international organizations and international cooperation agencies participated, under the leadership of the Minjusdh.

The Multi-stakeholder Roundtable for the NAP was therefore a space for sharing the different positions of the participants, seeking to contribute to restoring and building trust between the parties. Its objective was to seek a shared understanding of the problems and the actions, indicators, and goals to be prioritized to address them, within the framework of a reasonable consensus, and also recognizing the possibility of disagreements as an expression of a democratic and good faith dialogue between equals. Participation in the Multi-stakeholder Roundtable sessions is presented in the following table:

**Table 2. Participation in the Multi-stakeholder Roundtable Sessions**

#	Date	Meeting
1	27/03/2019	First Multi-Stakeholder Roundtable (face-to-face)
2	24/07/2019	Second Multi-Stakeholder Roundtable (face-to-face)
3	27/08/2019	Third Multi-Stakeholder Roundtable (face-to-face)
4	13/09/2019	Fourth Multi-Stakeholder Roundtable (face-to-face)
5	05/06/2020	Fifth Multi-Stakeholder Roundtable (virtual)
6	30/10/2020	Sixth Multi-Stakeholder Roundtable (virtual)
7	30/11/2020	Seventh Multi-Stakeholder Roundtable (virtual)



8	22/01/2021	Eighth Multi-Stakeholder Roundtable (virtual)
9	19/03/2021	Ninth Multi-Stakeholder Roundtable (virtual)
10	31/03/2021	Tenth Multi-Stakeholder Roundtable (virtual)
11	23/04/2021	Eleventh Multi-Stakeholder Roundtable (virtual)
12	07/05/2021	Twelfth Multi-Stakeholder Roundtable (virtual)
13	14/05/2021	Thirteenth Multi-Stakeholder Roundtable (virtual)
14	21/05/2021	Fourteenth Multi-Stakeholder Roundtable (virtual)
15	26/05/2021	Fifteenth Multi-Stakeholder Roundtable (virtual)

In addition to the Multi-Stakeholder Roundtable, dialogue among stakeholders was carried out using different mechanisms:

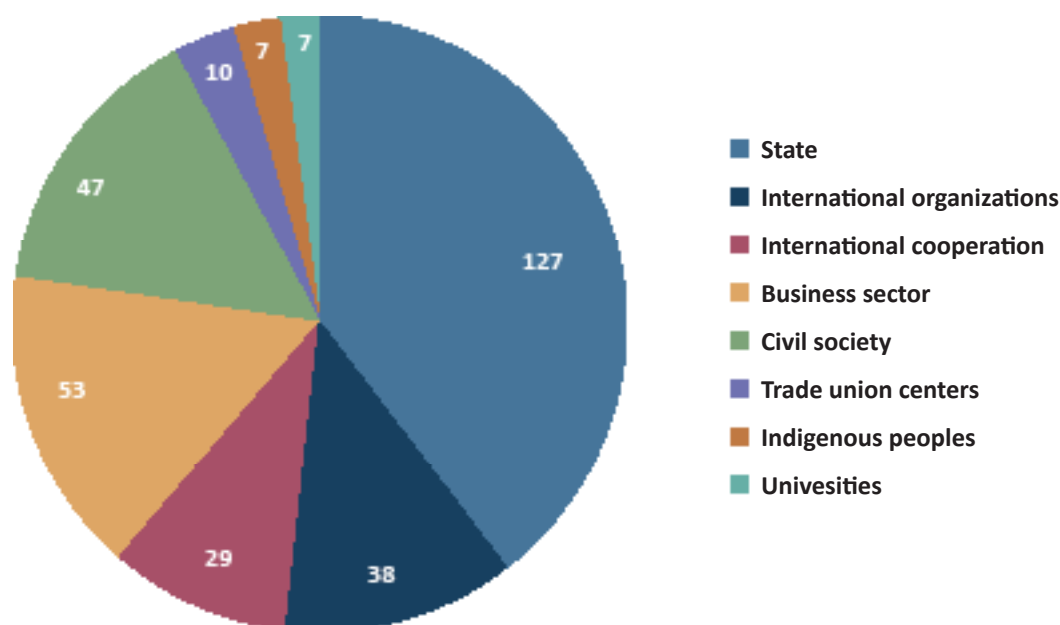
- Meetings of the Executive Branch Working Group: spaces for participation and coordination of representatives of the various agencies of the Executive Branch that have the full support of the head of their sector or entity, with the capacity to make decisions and assume institutional commitments, with the task of keeping their Senior Management informed of the progress and agreements of the process.

**Table 3. Executive Branch Working Group meetings**

#	Date	Modality
1	15/02/2019	On-site
2	28/02/2019	On-site
3	17/07/2019	On-site
4	17/12/2019	On-site
5	16/01/2020	On-site
6	20/01/2021	Virtual
7	21/01/2021	Virtual - High level
8	04/02/2021	Virtual
9	22/04/2021	Virtual
10	29/04/2021	Virtual
11	06/05/2021	Virtual
12	13/05/2021	Virtual
13	20/05/2021	Virtual
14	24/05/2021	Virtual

- Working meetings: at the request of both the Minjurdh and the counterpart institution from different sectors, the purpose of these dialogue and coordination meetings was to report on the progress and actions planned as part of the process, gather input for the preparation of the Diagnosis, and the Baseline, and coordinate the preparation of actions, indicators and goals.

**Figure 1. Working meetings for the NAP**



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- Regional dialogues: With the support of the members of the Multi-Stakeholder Roundtable, awareness-raising and training activities were carried out with regional stakeholders to provide them with information on the process, promote coordination with their national organizations and gather contributions, with emphasis on groups directly related to business activities. These activities were carried out in person and virtually, as follows:

**Table 4. Regional Dialogues**

#	Date	City	Modality
1	28/3/2019	Pucallpa	On-site
2	11/4/2019	Jaen	On-site
3	29/4/2019	Puno	On-site
4	28/6/2019	Arequipa	On-site
5	9/7/2019	Chiclayo	On-site
6	1/7/2019	Ayacucho	On-site
7	7/8/2019	Puerto Maldonado	On-site



8	14/8/2019	Cusco	On-site
9	25/10/2019	Puno	On-site
10	20/11/2019	Iquitos	On-site
11	22/11/2019	Piura	On-site
12	27/11/2019	Ica	On-site
13	6/12/2019	Ayacucho	On-site
14	9/12/2019	Cajamarca	On-site
15	23/1/2020	Tarapoto	On-site
16	28/1/2020	Tacna	On-site
17	10/03/2020	Cusco	On-site
18	13/03/2020	Moyobamba	On-site
19	23/10/2020	Lima and regions	Virtual
20	27/10/2020	Lima and regions	Virtual
21	21/05/2021	Lima and regions	Virtual
22	28/05/2021	Lima and regions	Virtual

- Training: activities aimed at different stakeholders such as government officials, company and business associations, and labor unions, in order to promote informed involvement in the process, as well as to receive proposals on actions and goals for public policy. It should be noted that more than 4,000 people from all sectors were trained in the workshops offered, with the collaboration of panelists and trainers from different areas. Among these activities, the national workshops were characterized as public activities through which the different sectors of the Multi-stakeholder Roundtable collaboratively discussed key issues in greater depth.

**Table 5. National discussions**

#	Date	Subject	Modality	Stakeholder participation
1	22/06/2019	LGBTI people's rights	On-site (Minjusdh)	UN, Pride Connection Peru, Confiep, NGO Presente, Indecopi
2	11/07/2019	Children's rights	On-site (Minjusdh)	Unicef Peru, Save The Children, Confiep, MIMP
3	30/09/2019	People with disabilities	On-site (Minjusdh)	OIT, Fenamudip, CATP, Confiep, RED
4	21/10/2019	Occupational health and safety	On-site (Minjusdh)	ILO, CATP, Confiep, MTPE

5	18/02/2020	Senior citizens	On-site (Minjusdh)	MTPE, Grupo Vigencia, CUT, Confiep
6	04/03/2020	Best practices in the business sector	On-site (Minjusdh)	UN-ILO (Win-Win), Confiep, Coca Cola, Yanacocha, G4S
7	20/07/2020	The response to Covid-19	Virtual (Zoom)	ILO, Acnudh, Confiep, Fenmucarín, CUT, CooperAcción, PYME Perú
8	10/08/2020	The problem of informality	Virtual (Zoom)	ILO, CUT, PYME Perú, Confiep, Plades, Global Compact
9	28/08/2020	Women's rights	Virtual (Zoom)	Embassy of Sweden, Fenmucarín, Confiep, Cocep, MIMP, GenderLab, WomenCEO Perú
10	25/09/2020	The rights of indigenous or native peoples	Virtual (Zoom)	ILO, Aidesep, CNA, CCPIP, SNMPE, Mincul
11	19/10/2020	Protection of human rights defenders	Virtual (Zoom)	Acnudh, CUT, Cedet, CNDDHH, SNMPE

- International discussions: public dissemination activities aimed at the general public with the participation of international stakeholders on the experience in the development of instruments on business and human rights and the incorporation of international standards, particularly the Guiding Principles, in national public policies related to business activities.

**Table 6. International discussions**

#	Date	Subject	Modality	Stakeholder participation
1	12/12/2019	National Action Plan on Business and Human Rights: What can we learn from the European experience?	On-site (Minjusdh)	EU Embassy, German Embassy, French Embassy, Swedish Embassy, Swedish Embassy, Swiss Embassy, UK Embassy, IDHE-UDEM, UN Working Group on Business and Human Rights, ILO-Ceralec
2	07/02/2020	Business and Human Rights: Inter-American Standards	On-site (Minjusdh)	Redesca, Acnudh, Business and Human Rights Resource Center, Peruvian Ombudsman's Office, Spanish Chamber, IDEH-UDEM

- Participation in international activities: the experience in the elaboration of the NAP has been shared by the DGDH team of the Minjusdh at the international level through panels organized by other institutions.

### 1.3. Stages of the elaboration process

The NAP preparation process was divided into three stages: (i) convening of stakeholders; (ii) preparation of diagnosis and baseline; and (iii) preparation of actions, indicators, and goals. The beginning of one stage did not mean the definitive closure of the previous one; however, it is possible to define differentiated periods:

**Figure 2. Stages in the NAP development process**



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#### ***First stage: call for stakeholders***

It was developed from January to August 2019. It was characterized by the identification and rapprochement of stakeholders from the State, companies, civil society, indigenous peoples, trade unions, international organizations, and international cooperation agencies. In this way, all sectors involved in the issue of business and human rights were brought together. In collaboration with them, the methodological proposal that would guide the NAP was developed and approved. This stage involved the training of stakeholders on issues such as the Guiding Principles and other international standards, good business practices, and the rights of vulnerable groups. Although this stage was formally closed in August 2019, with the approval of the methodology, new members were allowed to join the Multi-stakeholder Roundtable until the completion of the diagnostic stage.

#### ***Second stage: preparation of the diagnosis and the baseline***

The development of the diagnosis and baseline was led by the DGDH, in coordination with the Executive Branch Working Group. The process was developed from September 2019 to March 2021 and was understood as an evidence-based assessment of the existing gaps regarding the implementation of the Guiding Principles in the framework of business activities of all types, in the formal and informal sector, in both public and private companies.

Technical assistance for its formulation was provided by four universities: Universidad del Pacífico (through the Center for Mining and Sustainability Studies), Universidad Antonio Ruiz de Montoya

(through the Institute of Ethics and Development), Pontificia Universidad Católica del Perú (through the Institute of Democracy and Human Rights) and Universidad de Monterrey (through the Institute of Human Rights and Business, as part of a regional consultancy commissioned by the Ceralc Project). With funding from international cooperation, they contributed with their experience in the systematization and analysis of the information available on 16 of the 23 selected topics and provided quality inputs that served as the initial basis for the development of the process. The initial diagnostic documents for 5 of the 23 topics were prepared directly by the DGDH, without international cooperation funding. The remaining two diagnoses were developed based on surveys formulated and applied by UNHCR's South America office (training needs) and by the OECD (implementation of corporate due diligence mechanisms).

The review process of each diagnostic and baseline report began with the analysis of the input provided by the universities by the Executive Branch Working Group, seeking the opinion of all entities with competence in the subject matter of each report. With the Working Group's observations included, the new version of each report was shared with the stakeholders of the Multi-stakeholder Roundtable to receive comments and suggestions. These were systematized in a specific matrix for each report by the DGDH, which was in charge of evaluating them -under its mandate for the elaboration of the NAP- and expressing the reasons for their incorporation or rejection. Comments and suggestions were received throughout the diagnostic and baseline stage, through e-mail (in writing) and work meetings (verbally). In this way, each new version of the report was sent to all stakeholders at least two weeks before each meeting that would address a specific topic. The diagnoses, in this sense, reflect a multi-stakeholder dialogue with broad consensus, but also with some points of disagreement.

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Based on the diagnosis, the baseline provided the process with the identification of the situation of the problems of 23 prioritized issues, to build actions, indicators (structural, process, and result indicators), and goals, which allow defining the mechanisms to measure progress in narrowing the gaps. As of March 2020, the impact of the health emergency caused by Covid-19 should have been incorporated into all these issues, as it continues to pose new challenges to public policy.

The prioritized topics are as follows:

**Table 7. Diagnostic and baseline issues**

#	Subject	Preparation of initial input	Financing
1	Informality in the economic sector	Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru.	CERALC Project (ILO)
2	People with disabilities	DGDH - MINJUSDH	
3	Senior citizens	DGDH - MINJUSDH	
4	Foreign migrants	DGDH - MINJUSDH	
5	Afro-Peruvian people	DGDH - MINJUSDH	
6	Large-scale agriculture	DGDH - MINJUSDH	

7	Child labor	Institute of Ethics and Development of the Antonio Ruiz de Montoya University.	Embassy of Switzerland
8	Transparency, integrity, and anti-corruption	Institute of Ethics and Development of the Antonio Ruiz de Montoya University.	Embassy of Switzerland
9	Human rights defenders	Institute of Ethics and Development of the Antonio Ruiz de Montoya University.	SPDA
10	Indigenous peoples and prior consultation	Institute of Ethics and Development of the Antonio Ruiz de Montoya University.	SPDA
11	Social conflict	Institute of Ethics and Development of the Antonio Ruiz de Montoya University.	Embassy of Switzerland
12	LGBTI people	Center for Mining and Sustainability Studies of Universidad del Pacífico	Embassy of Sweden
13	Women	Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru.	CERALC Project (OHCHR, ILO), Embassy of the United Kingdom
14	Freedom of association and collective bargaining	Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru.	CERALC Project (ILO)
15	Private security	Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru.	Embassy of the Kingdom of the Netherlands
16	Use of force and police agreements	Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru.	Embassy of the Kingdom of the Netherlands
17	Environmental impact studies	Center for Mining and Sustainability Studies of Universidad del Pacífico	Embassy of the Kingdom of the Netherlands
18	Mining	Center for Mining and Sustainability Studies of Universidad del Pacífico	Embassy of the Kingdom of the Netherlands
19	Hydrocarbons	Center for Mining and Sustainability Studies of Universidad del Pacífico	Embassy of the United Kingdom
20	Judicial redress mechanisms	Institute for Human Rights and Business of the University of Monterrey, Mexico.	Office of the United Nations High Commissioner for Human Rights in South America



21	Extrajudicial reparation mechanisms	Human Rights and Business Institute of the University of Monterrey, Mexico.	Office of the United Nations High Commissioner for Human Rights in South America
22	Corporate due diligence mechanisms	Organization for Economic Cooperation and Development	
23	Business and Human Rights training needs	Office of the United Nations High Commissioner for Human Rights in South America	

To this end, the systematization of the information was developed based on the following:

- National official sources (public documents of all state entities, among others).
- Official international sources (reports of the universal and inter-American human rights systems, OECD, among others).
- Non-official sources published by companies, civil society, indigenous or native peoples, unions, universities, academic centers, experts, among others, containing rigorous and timely information.

Thus, it was considered a priority to incorporate the voice of rights holders and groups impacted or potentially negatively affected by corporate activities and, in general, of civil society organizations, indigenous peoples, and trade unions.

### ***Third stage: development of actions, indicators, and targets***

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It was developed from January to May 2021.<sup>12</sup> It was based on the information gathered and systematized in the diagnosis and baseline, allowing stakeholders to reach agreements on priorities and concrete actions to be included in the NAP. Thus, it focused on the construction of actions, objectives, and indicators (structural, process, and result), organized according to the strategic guidelines approved by the National Human Rights Council. At this stage, the concepts mentioned above were defined as follows:

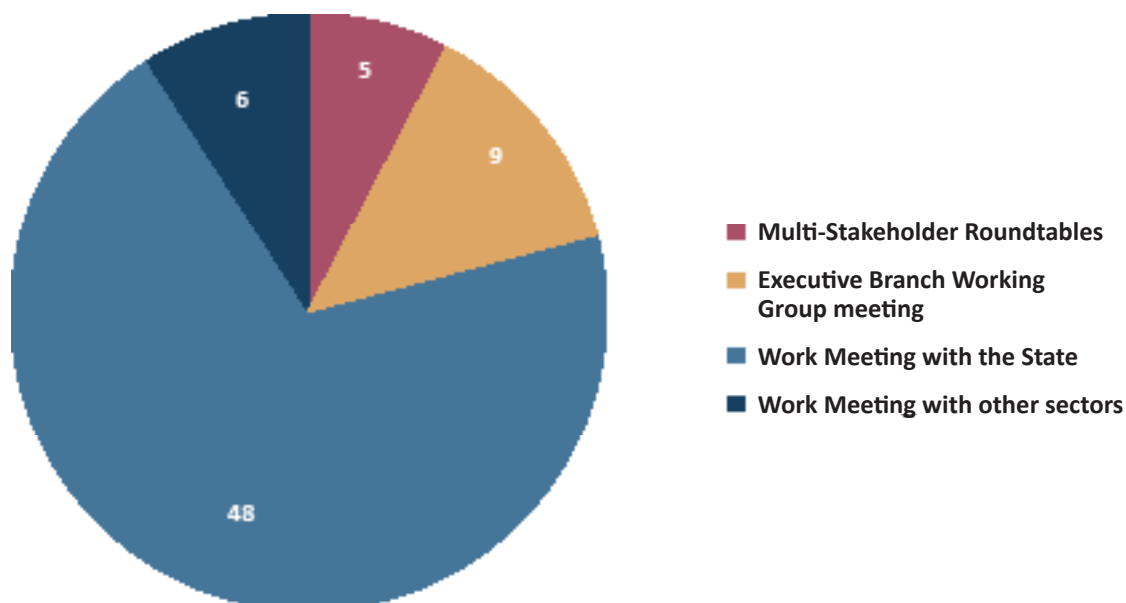
- Action: Initiative that contributes to implementing an objective. Depending on the hierarchical level of the NAP, they are classified into institutional, regional, or sectoral actions.
- Objective: An end that is expected to be achieved in a certain period of time through planned actions. Depending on the hierarchical level of the plan, they are classified into institutional, regional, or sectoral objectives.
- Indicator: a tool that provides quantitative or qualitative information and is constructed from the synthesis of observable or subjective aspects of a variable or a set of variables related to a particular topic or phenomenon.

The number of activities during the development of actions, indicators, and goals is shown below:

<sup>12</sup> This stage began at the level of the Executive Branch Working Group for the NAP on January 20 (first working meeting); at the level of the Multi-stakeholder Roundtable it began on April 9 with the submission of the first draft of the matrix of actions, indicators and goals, and the convening of the first Multi-stakeholder Roundtable to discuss them, which was held on April 23, and continued on May 7, 14, 21 and 26.



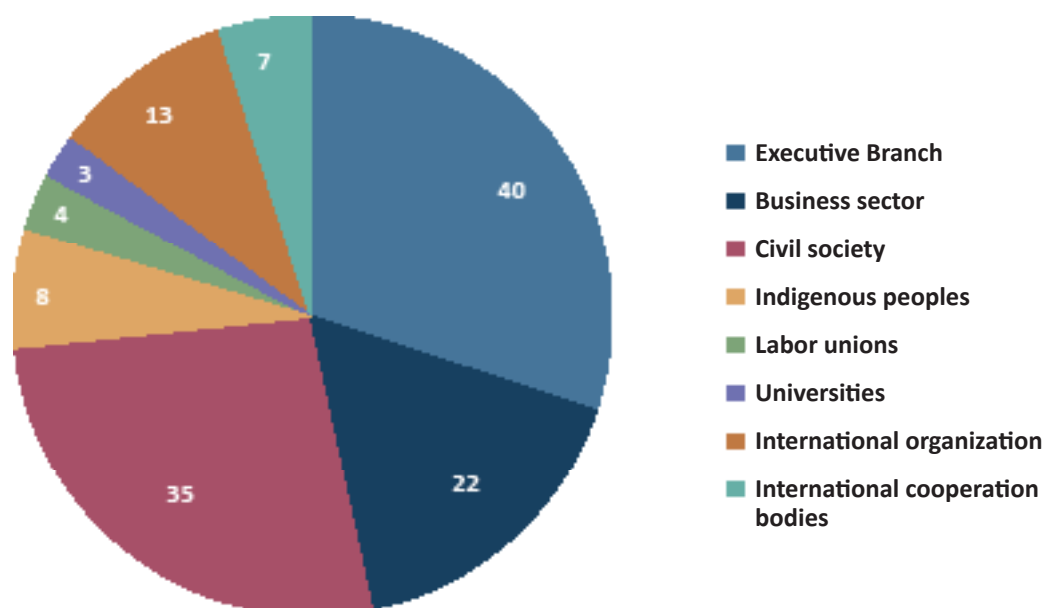
Figure 3. Activities during the third phase of the NAP



#### 1.4. Stakeholders that participated in the process

The NAP preparation process involved 132 stakeholders from the State, companies, civil society, indigenous peoples, trade unions, international organizations, and international cooperation agencies, all of which formed part of the Multi-Stakeholder Roundtable:

Figure 4. Stakeholders of the Multi-Stakeholder Roundtable



The stakeholders of each sector that participated in the process are detailed below:

### ***Executive Branch Working Group***

1. Presidency of the Council of Ministers
2. Ministry of Foreign Affairs
3. Ministry of Energy and Mines
4. Ministry of Development and Social Inclusion
5. Agency for the Promotion of Private Investment - Proinversión
6. Ministry of Housing, Construction, and Sanitation
7. Ministry of the Interior
8. Ministry of Economy and Finance
9. National Civil Service Authority - Servir
10. Ministry of Transportation and Communications
11. Ministry of Agriculture and Irrigation
12. National Institute for the Defense of Competition and the Protection of Intellectual Property - Indecopi
13. National Service for Natural Areas Protected by the State - Sernanp
14. National Forest Service - Serfor
15. Ministry of Women and Vulnerable Populations
16. Ministry of Health
17. National Superintendence of Sanitation Services - Sunass
18. Public Procurement Central - Perú Compras
19. Supervisory Agency for Private Investment in Telecommunications - Osiptel
20. Ministry of Culture
21. National Council for the Integration of Persons with Disabilities - Conadis
22. Supervisory Body for State Contracting - OSCE
23. National Superintendence of Labor Supervision - Sunafil
24. Impulsa Peru Program
25. Environmental Evaluation and Oversight Agency - OEFA
26. Supervisory Body for Investment in Transportation Infrastructure for Public Use - Ositran
27. Public Integrity Secretariat
28. National Fund for the Financing of the State's Entrepreneurial Activity - Fonafe
29. Ministry of Labor and Employment Promotion
30. Forest Resources Oversight Agency - Osinfor
31. Ministry of Environment
32. Ministry of Production
33. Ministry of Foreign Trade and Tourism
34. Ministry of Defense
35. Ministry of Education
36. Consultative Council for Children and Adolescents of the Ministry of Women and Vulnerable Populations - Cpeti
37. Association of Municipalities of Peru - AMPE
38. Supervisory Agency for Energy and Mining Investment - Osinergmin
39. National Superintendence of Migration
40. Executive Boards of the Ministry of Economy and Finance

### ***Business sector***

41. National Confederation of Private Entrepreneurial Institutions - Confiepand Local Network of the Global Compact in Peru
42. National Society of Mining, Petroleum, and Energy - Snmpe
43. National Chamber of Commerce, Production, Tourism, and Services - Peru Chambers
44. PlusPetrol
45. Rio Tinto
46. Cerro Verde
47. Goldfields
48. Yanacocha
49. Antamina
50. Association of Small Business Guilds of Peru
51. Responde - Sustainability
52. Securitas
53. Lima Chamber of Commerce
54. Anglo American
55. Association of Small and Medium-Sized Industrial Entrepreneurs of Peru
56. Official Spanish Chamber of Commerce in Peru
57. National Society of Industries - SNI
58. Chamber of Commerce of Madre de Dios
59. Avanza Sostenible
60. Insuco
61. AC Sustainability
62. Chamber of Commerce and Production of Lambayeque

### ***Civil society***

63. Episcopal Commission for Social Action - CEAS
64. Center for the Promotion and Defense of Sexual and Reproductive Rights - Promsex
65. EarthRights International
66. National Human Rights Coordinator
67. Civil Society Platform on Business and Human Rights <sup>13</sup>
68. Association for Human Rights - Aprodeh
69. Muqui Network
70. National Initiative Group for Children's Rights - GIN
71. CooperAcción
72. Amnesty International - AI
73. Network for a Globalization with Equity - RedGE
74. National Evangelical Council of Peru - CONEP
75. Center for Public Policy and Human Rights - Peru Equidad
76. Caritas of Peru
77. Peruvian Society of Environmental Law - SPDA
78. Law, Environment and Natural Resources - DAR

<sup>13</sup> The Civil Society Platform on Business and Human Rights is made up of the National Human Rights Coordinator (CNDDHH), Oxfam in Peru, Diakonia, Cooperación, Perú Equidad, Derecho, Ambiente y Recursos Naturales (DAR), Red Muqui, RedGe, IBC, Fedepaz, Caaap, Codehica, Earthrights International, Plades, Aprodeh, CEAS, Derechos Humanos Sin Fronteras, Ildads, Cipca, Grufides, IESI, 11.11.11 and Amnesty International-Peru, Proética-Peruvian Chapter of Transparency International.



- 79. Center for Rights and Development - CEDAL
- 80. Save the Children
- 81. Group Validity
- 82. Action for Children
- 83. ProDiálogo
- 84. Presente
- 85. Sustainable Future
- 86. Mining Dialogue and Sustainable Development Group
- 87. Society and Disability - SODIS
- 88. Mesa de Concertación para la Lucha contra la Pobreza - MCLCP (Round Table for the Fight against Poverty)
- 89. Diakonia
- 90. Labor Development Program - PLADES
- 91. Peru 2021
- 92. Peruvian Association of Blood Donors
- 93. Labor Association for Development - ADEC-ATC
- 94. Institute for Trade Union Studies
- 95. Human Rights Without Borders
- 96. Global Reporting Initiative
- 97. Peruvian Institute of Business and Human Rights

### ***Indigenous peoples***

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- 98. National Organization of Andean and Amazonian Indigenous Women of Peru - Onamiap
- 99. Interethnic Association for the Development of the Peruvian Rainforest - Aidesep
- 100. National Federation of Peasant, Artisan, Indigenous, Native and Salaried Women of Peru - Fenmucarinap
- 101. National Union of Aymara Communities - UNCA
- 102. Confederation of Amazonian Nationalities of Peru - Conap
- 103. National Agrarian Confederation - CNA
- 104. The Peruvian Peasant Confederation - CCP
- 105. Amazon Indigenous Platform

### ***Labor unions***

- 106. Autonomous Workers' Central of Peru - CATP
- 107. Confederation of Peruvian Workers - CTP
- 108. Peruvian Workers' Unitary Central - CUT
- 109. General Confederation of Peruvian Workers - CGTP

### ***Universities***

- 110. Institute of Ethics and Development of the Antonio Ruiz de Montoya University
- 111. Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru
- 112. Center for Mining and Sustainable Development Studies of Universidad del Pacífico



***International organizations***

- 113. Office of the Resident Coordinator of the United Nations System in Peru
- 114. Office of the United Nations High Commissioner for Human Rights in Peru - UNHCHR
- 115. United Nations Development Programme - UNDP
- 116. United Nations Population Fund - Unfpa
- 117. Joint United Nations Programme on HIV/AIDS -- UNAIDS
- 118. United Nations Children's Fund - Unicef
- 119. United Nations Office on Drugs and Crime - Unodc
- 120. Office of the United Nations High Commissioner for Refugees - UNHCR
- 121. International Labor Organization - ILO
- 122. Pan American Health Organization/World Health Organization - PAHO/WHO
- 123. International Organization for Migration - IOM
- 124. World Food Program - WFP
- 125. Food and Agriculture Organization of the United Nations - FAO

***International cooperation bodies***

- 126. Delegation of the European Union in Peru
- 127. Embassy of the United Kingdom in Peru
- 128. Embassy of Switzerland in Peru
- 129. Embassy of the Kingdom of the Netherlands in Peru
- 130. German Embassy in Peru
- 131. Embassy of Sweden in Peru
- 132. Friedrich Ebert Foundation



# CHAPTER II

## THE BUSINESS AND HUMAN RIGHTS SITUATION IN PERU

The Working Group on Business and Human Rights has pointed out that, for the elaboration of a NAP, it is crucial to take into consideration the specific context of the business development environment in Peru. With this in mind, this section presents the business and human rights situation, including various relevant aspects, as well as the impact of the Covid-19 pandemic in the country.

Over the last two decades, Peru has become an upper-middle income economy that is highly dependent on international trade and investment, and characterized by persistently high levels of informality (cf. OECD, 2020b, pp. 19-20). In this context, RBC has established itself with greater interest on the national agenda, which probably responds both to the growing adoption of RBC at the global level and to the increasing number of issues linked to the negative impacts of business: social conflicts, environmental and human rights concerns, and demands for greater transparency and better governance (cf. OECD, 2020b, pp. 20-21). Thus, it is possible to identify in the business sector signs of the leap from corporate social responsibility to the postulates of the RBC and the framework of the Guiding Principles.

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A 2019 study prepared by Confiep (2019) with support from the ILO identified the good practices of the business sector in terms of human rights in Peru, based on information reported by 252 companies between 2016 and 2017. Regarding corporate commitments to human rights and other related policies, the sample evidenced the following: 5% stated their alignment with the Guiding Principles, 7% adopted human rights policies, 31% declared having human rights declarations, and 57% did not report specific information on human rights (Confiep, 2019, pp. 13-15). Regarding their corporate policies, those identified are related to labor rights (86%), supply chains or suppliers (75%), the environment (71%), and communities and local development (63%) (Confiep, 2019, pp. 18-19). Of the companies analyzed in the study, 63% reported having integrated management systems and 79% with risk management tools (Confiep, 2019, pp. 15-17), which contribute to due diligence.

Confiep has also developed recommendations on the implementation of risk-based due diligence that targets these differentiated processes according to the size and activities of the company. These recommendations refer to the Due Diligence Guidance for a RBC (OECD, 2018) and follow the OECD framework for due diligence, although they are still challenged to include measures regarding remediation mechanisms (cf. OECD, 2020b, p. 23). On the other hand, the commitment to respect human rights has been strengthened with the adoption of the “Guide for the Peruvian business sector on business and human rights”, developed by Confiep and Global Compact Peru (2019), which has guidelines for implementing the Guiding Principles.

Some specific sectors have adopted RBC approaches to a greater extent, such as mining, hydrocarbons, energy, and agriculture. In 2002, the SNMPE approved a Code of Conduct, which has been developed over the years with the incorporation of new principles in 2016 and 2018. Through this, SNMPE members declare, among other issues, that their activities seek to contribute to sustainable development and promote and implement environmental protection practices, and that these





should be carried out following principles of corporate governance, transparency, and anti-corruption, and respect and promote human rights.<sup>14</sup>

In 2019 the SNMPE developed a general human rights policy model for its members, which is based, on the OECD Guiding Principles and Guidelines, and integrates a risk-based due diligence approach (OECD, 2020b, p. 23). It has also established a national dialogue platform for mining (Mining for All), which provides guidance on how to receive complaints and respond to community demands, as well as a communication platform, which presents its environmental and social projects and their contribution to the SDGs (COM-Unity).<sup>15</sup>

Regarding large-scale agriculture, in 2015, the Association of Agricultural Producers Guilds of Peru (AGAP) approved a Code of Conduct in which they are committed to respect for people and their welfare, as well as to the management of their activities under the generation of decent work, occupational health and safety. It has also implemented a Crime Prevention Policy, as well as a Free Competition Compliance Program, in accordance with national regulations. In 2020, in the face of the Covid-19 pandemic, AGAP (2020) prepared a document focused on prevention and best practices to avoid infection by the coronavirus in production centers, farms, packing, and others.

According to the OECD's 2020 Responsible Business Conduct Report for Peru

[sectors affected by importer due diligence regulations, such as the mining sector, are increasingly adopting RBC approaches. The National Society of Mining, Petroleum, and Energy (SNMPE), for example, has been very active in this regard. (OECD, 2020b, p. 23).

Other private sector initiatives have also aimed at shifting towards risk-based approaches to RBC. In this context, mention should be made of the United Nations Global Compact in Peru, whose technical secretariat is provided by Confiep.<sup>16</sup> Likewise, bilateral Chambers of Commerce -such as the Spanish Chamber of Commerce and the Nordic Chamber of Commerce- have provided specific support to promote the adoption of RBC practices by Peruvian companies through promotional events on due diligence (OECD, 2020b, p. 23).

For its part, the network of companies Asociación Perú 2021 aims to promote RBC using an approach that takes into account adverse impacts linked to both operations and business relationships (OECD, 2020b, p. 23). In addition, it awards the Distinctive Socially Responsible Company (DESR),<sup>17</sup> which recognizes companies in Peru with best practices in sustainable development and social responsibility, in line with the SDGs. In the 2019 edition, the DESR recognized 67 Peruvian companies linked to the finance and insurance, food, business services, mining, hydrocarbons, hydroelectricity, telecommunications, construction, cement, and education sectors, among others.

On the other hand, it is worth mentioning regional studies and reports on RBC practices that include companies with a presence in Peru. The *Corporate Human Rights Benchmark* (CHRB) report<sup>18</sup> measures global companies using 13 indicators based on the key areas of the Guiding Principles, rating a company's performance on a scale of 0 to 26. In the 2020 edition, the CHRB evaluated 199 com-

<sup>14</sup> See <https://www.snmpe.org.pe/quienes-somos/codigo-de-conducta.html>

<sup>15</sup> See <https://www.mineriadetodos.com.pe/> and <https://com-unidad.pe/>

<sup>16</sup> It aims to mobilize companies and various sustainable development stakeholders to align their strategies and operations with the Ten Principles on human rights, labor, environment and anti-corruption (since 2004); and take action to promote broader societal goals such as the Sustainable Development Goals (since 2015).

<sup>17</sup> See <https://peru2021.org/distintivo-empresa-socialmente-responsable/>

<sup>18</sup> See <https://www.worldbenchmarkingalliance.org/publication/chrb/>

panies and more than 50 of these had a presence in the country; in addition, 20 of them linked to the food, textile, communications, mining, and hydrocarbon sectors achieved a score of 20 or more, placing them in high positions in the ranking.

In the area of mining, the Responsible Mining Founding report (RMF & Centro Vincular-PUCV, 2020) evaluates mining companies based on their policies and practices concerning economic, environmental, social, and governance issues, scoring each category from 0 to 6. In the 2020 edition, the RMF evaluated 38 mining companies. Of this group, 12 companies have mining units in the country, of which Anglo American, Rio Tinto, and BHP Group stand out as having achieved a score of 3 or more in at least one category.

Regarding gender issues, the Aequales report (2020) measures gender equity in different organizations in Latin America, through a questionnaire that addresses the key areas for equity. In the 2020 edition, 910 organizations participated, of which 10 companies with the best position in the Peruvian ranking are linked to the finance and insurance, business services, pharmaceutical, construction, telecommunications, and retail sectors.

Despite the evident progress achieved in recent years, it should also be noted that multiple problems persist that jeopardize and, in some cases, violate human rights in the business context. One of the main causes of these problems is the widespread informality<sup>19</sup> in the country, which has two dimensions to consider: production and employment.

According to estimates by the National Institute of Statistics and Informatics (INEI), in 2018, 19% of nominal GDP in Peru was generated by the informal sector (cf. INEI, 2018). The Peruvian labor market presents an informal employment rate of 74.3% (Gamero & Pérez, 2020, p. 3). In that period, the largest number of productive units in the informal sphere were concentrated in agriculture and fishing (34.1%), commerce (22.3%), and transportation and communications (14.4%). In addition, between October 2019 and September 2020, companies with 1 to 10 workers concentrated the largest number of informal jobs. In the year of analysis, 6'730,700 people worked in informal jobs in this type of companies. 87.3% of the workers do not have social security or work in unregistered production units. This is followed by companies with 11 to 50 workers, with 48.4%, and companies with 51 and more workers, with 17.7%. The rate of informal employment in the urban area, according to branches of activity, reaches 89% of jobs in agriculture/fishing/mining are informal, followed by construction with 80.8%, commerce with 73.1%, manufacturing with 62.8%, and services with 58% (cf. INEI, 2020b, p. 21).

Considering this, informal practices have cross-cutting impacts, as they lead these companies to disregard due diligence mechanisms and carry out their activities without respecting human rights, mainly affecting certain groups. In addition, this phenomenon generates that in certain cases formal companies establish, by action or omission, relationships with informal companies through their supply chain. It should also be noted that among the issues most closely linked to informality are the repercussions of child labor and other forms of work in unsafe conditions (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2017, § 54).

On this situation it should not be lost sight of the fact that UN Guiding Principle 14 on Business and

<sup>19</sup> The ILO has emphasized that the informal economy encompasses the informal sector and informal employment and is defined as the set of economic activities carried out by workers and economic units that, both in law and in practice, are insufficiently covered by formal systems and not covered at all.

Human Rights states that:

The corporate responsibility to respect human rights applies to all companies regardless of their size, sector, operational context, ownership, and structure. However, the extent and complexity of how companies undertake this responsibility may vary depending on these factors and the severity of the adverse human rights impact of the company's activities.

For its part, the UN Working Group on Business and Human Rights has found that:

[...] all businesses, from small and medium-sized enterprises to large multinationals, should exercise human rights due diligence (as set out in Guiding Principles 17 to 21), to prevent their own activities from causing or contributing to adverse human rights impacts and to take steps to mitigate and address any such impacts that are directly related to their operations, including by contributing to their remediation. (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2017, § 16).

According to figures from the Ministry of Production (2019), which takes as its source the Single Registry of Taxpayers of the National Superintendence of Customs and Tax Administration (Sunat), in 2019, micro, small and medium-sized enterprises (MSMEs) accounted for 99.6% of Peruvian companies and employed 59% of the employed EAP. Furthermore, in the 2015-2019 period, the number of formal micro and small enterprises (MSEs) increased at an average annual rate of 8.4%. However, a high percentage of informality persists, as 36.9% of MSEs are not registered with Sunat. Furthermore, according to estimates by ComexPeru (2020), using the INEI's National Household Survey (Enaho), in 2019, MSEs recorded annual sales, which would be equivalent to 19.3% of GDP.

On the other hand, according to INEI, the number of companies that stopped operating due to the closing or definitive cessation of their activities, temporary suspension, death in the case of natural persons, and merger or spin-off in the case of legal entities, in the III Quarter 2020, were: retail trade activities (34.8%), wholesale trade (16%), transportation and storage (8.7%) and food and beverage service activities (7.8%), among the most representative ones. However, during the same period, retail trade (30.7%) was the activity with the highest number of registrations. It was followed by wholesale trade (15.7%), other services (9.8%), business services (8.7%), manufacturing industries (6.3%), and mining and quarrying (6.2%), among the main ones (cf. INEI, 2020a, p. 5).

Given the relevance in Peru of MSMEs to guarantee human rights, according to international standards, specialized technical assistance for this sector of the economy is vital, "simplifying requirements [...] and offering capacity-building opportunities" and to ensure, in alliance with companies, transnational associations, trade unions, civil society organizations, academia, and other stakeholders, for the respect of human rights in all phases of business supply chains (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2017, §§ 73-77).

On the other hand, some cases have been identified in business sectors such as mining, hydrocarbons, and large-scale agriculture, where gaps persist that reflect a situation where very opposing positions and demands -mainly between companies and civil society- converge. Along these lines, the impacts on human rights that these activities have produced have given rise to serious concern about the possible risks that they may currently generate, to which must be added the scant information available to indicate that the companies in these sectors have adopted adequate measures

to avoid these impacts. In this regard, the Working Group on Business and Human Rights has focused its attention on social conflict as a challenge to the exercise of human rights, after receiving information indicating that:

[...] the main underlying causes of social conflicts linked to large-scale corporate operations were concerns about adverse health and environmental impacts, lack of transparency and access to information, and limited stakeholder participation in decision-making processes. In addition, companies highlighted the problem of operations taking place in regions where the State had little presence and where inequality and poverty were prevalent, this factor raising community expectations of the benefits that a given project could bring them. Sometimes, local communities and companies were forced to deal with local peoples grievances on their own, without government support, and negotiations were often held at sites far from where the conflicts had actually occurred. (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2017, §§ 23).

These concerns have been reiterated by civil society organizations, indigenous peoples, and unions during the multi-stakeholder dialogue of the NAP preparation process. Likewise, the business sector considers that social conflict is related to socioeconomic gaps, the absence of the State, and the difficulties of public investment to close these gaps.

One of the most studied issues refers to the tense relationship between some business activities and the individual and collective rights of indigenous peoples. In addition to the above, there is a lack of evidence that shows the commitment of companies to the particular protection of the rights of this group, as well as due diligence mechanisms that take into account their particularities. This is also reflected for human rights defenders (UN. Special Rapporteur on the Situation of Human Rights Defenders, 2020, §§ 19-24), who witness an environment of stigmatization and lack of recognition of their work. In this regard, it is necessary to have state and corporate management instruments specifically aimed at managing social conflicts and their impact on the rights of human rights defenders. In addition, Guiding Principle 18 establishes that companies should “identify and assess the actual or potential negative consequences on human rights in which they may be involved either through their own activities or as a result of their business relationships” with the sectors concerned, which includes indigenous or native peoples, as well as human rights defenders.

Other specially protected groups have also seen their rights affected by certain business practices, mainly in the labor sphere. Some business spheres still constitute spaces of discrimination and non-compliance with labor rights, for example, against women (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2018, § 58), LGBTI persons (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2018, § 59), Afro-Peruvian people (UN. Working Group of Experts on People of African Descent, 2020, §§ 24, 25, 50, 82, 90 & 130) and migrants (UN. Committee on the Elimination of Discrimination against Women, 2009). Likewise, as some UN special bodies have pointed out about the global situation, older persons (UN. Independent Expert on the enjoyment of all human rights by older persons, 2018, § 57) and persons with disabilities (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2018, §§ 58-60) are constant victims of the trend of being excluded in recruitment processes. In the case of the latter, the limited progress of public policy for the implementation of reasonable accommodation and other accessibility mechanisms at work is added, which has negative impacts on their rights.

In terms of transparency and integrity, it is necessary to have specific trade union instruments on the implementation of integrity and anti-corruption policies in the value chains. In this regard, the initiative to adopt codes of ethics and the explicit anti-corruption commitment adopted by associations such as Confiep should be highlighted. Likewise, progress must be made in the implementation of corporate mechanisms for participation and access to information, especially on conflicts of interest and income and asset declaration systems for internal and external agents. The above contributes to a palpable distrust of citizens in public administration entities and in the private sector, which hinders relations and agreements between companies and other stakeholders.

In that vein, the Working Group on Business and Human Rights has called for a general call to break the cycle of corruption that generates human rights violations related to business activities, analyzing public procurement and State concessions, land acquisition, health and pharmaceutical supply chains (with special attention in the context of the pandemic), the extractive sector, as well as the gender dimensions of business, human rights and corruption (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2020, §§ 58-60). Therefore, the aforementioned Working Group has called for formalistic approaches to be abandoned, and for “the anti-corruption approach to place international human rights holders and the corresponding obligations of the State (the duty bearer) at the center of the anti-corruption debate and initiatives” (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2020, §§ 75).

It should be noted that, in general, there is an increasing commitment of the Peruvian business sector to the Guiding Principles and the REC, going beyond the logic of corporate social responsibility. However, these advances are in the formal sector, which poses significant challenges in relation to informality, given that 90% of the Peruvian business fabric is made up of MSMEs, which have difficulty accessing knowledge and strengthening their capacities to undertake due diligence processes. In the formal sector, however, there are still notorious gaps in certain areas, especially about special protection groups.

According to INEI, in the July-September quarter of 2020, compared to the same period of 2019, the country's employed population decreased by 11.5%, which is equivalent to 2'052,200 people (INEI, 2020b, p. 2). In the quarter of analysis, the employed population in companies with 11 to 50 workers decreased by 38% (500,600 people), followed by large companies with more than 50 workers by 30.1% (1'158,700) and in small economic units with 1 to 10 workers by 10.7% (1'291,500) (cf. INEI, 2020b, p. 8).

For its part, formal employment declined, causing a transition to unemployment and/or informal employment. Thus, in companies with 1 to 10 workers, formal employment fell by 22.7%, while for companies with 11 to 50 workers and companies with 51 or more workers, the percentage reduction was 16.5% and 20.1%, respectively (cf. INEI, 2020b, p. 15). Likewise, economic activity was projected to contract by 11.1% in the 2020 period, mainly due to the context of Covid-19, which generated the paralysis of activities in March and April and the subsequent reactivation of sectors in four phases, added to the measures of mandatory social distancing and isolation implemented (cf. BCRP, 2021, p. 7). Additionally, the international context presented adverse conditions, characterized by the reduction of external demand and high volatility in the financial markets, a situation that was reversed in the last two months of the year.

According to official data, it is observed that the effects of the pandemic due to the Covid-19 emer-



gency were centered in urban areas of the country; although it should be noted that rural poverty, in terms of incidence is higher than urban poverty, the changes in percentages have been more noticeable in the cities. The crisis significantly affected the lower productivity sector, i.e., self-employed, independent, and informal workers. As the OECD has pointed out:

For a company, observing RBC standards and implementing due diligence in its response to the Covid-19 crisis will help ensure that its business decisions avoid and address potential adverse impacts on people and the planet, including in its supply chain. Those companies that take proactive steps to address Covid-19 risks in a way that mitigates adverse impacts on workers and supply chains are more likely to generate more long-term value and resilience. (OECD, 2020a)

Thus, the Covid-19 pandemic is a factor to be taken into account in the business sector, both for its impact and its present and future effects.



# CHAPTER III

## DIAGNOSIS AND BASELINE: ACTION AREAS

### 3.1. General conclusions of the diagnosis and baseline

The socio-economic progress of the last two decades in Peru (OECD, 2020b, pp. 19-20) has been accompanied by growing interest in the role of business in society in general, and in the close relationship between its activities and human rights in particular. As in other countries, this trend has responded to the adoption of the Guiding Principles and other international instruments related to the issue of business and human rights. While it is possible to identify positive changes, Peru continues to face important challenges towards sustainable economic and social development (cf. OECD, 2020b, p. 9).

Firstly, the Peruvian State has signed multiple international treaties on general human rights and specific rights of vulnerable groups, as well as on labor and environmental issues. It has also adhered to relevant international instruments such as the OECD Guidelines for Multinational Enterprises and the UN SDGs. While this reflects the State's willingness to adapt to international standards on the matter in question, the main challenge has been compliance with these instruments, since some of them have been slow to be implemented due to lack of adoption of internal measures and others are still not fully effective to date.

For its part, the national regulatory framework includes strong provisions for the protection of human rights, including in the context of business activities. Thus, the State has not only adopted specific legislative measures for human rights but has also considered and included them in regulations aimed at related national issues, the rights of certain groups, environmental protection, and the regulation of the activities of certain business sectors. In line with the above, a series of institutional and public policy changes have been made to achieve compliance with this legal and regulatory framework.

The implementation of these important advances needs to be deepened considering structural factors such as government centralization, deficiencies in public management, corruption in certain areas, and the lack of public service delivery. On the other hand, the country has to deal with complex difficulties such as discrimination, informality, poverty, misinformation, and mistrust among stakeholders from different sectors. In addition, it can be identified that many of the regulatory and public policy advances correspond to responses to historical demands, which has left aside other areas also relevant to business and human rights.

Considering this, the State has established frameworks that protect human rights and that directly and indirectly encourage the adoption of business and human rights standards and RBC. However, the effective application of these provisions still presents important challenges that transcend the regulatory sphere, such as that advances in the regulation are implemented in an increasingly uniform manner and all business sectors so that due diligence is progressively and sustainably a practice exercised by the majority of companies.

Secondly, although some situations or potential risks of human rights violations have been identified in business activities, there is evidence of the willingness of these sectors to move towards the logic of the framework of the Guiding Principles and the RBC. In this sense, a series of commitments have been made by companies to respect human rights, commitments that have been translated into documents such as the “Guide for the Peruvian business sector on business and human rights”, prepared by Confiep and the Global Compact of Peru (2019), as well as codes of conduct, corporate policies, and even management protocols, mainly in the mining, hydrocarbons, energy and agriculture sectors.

On the other hand, sectors such as civil society, trade unions, and indigenous peoples have also made contributions to the issue of business and human rights. While most of these are evidenced in the activities to incorporate the Guiding Principles and the RBC into the national political agenda, they have also brought up general international standards applicable so that the rest of the stakeholders consider them for the adoption of measures.

Most of these advances, however, have not been analyzed in terms of public policy at the application level, which reflects the need for certain information on how these commitments have been translated into direct actions. The survey applied by the OECD in the present process to identify the progress of the business sector in the implementation of due diligence mechanisms shows that several companies have developed a human rights policy, but that there is still a long way to go in the implementation in practice of due diligence processes in the universe of companies surveyed<sup>20</sup>. It should also be noted that this corresponds to the formal sphere of certain sectors, which leaves aside the informal practices that have a notorious presence in the country, and which require a comprehensive public policy that addresses this phenomenon in all its aspects and dimensions. In addition, there are gaps in terms of perceptions and opposing positions between companies and civil society. It should also be noted that groups such as indigenous peoples, people with disabilities, the elderly, LGBTI people, among others, report that their rights have been affected by certain business practices, mostly in the labor sphere or in the exercise of collective rights.

Thirdly, with respect to judicial and extrajudicial reparation mechanisms, positive changes have also been evidenced at the regulatory level. Thus, the State has adopted administrative, civil, and criminal penalties for breaches of human rights legislation in the business context. In addition, these reparation mechanisms have taken into account the human rights approach and complementary approaches. Despite these advances, the reparation of individuals and peoples for violations of their rights continues to face serious difficulties due to legal, procedural, and social barriers -mainly- for groups with special protection, which hinders their adequate access to justice. For example, it is evident that the investigative authorities do not have sufficient operational capacity to carry out their functions and judicial processes take years to be resolved.

In general, both the State and the business sector have shown a firm commitment to incorporate into their activities the postulates of the Guiding Principles and other instruments promoted by the RBC through due diligence. However, these advances, mainly in the regulatory sphere, have yet to be clearly reflected in practice, which is associated with cross-cutting problems of various kinds. Finally, the Covid-19 pandemic has made these existing gaps more visible and has led to the emergence of new gaps linked specifically to health and labor.

<sup>20</sup> See Survey applied by the OECD for the diagnosis and baseline on due diligence mechanisms.

A similar commitment has been evidenced in recent years by sectors of organized civil society, trade unions and indigenous peoples, key stakeholders in the construction and implementation of a public policy on business and human rights and RBCs. As can be seen from the diagnostic and baseline documents, but also from their active participation throughout the process, the success of the public policy depends to a large extent on the sustained strengthening of indigenous, trade union, and organized civil society institutions, which is fully in line with the international framework of the UN System, the Inter-American System, and the OECD.

Therefore, one of the main tasks to be carried out by the State through the implementation of the NAP -but in general, of all its public policies, in line with the fulfillment of its duty of coherence- is to contribute to the strengthening of its entities through regulatory improvements that ensure their proper functioning, strengthening the capacities of its managers and members, ensuring their equal participation in the implementation, follow-up, monitoring, and evaluation of public policy on business and human rights and RBCs, with emphasis on empowering the leadership of women and members of other vulnerable groups.

One of the fundamental objectives of this public policy is to have strengthened business, trade union, indigenous, and civil society institutions that coordinate with the State on an equal footing, as has been demonstrated throughout the NAP preparation stage. The achievement of this objective will allow this public management instrument to be viable and legitimate, and above all, that its implementation efficiently serves the public purpose of building a country with sustainable development at the service of improving the quality of life of all people, especially the most vulnerable.

The 23 diagnostic documents prepared by the Multi-Stakeholder Roundtable in the present process through a broad dialogue, even in those parts where discrepancies among stakeholders are evident, constitute important reference inputs for the implementation of the NAP. These not only contain fundamental findings for the construction of its actions, indicators, and goals but are also tools that will allow adequate follow-up and monitoring of how the NAP impacts the improvement of the situation described in these documents.

Taking into account this general framework, briefly summarized through their common points and specificities, the following are the main conclusions of the specific issues addressed, which are developed much more extensively in their respective reports.

## 3.2. Conclusions of the specific issues

### *Training needs*

In general, the survey applied by OHCHR shows that the representatives of the NAP Multi-stakeholder Roundtable claim to have a medium level of knowledge about the business and human rights framework and RBC, and therefore consider it important to implement an adequate training strategy on the subject, in order to demystify preconceptions and further position the human rights approach in business management.<sup>21</sup> Although there is familiarity with international instruments, as well as with the 2030 Agenda, the Guiding Principles, ILO studies on RBC in Peru, among others. In addition, there is still a need for training on corporate due diligence, both in business activities and

<sup>21</sup> Survey applied by the UNHCHR office to 59 members of the Multi-stakeholder Roundtable in March 2021.

supply chains. Likewise, there is an acceptable level of knowledge on the Guiding Principles, but this needs to be reinforced for the remediation pillar.

Thus, four topics are particularly relevant for training activities: the role of the State vis-à-vis corporate activities in the context of Covid-19, the mechanisms for claims and reparations in cases of damages in the context of corporate activities (with all the barriers to access that this implies), environmental and social remediation from a human rights perspective, and the gender perspective in RBC.

### ***Due diligence mechanisms***

The findings of the diagnostics show across the board that an important aspect that needs to be incorporated in companies is the adoption of due diligence measures. The OECD (2021) survey<sup>22</sup> reports that 43% of respondents require all first-tier suppliers and business partners to meet RBC expectations as part of a contract or agreement. 42% claim to always adopt an enhanced due diligence process when risks are identified in the supply chain and 25% conduct risk assessments beyond Tier 1 in the supply chain or on their products, raw materials, or services.

In this sense, the survey identifies significant progress in the installation of a culture of business and human rights, RBC, and due diligence actions within companies, but at the same time, just over 50% do not apply due diligence processes to risks in the supply chain. This shows the need for a strategic articulation between the State, civil society, and the business sector so that an increasing number of companies incorporate these measures into their activities, as well as strengthen their practical application. In this regard, 57% mentioned the need to receive training on due diligence tools, so that training and advisory services are needed in this area to enable their practical implementation at the operational level.

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### ***Informality in the economic sector***

Informality is a multi-causal phenomenon that has a differentiated impact on different productive sectors, regions, and groups in vulnerable situations, directly affecting human rights. For this reason, it is necessary that the public policy approach not only be limited to labor informality but also take a comprehensive view in order to better understand the phenomenon and adopt specific measures. Although the State has adopted ongoing policies in this regard, they merit evaluation and adjustment from a human rights perspective. In addition, the state sectors should be articulated by strengthening the institutional framework and dialogue with the business sector and civil society in general, without losing sight of the educational and awareness-raising sphere to promote a culture of formality. The public procurement system and, in general, the competent governing bodies have an important potential to contribute to the strengthening of the formalization process and, in the medium and long term, to the strengthening of the aforementioned culture of formality.

The potential of the formal sector to contribute to reducing informality through due diligence and its supply chain should also be taken advantage of, as well as the progress identified in large companies, to gradually include MSEs in this objective. On the other hand, it is necessary to improve state processes of prosecution and oversight, as well as to evaluate and make transparent the results of public policies in these areas, in order to determine their real impact. In this sense, business due diligence mechanisms are useful for the State to address violations in the context of informality more

<sup>22</sup> The OECD survey on RBC practices was conducted between December 2020 and January 2021. Of the respondents, 78% were large companies, i.e. they have more than 250 employees; and 22% were small and medium-sized companies, i.e. they have less than 250 employees. A total of 110 companies responded.

quickly and efficiently.

### ***Transparency, integrity, and fight against corruption***

In recent years, the conviction has been established that corruption cuts across different areas and has a direct and unacceptable impact on human rights. For this reason, the State has signed the main treaties on the subject, which it has been implementing in its internal regulations through a National Policy and a National Integrity and Anti-Corruption Plan. It has also created integrity offices or units at the central government level, which has made relative progress at the sub-national level. In terms of transparency, progress has been made with measures such as the mandatory presentation of the declaration of interests. On the other hand, it is also necessary to strengthen the autonomy and effectiveness of the National Transparency Authority. Likewise, it is necessary to strengthen the public procurement model to include incentives for companies that meet integrity standards, as determined by the evaluation of the state of the art of the GP-RBC approach in the public procurement system, which will be carried out within the framework of the implementation of the NAP.

From the business sector, there is an explicit commitment of the unions to articulate their efforts with public policy on the matter. Proof of this are measures such as the Technical Secretariat of the Global Compact, the incorporation of SDGs in business work, the Private Anti-Corruption Council, the Ethics Committee, the Code of Conduct, the participation of important business associations in the High-Level Anti-Corruption Commission,<sup>23</sup> the Transparency Initiative in the Extractive Industry, among others. Regarding reparation mechanisms, progress has been made in incorporating the administrative responsibility of companies for corruption offenses, which should be complemented with expeditious and accessible reparation procedures and a system of precautionary measures or guarantees of non-repetition.

### ***Social conflict***

Social conflict is broad, complex, and historical; its causes are structural and pose a serious risk to human rights. According to the latest report of the Ombudsman's Office, 64.4% of registered conflicts are socio-environmental, 10.3% communal and 3.6% labor-related (Ombudsman's Office, 2021). The State has signed international commitments to guarantee rights in these scenarios, which makes it necessary to formulate and implement a clear national policy for prevention and attention to social conflicts. Conflict management is under the competence of the PCM and other sectors of the Executive Branch have created instances for its attention, being necessary to strengthen the articulating role of the PCM for an adequate and increasingly efficient state intervention that prevents and, if necessary, attends to it under international human rights standards, promoting in this framework the due diligence of the company.

Business associations such as Confiep and SNMPE include issues related to social conflict in their management instruments, which should be taken as a starting point for a public policy for corporate due diligence more focused on preventing and addressing these contexts. On the other hand, progress should be made in the adoption of state regulations on the responsibility of companies for non-compliance, as well as precautionary mechanisms or guarantees of non-repetition specifically for cases of social conflict.

<sup>23</sup> The National Confederation of Private Business Institutions (Confiep), the National Society of Industries (SNI) and the Lima Chamber of Commerce (CCL) are observer members of the High Level Anti-Corruption Commission.

### ***Freedom of association and collective bargaining***

Freedom of association and collective bargaining are human rights recognized in the main international instruments and this generates responsibilities on the part of the State for their protection. Respect for these rights is binding and requires the adoption of measures to strengthen trade union institutions with a gender perspective and other complementary measures. The State must evaluate, together with the union sector, the business sector, and other related stakeholders, the adoption of the most effective measures to address the causes of the current low level of unionization, in order to guarantee and promote these rights, the strengthening of unions and the social revaluation of their important role in a democratic country. It is also necessary for companies to implement due diligence mechanisms, which can also be accompanied by public policy.

Within the framework of ILO Convention 87 "Convention on Freedom of Association and Protection of the Right to Organize" and Convention 98 "Convention on the Right to Organize and Collective Bargaining" and based on the contributions gathered during the dialogue process, it is pertinent to strengthen the rules on the matter, as a result of the social dialogue; likewise, it is also necessary to pay attention to the implementation of the new Labor Procedure Law, which is pending to enter into force in some judicial districts. In order to strengthen the public policy of labor inspection and the progress of Sunafil (The National Superintendency of Labor Inspection), it is necessary to strengthen, from the evidence, its procedures of reporting, inspection, and sanction, in order to progressively adapt them to international standards. Occupational health and safety is a human right and requires an approach that takes into account the special needs of each category, risky jobs, gender, interculturality, and sexual orientation. There is also a need for training for workers and employers that takes into consideration a differentiated approach, as well as the implementation of corporate due diligence mechanisms. All these actions should be implemented in harmony with the National Policy for Decent Employment, under the guidance of the MTPE (Ministry of Labor and Employment Promotion).

### ***Child labor***

There are organizations of working children and adolescents that have a critical appraisal of the work, due to the precarious working conditions. However, the international standard establishes the need to raise the minimum age of working children and adolescents, as well as to monitor that those who are of the minimum working age do not perform hazardous work. It is also important to mention that the measures to be adopted require a special focus on the areas of informality (where this problem is specific to), as well as in rural areas and particularly in relation to indigenous or native peoples.

Progress was found in the reduction of child labor rates, as part of the expected results, but the evaluation and monitoring of the National Strategy for the Prevention and Eradication of Child Labor 2011-2021, in charge of the MTPE, the governing body in this area, is required. However, being in the last year of its implementation, its evaluation is relevant, which will allow the formulation, based on evidence, of the new national policy for the prevention and eradication of child labor, aligned with the country's international commitments in relation to the fulfillment of Target 8.7:

Take immediate and effective measures to eradicate forced labor, end contemporary forms of slavery and trafficking in persons and ensure the prohibition and elimination of the worst forms of child labor, including the recruitment and use of child soldiers, and, by 2025, to end child labor in all its forms [...].



of Goal 8: "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all" of the SDGs and even more so since Peru is a Pioneer Country, in order to accelerate the processes that allow the fulfillment of these global purposes. Thus, a pending observation to the Peruvian State is the raising of the minimum age for admission to employment. In addition, it is required to adopt measures in contracting processes with the State for the commission of infractions related to child labor in the production chain, as determined by the evaluation of the situation of the GP-RBC approach in the public procurement system, which will be carried out within the framework of the implementation of the NAP.

Although companies are committed to and have made progress in respecting human rights, there is a need for information on informative or guiding instruments that provide guidelines for the eradication of child labor throughout the production chain. Both administrative and criminal liability are focused on sanctioning offenders, and there are no expeditious and accessible procedures for victim reparations. There are no mechanisms such as precautionary measures or guarantees of non-repetition, nor have apologies been issued in response to cases of child workers whose rights were violated.

On the other hand, it is necessary to strengthen the dissemination of the problem and the scope of the prevention and eradication of forced labor, as well as the implementation of the national policy that contributes to address this public problem (III National Plan to Combat Forced Labor 2019-2022), in charge of the MTPE. Likewise, the importance of having statistical information that allows dimensioning the public problem is also noted, so it is necessary to deepen the efforts of the MTPE in the application of the Survey on the Prevalence of Forced Labor, in order to characterize this problem. In this regard, the dissemination of whistleblower channels, and the protection of whistleblowers and witnesses, as well as the identification of the institutions in charge of the reinsertion of the victims of this scourge should be strengthened.

## Women

There is historical structural discrimination against women that generates various violations in the access to rights such as freedom from violence, sexual and reproductive health, participation in decision-making spaces, and violations in social and economic rights. The Peruvian State has been developing a mandate to mainstream the gender approach and promote gender equality in order to coordinate, articulate, and oversee policies and institutional management, but it needs to strengthen actions to address: (i) limitations to access, permanence, and development in the labor market, which have differentiated expressions, (ii) limited access and participation in decision-making spaces and (iii) gender violence in the workplace and (iv) the overload of unpaid care work that women have, which impedes their access to the labor market.

There are important practices from the business sector such as the implementation of the Working Committee for the Promotion of Women's Empowerment in the Business Sector, as well as other initiatives in empowerment for leadership and business, promotion of incursion in traditionally male tasks, rankings, and seals that recognize companies that implement gender equality practices. One of the main demands from civil society is the establishment of a care system, which represents one of the main barriers to women's equal access to work and other spaces. It is also important to mention that it is necessary to implement due diligence measures.

In recent years, a significant effort has been made to incorporate a gender perspective in the admini-

nistration of justice in order to institutionalize this approach in judicial work. The greatest efforts of the justice system are concentrated on the problem of violence against women and family members. However, there is a scarce technological process, inefficient allocation of resources, as well as a lack of specialization, which will have a differentiated impact on women and men. In addition, some various sexist prejudices and stereotypes are still present in the justice system and prevent women from accessing their rights on equal terms.

### **Senior citizens**

According to the National Multisectoral Policy for Older Persons to 2030, there is structural age discrimination against older persons. <sup>24</sup>In this sense, a culture of undue negative perception of old age persists, which generates a violation of their right to a dignified life and other fundamental rights. Aging can be productive, as well as economically active since a large part of the population is in a position to continue with some activity or occupation. It is necessary to modify the existing social security systems so that there is an articulated social security system that complies with the principles of universality, progressiveness, and improvement of the quality of life. Although employment in the older adult population should be a voluntary option, the State needs to intervene to promote the employability of older adults, under conditions of equality and with respect for their dignity.

Companies that have labor inclusion programs should consider a gerontological and intergenerational perspective, allowing them to access jobs according to their abilities and professional profiles. These good practices should be extended to other companies as part of a public policy. There are sanctions for non-compliance with Law No. 30490, Law for the Elderly, but it is necessary to evaluate their effectiveness.

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### **Afro-Peruvian people**

Racism and racial discrimination are remnants from segregated and exclusive societies based on phenotypic differences, which have generated situations of inequality that, despite the development of regulatory frameworks to prevent and punish this situation, have not put an end to discrimination. Training, supervision, and oversight are necessary, as well as following up on complaints and making statistics on the situation of Afro-Peruvians visible. This should go hand in hand with the registration of the variable of ethnicity in administrative records. Likewise, the participation and representation of Afro-Peruvian people in political, social, and cultural spaces should be encouraged, with cross-cutting and effective measures.

The problems faced by Afro-Peruvian people in relation to business activities are centered on four scenarios: (i) access to work, (ii) employability and work environment, (iii) consumer relations, and (iv) advertising and media. On this last point, the media play a fundamental role, since they construct and reproduce behavioral models, promote or omit certain discourses, and legitimize practices or subject them to public scrutiny. The Peruvian State has not yet implemented remediation and reparation mechanisms in favor of the Afro-Peruvian people in the face of human rights violations, beyond the declarative nature of the 2009 norm on historical forgiveness.

<sup>24</sup> Ministry of Women and Vulnerable Populations. National Multisectoral Policy for Older Adults to 2030, approved by Supreme Decree No. 006-2021-MIMP, published in the Official Gazette El Peruano (June 5, 2021). Available at: <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-la-politica-nacional-multisector-decreto-supremo-n-006-2021-mimp-1960402-3/>



## People with disabilities

According to the National Multisectoral Policy on Disability for Development to 2030, structural discrimination against persons with disabilities is a public problem that transcends and is independent of individual discriminatory actions; and that, in addition, it is part of a process of accumulation of disadvantages and has social implications in the areas of enjoyment of rights and reproduction of social inequality.<sup>25</sup> In Peruvian culture, people with disabilities are still perceived from the medical standpoint, i.e., disability is in the person and not in the social barriers, which does not allow reducing inequality gaps. This situation of disadvantage is greater in the case of women. In addition, there is not enough information on the labor supply for people with disabilities, which is a barrier to promoting job offers in accordance with their abilities and skills. The State has the duty to reduce the educational and training gaps of people with disabilities and to optimize their training conditions, in order to guarantee access to employability opportunities.

It is necessary that all companies follow those that already include in their human rights policy a reference to non-discrimination towards people with disabilities, also respecting international standards in this regard. Companies should implement communication and information mechanisms in formats accessible to people with disabilities. Access to employment should involve a selection process under equal conditions, equitable hiring, including the corresponding reasonable adjustments. It is also advisable to implement a support plan for workers who acquire a disability that includes early identification, facilitating reasonable adjustments to personnel who acquire a disability, and their reintegration into their jobs. The existence of sanctioning processes does not contemplate reparation mechanisms for human rights violations of persons with disabilities.

## Human rights defenders

As indicated by the Intersectoral Mechanism for the protection of human rights defenders, a human rights defender is a natural person who acts individually or as a member of a collective, ethnic-cultural group, organization, public or private entity, as well as legal persons, groups, organizations or social movements, whose purpose is the promotion, protection or defense of human rights, individual and/or collective, in a peaceful manner, within the framework of national and international law.<sup>26</sup> Their protection is regulated, but needs to be strengthened interinstitutionally at the level of jurisprudence and legislation. It is also necessary to recognize and disseminate the importance of this group, deepening a policy of destigmatization and against their harassment, mainly against informal and illegal stakeholders. According to the MINJUSDH registry, situations of violation of the rights of human rights defenders are due to economic informality, the lack of legal security in the titling of communal lands, the resulting land trafficking, and criminality associated with illegal mining and illegal logging, and drug trafficking. However, the civil society database identifies violations in both formal and informal activities, also within the context of socio-environmental conflicts.

The recent creation of the Intersectoral Mechanism for the protection of human rights defenders, under the leadership of MINJUSDH, is a valuable instrument that links eight ministries and should be strengthened, based on the NAP, through the incorporation of the business and human rights

<sup>25</sup> Ministry of Women and Vulnerable Populations. National Multisectoral Policy on Disability for Development to 2030, approved by Supreme Decree No. 007-2021-MIMP, published in the official gazette El Peruano (June 5, 2021). Available at: <https://elperuano.pe/NormasElperuano/2021/06/05/1960403-1/1960403-1.htm>

<sup>26</sup> Ministry of Justice and Human Rights. Intersectoral Mechanism for the Protection of Human Rights Defenders, approved by Supreme Decree N°004-2021-JUS, published in the official gazette El Peruano (April 22, 2021). Available at: <https://busquedas.elperuano.pe/download/url/decreto-supremo-que-crea-el-mecanismo-intersectorial-para-la-decreto-supremo-n-004-2021-jus-1946184-4>



approach and the REC.

The business sector shows commitment to respect for human rights defenders. In this regard, the SNMPE is part of the Roundtable of Human Rights Defenders where protection measures are foreseen. Likewise, it reports on the Guide for Complaints and Claims, in which measures to respect human rights are included. Except in the case of women and unionized workers, due to the long tradition of labor law, in Peru there were no specific mechanisms for protection and redress against violations that could affect human rights defenders.

### ***LGBTI people***

There is a robust normative framework against discrimination, but it is also required a normative framework and public policies that address their particular needs and guarantee non-discrimination in: (i) promotion of employment for LGBTI people, (ii) access to employment, (iii) working conditions, and (iv) permanence. This group also needs to overcome statistical invisibility in judicial and administrative records.

The progress made by the formal business sector, especially from the Global Compact, Confiep, and business organizations such as Pride Connection, Presente, and Ranking PAR, is noteworthy. It is important to deepen these advances and replicate them in other companies and extend them to suppliers, distributors, and clients, seeking their articulation with public policies in other business sectors in order to progressively overcome the existing structural problems in the promotion and access to employment, safe working environments (prevention, attention and sanction protocols) for access and permanence in the workplace, perception of labor benefits, among others. Public advocacy and state counseling, as well as oversight, should include an explicit focus on the needs of LGBTI people, for example, through the incorporation of the needs of this vulnerable group in Legislative Decree No. 728.

### ***Foreign migrants***

Social integration processes require the adoption of structural measures such as identification, access to work, education, among others, in order to allow social mobility. Progress has been identified in the area of migratory regularization; thus, in 2020, a regularization measure was adopted for foreigners in irregular conditions that would ensure regular permanence. It is necessary to address the remaining difficulties in the management of the response of the refugee and migration system.

It is important to highlight the political will of the State, also within the framework of the NAP, to adopt measures against discrimination and xenophobia; the limitations on the hiring of migrant workers and their consequent access to decent work; the need to provide migrants and companies with complete information on their rights and identification documents, as well as efficient complaint mechanisms, in line with the recommendations of the Committee on Migrant Workers. There is also the challenge of strengthening judicial mechanisms, especially when conditions of regularity are not met.

### ***Indigenous peoples and prior consultation***

The State has a considerable national and international regulatory framework, including the Constitution, Convention No. 169 on indigenous and tribal peoples in independent countries, Law No. 29785 on the right to prior consultation with indigenous or native peoples, Law No. 29735 regulating

the use, preservation, development, recovery, promotion, and dissemination of the native languages of Peru, among others, on the rights of indigenous or native peoples, in general, and the implementation of prior consultation, in particular. However, the indigenous or native peoples show state weakness and the need to achieve greater effectiveness of this regulatory framework. Among the main rights to be protected, the aforementioned peoples identified land titling, institutional strengthening for effective prior consultation, attention to structural conditions linked to economic, social, cultural, and environmental rights (food sovereignty, indigenous institutions, and indigenous jurisdiction, among others). There is also evidence of the need to incorporate the intercultural approach in an increasingly effective way in public management, constituting a process of adaptation of the different entities, at the regulatory, administrative, and civil service levels of the State, to attend in a pertinent manner to the cultural and social needs of the different ethnic-cultural groups of the country in the measures linked to business activities.

With respect to other matters related to indigenous or native peoples, business associations have made progress with respect to corporate due diligence on human rights, with a clear intercultural approach, such as mechanisms for complaints and social claims in accordance with the Guiding Principles, which provide for reporting on the rules of due diligence and respect for human rights to external stakeholders and disseminate it among their contractors. However, public policy does not provide sufficient information on compliance.

With respect to mechanisms for redressing the rights of indigenous peoples, judicial remedies are the most commonly used, although they are slow and ineffective. There are also administrative avenues used, but it is noted that they are not designed to address the integrity of the damages caused, especially those resulting from informal activities and the criminal environment. Although strategic litigation by indigenous peoples and civil society has been a more efficient form of access to redress, this mechanism has been limited.

### ***Environmental Impact Assessment (EIA)***

The State has assumed a set of international environmental obligations related to the EIA, which has resulted in internal regulations to strengthen public policy to protect the environment and related rights in the context of investment projects. Within the framework of the National Environmental Impact Assessment System, the competent public entities have made progress both in the production of common general guidelines and by type of project for the preparation of EIAs, as well as in the mechanisms to ensure an adequate quality of information for the socio-environmental baselines and the content of the EIAs. The Executive Branch has the challenge of articulating its various governing bodies in order to have ever greater legitimacy and trust on the part of indigenous peoples and other groups with respect to the fulfillment of its role of promoting, supervising, monitoring, and defending the human rights related to this function. In this task, it is essential to count on the active and adequate participation of indigenous peoples, other groups, and citizens in general.

For its part, the formal business sector has generated good practices to be considered in the construction of a public policy on business and human rights and RBC. This should promote and guarantee corporate due diligence mechanisms from the formulation of the EIA, being strengthened by transparency mechanisms, training, multi-stakeholder dialogue, risk identification, complaints, among others, as recommended by the UN System, the Inter-American System, and the OECD. In addition to this, it is pertinent to mention that although the diagnosis corresponding to this NAP focuses on the problems related to EIAs, the provisions referred to the RBC are applicable to all en-



environmental management instruments provided for in Peruvian environmental regulations.

### ***Large-scale agriculture***

The agro-export sector represents one of the country's main economic activities, with palm oil, cacao, asparagus, sugar, and quinoa agroindustries standing out. In this regard, there is a considerable national and international regulatory framework regarding labor and environmental issues and the rights of indigenous peoples in the context of these activities, which could be strengthened in accordance with various international regulations. Along these lines, as pointed out by the Working Group on Business and Human Rights and the Ombudsman's Office, as well as the ILO's special regular monitoring bodies and the OECD country report, state institutions and public policy, in general, should be strengthened to ensure greater effectiveness, in accordance with international standards, especially in areas such as social and environmental sustainability, labor rights and decent work, and prior consultation, among others.

Business associations in the sector, such as AGAP, have implemented good corporate practices, such as the adoption of codes of conduct, crime prevention policies, and measures against Covid-19, among others. However, there is no information from the public policy on their implementation, so it is necessary to generate public policy mechanisms to promote due diligence and reporting of these advances to the competent state sectors, as well as to strengthen the channels of complaint and internal human rights policies of the companies. Regarding reparation mechanisms, domestic legislation provides for administrative and criminal sanctions for labor infractions and environmental crimes, respectively, but it is necessary to adopt public policy measures to overcome legal, procedural, and social barriers in their application, mainly for indigenous peoples, workers, and unions.

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### ***Mining***

Mining is one of the most important economic activities in the country and, in recent years, due diligence mechanisms have been widely adopted for the formal mining sector. Progress has been made in the negotiation of land transactions due to the dialogue mechanisms and, therefore, it is essential to strengthening them considering the land-use planning policy. In addition, the prevention and management of the environmental impacts of mining activity require improvements, such as better quality information on socio-environmental baselines and strengthening the administrative and legal capacity of the competent environmental oversight entities. Progress has also been made in social conflict prevention mechanisms, although the creation and implementation of a national prevention system is still pending.

The distrust of certain sectors towards mining activity merits a public policy that considers actions to monitor the progress of the business sector in the implementation of due diligence mechanisms, as well as transparency, training and multi-stakeholder dialogue, and greater dissemination of progress. On the other hand, Peruvian legislation has made progress in dealing with environmental mining liabilities; however, problems persist in rehabilitating environmental liabilities generated by informal and illegal activity. Complaints of heavy metal contamination deserve timely attention, a good example being the work of the Temporary Multisectoral Commission on the matter.

### ***Hydrocarbons***

The exploration and exploitation of hydrocarbons, which in accordance with Law No. 26821 includes a series of activities throughout its chain, is significant in the Peruvian economy, and there is a clear





State and business commitment to develop it by guaranteeing energy security and the rights of the indigenous or native peoples living in the areas of influence of its projects. In addition to the international framework, the State has national regulations for the protection of the rights of indigenous peoples in isolation and initial contact, as well as legislative advances in practices such as participatory environmental monitoring.

Strengthening the articulation of the State, civil society and the business sector in the implementation of a public policy on business and human rights and RBC is essential to continue building trust with indigenous peoples and communities, especially in certain specific cases. In addition, Peruvian legislation has made progress in addressing the problem of environmental liabilities; however, there are difficulties in rehabilitating environmental liabilities inherited from past operations, so it is essential to consolidate a comprehensive management system for environmental liabilities.

### ***Judicial and extrajudicial reparation mechanisms***

In the relationship between human rights and business, access to an effective remedy is a cornerstone in the face of rights violations. There is a need to strengthen and develop the capacities of the bodies responsible for the procurement and administration of justice, as well as the oversight bodies and extrajudicial mechanisms, with a gender and differential approach. The importance of this lies in the fact that the reparation of human rights violations can have a dissuasive effect on the repetition of similar situations. It is necessary to evaluate the possibility of expanding the catalog of crimes for which criminal liability could be imposed on legal persons, in relation to human rights violations that are characterized as crimes; as well as to assess the convenience of clarifying or making explicit the rules of domestic law from which the liability of companies to prevent adverse impacts on human rights is derived.

It is necessary to strengthen the operational and technical capacity of the PNC and explore the possibility of establishing collaboration mechanisms with the Ombudsman's Office for the attention of specific instances, as well as to institutionalize the mediation to address social conflicts so that its function is preventive and accessible to the potentially affected population. Likewise, the actual timeframes in which a judicial case is processed should be evaluated, in order to determine the causes of its delay and implement mechanisms to guarantee a prompt and timely process.

### ***Private security***

Although there are no binding international instruments that support State obligations in the area of private security and human rights, a series of soft law standards have been identified: the Montreux Document, the International Code of Conduct for Private Security Providers, and the Voluntary Principles on Security and Human Rights. For its part, the State has incorporated specific national norms for the regulation and oversight of the sector's services. The creation of Sucamec (The National Superintendence for the Control of Security Services, Arms, Ammunition, and Explosives for Civilian Use), the regulatory authority for the sector and attached to Mininter (Ministry of the Interior), represents a step forward, and it is essential to strengthen the capacity of this entity to produce standards, manuals, guidelines, among others.

For their part, most private security providers have not yet adopted explicit commitments on human rights. In addition, there is insufficient public information on the due diligence processes that private security companies follow to carry out their operations. In terms of reparation mechanisms, the judicial system presents pre-existing barriers that affect access to justice, especially for the most

vulnerable people, and therefore, access to judicial reparations.

### ***Use of force and police agreements***

For some years now, the excessive use of force in the context of social protests has been the subject of concern of various international human rights monitoring mechanisms. In response to this, the State has adopted advances at the regulatory level, most notably Legislative Decree No. 1186, which regulates the use of force by the Peruvian National Police (PNP) and includes the principles of use of force in accordance with international standards. Despite this, civil society maintains a high level of distrust in relation to the impartiality of the PNP. In addition, it is important to strengthen the training of police personnel in the proper implementation of these regulations, in accordance with international standards. It is also important to strengthen public management measures to ensure that the Constitutional Court's criteria for the exceptional use of agreements for the provision of extraordinary police services are complied with.

For its part, the formal business sector has been incorporating complaint and grievance mechanisms within the framework of which security and human rights issues can be addressed, such as the Guide for Complaints and Grievances prepared by the SNMPE. Likewise, progress has been made in training on the subject with the formation of a working group. Finally, although the Supreme Court and the Constitutional Court have eliminated through their pronouncements possible legal or procedural obstacles that could be faced by people affected by excessive use of force, social barriers persist.

# CHAPTER IV

## STRATEGIC GUIDELINES, OBJECTIVES, ACTIONS, INDICATORS, AND GOALS

In November 2018, at the proposal of the DGDH of MINJUSDH, the National Human Rights Council approved the five strategic guidelines of the NAP, aimed at strengthening the institutionality and work of the State in the implementation of public policies that prevent and, if applicable, adequately address possible human rights violations occurring in the field of business activities, both formal and informal:

- » The Protect Pillar, based on the recognition of the existing obligations of states to respect, protect and fulfill human rights and fundamental freedoms. It does not imply then an isolated effort by a single entity or sector, but rather a shared approach is required for each of the state stakeholders throughout the governmental apparatus to fulfill their obligation to protect human rights, through policy coherence. Furthermore, such a duty obliges the State to examine whether the country's legal framework generates, together with existing policies, an enabling environment for businesses to respect human rights.
- » The Respect Pillar, based on the role of companies as specialized bodies of society that perform specialized functions and must comply with all applicable laws and respect human rights. In this line, they must refrain from infringing on the human rights of third parties and address the negative consequences when they occur, which also implies adopting a position that goes beyond compliance with the regulatory framework and profit maximization, but rather to become corporate citizens that add social value to the country and that translates into due diligence mechanisms.
- » The Remedy Pillar, based on the need for rights and obligations to be accompanied by adequate and effective remedies in the event of non-compliance. This is based on the obligation to take appropriate measures to ensure, either through judicial or extrajudicial means, that when human rights violations occur, there are suitable mechanisms for an effective remedy, thus seeking to counteract or repair any human rights violation that may have occurred.

The NAP is organized into five strategic guidelines, which have their corresponding objectives, approved during the NAP preparation process by both the Executive Branch Working Group and the NAP Multi-stakeholder Roundtable. In addition, these strategic guidelines are aligned with the corresponding axes of the Peru Vision 2050,<sup>27</sup> as shown below:

<sup>27</sup> The Vision of Peru to 2050, approved in April 2019 at the National Agreement Forum "describes the future situation of well-being that we want to achieve in the country by 2050, seeks to represent the ambitions of all Peruvians. Likewise, it will allow orienting and updating policies and plans that guide the actions of the State, civil society, academia, companies and cooperating organizations towards the achievement of a dignified life, through an inclusive and sustainable development at the national level." In accordance with Directive N°001-2017-CEPLAN/PCD "Directive for the Formulation and Updating of the National Development Strategic Plan" (modified version as of February 2021) considers the commitments assumed by Peru in the framework of the 2030 Agenda for Sustainable Development signed in 2015.

**Table 8: NAP strategic guidelines and objectives, and alignment with the axes of the Peru Vision 2050**

**Strategic guideline No. 1:** Promotion and dissemination of a culture of respect for human rights in the business environment in accordance with the framework of international standards of the guiding principles and other international instruments.

**Objective No. 1:** Officials, managers and public servants incorporate the guiding principles and other related international instruments in public management, specifically in the service they provide.

**Objective 2:** Organized civil society (members of civil society organizations, trade unions and indigenous peoples) and citizens, in general, are aware of and promote the implementation of the guiding principles and other related international

**Objective No. 3:** The business sector is aware of and promotes the implementation of the Guiding Principles on Business and Human Rights and other related international instruments in its activities and responsible business conduct.

**Strategic guideline No. 2:** Design of public protection policies to prevent human rights violations in the business environment.

**Objective No. 1:** Promote regulatory actions to prevent human rights violations in the business environment.

**Objective 2:** Ratify international treaties on Human Rights, directly or indirectly related to business activities.

**Objective No. 3:** Review, design, and adoption of national plans and programs to guarantee human rights in the framework of business activities.

**Strategic guideline No. 3:** Design of public policies that promote respect for human rights by companies through accountability, investigation, and sanction for the impacts of their activities.

**Objective No. 1:** Promote policies and/or standards that guarantee respect for human rights in business activities.

**Objective No. 2:** Technical assistance to companies for the observance of human rights in their business activities.

**Axis 1.** People reach their potential with equal opportunities and without discrimination to enjoy a full life.

**Axis 2.** Sustainable management of nature and measures to address climate change.

**Axis 3.** Sustainable development with dignified employment and in harmony with nature.

**Axis 4.** A democratic, peaceful society, respectful of human rights, and free from fear and violence.

**Axis 5.** A modern, efficient, transparent and decentralized state that guarantees a fair and inclusive society, without corruption and leaving no one behind.

**Axis 2.** Sustainable management of nature and measures to address climate change.

**Axis 3.** Sustainable development with dignified employment and in harmony with nature.

**Axis 4.** A democratic, peaceful society, respectful of human rights, and free from fear and violence.

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**Axis 2.** Sustainable management of nature and measures to address climate change.

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**Axis 4.** A democratic, peaceful society, respectful of human rights, and free from fear and violence.

**Axis 5.** A modern, efficient, transparent, and decentralized state that guarantees a fair and inclusive society, without corruption and leaving no one behind.

**Strategic guideline No. 4:** Promotion and design of due diligence procedures to ensure corporate respect for human rights

**Objective No. 1:** Promote that companies have a human rights due diligence process.

**Objective 2:** Establish mechanisms for companies to report on their human rights due diligence processes.

**Strategic guideline No. 5:** Design and strengthening of mechanisms to ensure that those affected by human rights violations have access to judicial, administrative, legislative, or other means of redress.

**Objective No. 1:** Strengthen mechanisms at the state level to redress human rights violations in the business sphere.

**Objective No. 2:** Strengthen the judicial and extrajudicial systems to redress human rights violations in the business sphere.

**Objective No. 3:** Create and strengthen mechanisms at the operational level by companies to redress human rights violations in the corporate sphere.

**Axis 2.** Sustainable management of nature and measures to address climate change.

**Axis 3.** Sustainable development with dignified employment and in harmony with nature.

**Axis 4.** A democratic, peaceful society, respectful of human rights, and free from fear and violence.

**Axis 4.** A democratic, peaceful society, respectful of human rights, and free from fear and violence.

**Axis 5.** A modern, efficient, transparent, and decentralized state that guarantees a fair and inclusive society, without corruption and leaving no one behind.

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Likewise, the Executive Branch Working Group for the NAP, with the participation of the Multi-stakeholder Roundtable, reached consensus on 97 actions, with their corresponding indicators and goals for the 2021-2025 period. The validation of these actions by each of the ministries and entities responsible for them took into account their steering roles and competencies, as well as their incorporation into their respective institutional operating plans so that their implementation is financed from the institutional budget of the public entities involved, without requiring additional resources from the Public Treasury.

It should be noted that the PNA 2021-2025 is approved in implementation of Guideline No. 5 of the National Human Rights Plan 2018-2021, whose validity ends in December of this year. In this regard, in accordance with the regulations of the National Planning System, the NAP will be integrated as part of the future National Human Rights Policy 2022-2030, whose elaboration process in accordance with its stewardship, is also in charge of the General Directorate of Human Rights.



## NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS 2021-2025

**Strategic guideline No. 1:** Promotion and dissemination of a culture of respect for human rights in the business environment in accordance with the framework of international standards of the guiding principles and other international instruments.

**Objective No. 1:** Officials, managers, and public servants incorporate the guiding principles and other related international instruments in public management, specifically in the service they provide.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
1	Create and implement a permanent training program on GP-RBC 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.	In order to ensure ongoing state training and awareness-raising for public officials, managers, and civil servants at all hierarchical levels and in all subnational and national state sectors, the MINJUSDH will create and implement a training program on GP-RBC and other international standards. This program will address, in coordination with the respective competent entities - especially the National Contact Point, at the national, subnational, and other branches of government and autonomous constitutional bodies - the particular needs of the different sectors of the Executive, taking into account, to the extent necessary, the context of the health emergency caused by Covid-19. To this end, in addition to State inter-institutional coordination, the MINJUSDH will coordinate the technical and/or financial support of international organizations and international cooperation and will	MINJUSDH, with the collaboration of the National Contact Point (Proinversión), in coordination with all state sectors.	Creation and implementation of the program, and annual progress report	MINJUSDH	Baseline: No baseline.  Target (2021): 1 program created and beginning implementation.  Target (2022-2025): 1 program in implementation.  Target (2023-2025): 1 annual progress report on program implementation.

		<p>take advantage of the advances in training that exist both in the field of international organizations, as well as in other countries.</p> <p>This is without prejudice to the fact that public entities manage their own programs, strategies, or initiatives, in which case the MINJUSDH program may coordinate with them, based on its function as the governing body in the area of human rights, both for mutual collaboration and for systematizing information on these advances.</p> <p>It is specified that the term program refers to activities.</p>				
2	To implement training on GP-RBC and other international standards, from the governing body of the corresponding entity, aimed at its officials, managers, and public servants.	In order to guarantee a permanent state training and awareness-raising effort for officials, managers, and public servants at all levels, each entity of the Executive Branch will progressively implement training initiatives on GP-RBC that meet the particular institutional needs, taking into account, to the extent necessary, the context of the health emergency caused by Covid-19. For this purpose, the entities may coordinate with MINJUSDH, to articulate technical and/or financial support with international organizations and international cooperation. In these cases, each entity will articulate, coordinate or report such training to MINJUSDH, taking into account its role as the governing body in human rights matters.	Each entity. Coordination to set their specific commitments will be a matter for the implementation stage.	Annual progress report on the implementation of training initiatives.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2021-2025): Annual progress report.</p>



3	Incorporate the GP-RBC approach in the corresponding curriculum of the Judicial Academy.	In order to guarantee a permanent state training and awareness-raising effort for judges, prosecutors, and jurisdictional and prosecutorial assistance personnel, it is important that AMAG incorporates the GP-RBC approach in its curriculum as a way to strengthen the capacities of the Judiciary and the Public Prosecutor's Office to provide justice and guarantee timely reparation to victims of human rights violations in the area of business activities. This work will be done in coordination with MINJUSDH, which will provide technical and financial assistance, if necessary, in the framework of the implementation of this Plan.	AMAG	Incorporation of the GP-RBC approach in the curricula of the three AMAG academic programs (Training Program for Applicants, Training for Promotion Program, and Updating and Improvement Program).	AMAG	Baseline: No baseline.  Target (2021): GP-RBC approach incorporated into the curricula of the three AMAG academic programs (PROFA, PCA, and PAP).
				Incorporation of a specialized course in the AMAG curriculum.	AMAG	Baseline: No baseline.  Target (2021): Specialized course incorporated into AMAG's curriculum.  Target (2022-2025): One course per year implemented.
4	Incorporate the GP-RBC approach as part of the cross-cutting human rights approach in the curriculum of SERVIR's National School of Public Administration.	In order to guarantee a permanent state training and awareness-raising effort, it is necessary to incorporate the GP-RBC approach into the curriculum of the National School of Public Administration, with the aim of strengthening the capacities of civil servants at all hierarchical levels, both in the national and subnational governments, to guarantee the protection of human rights in the area of business activities.	SERVIR, in coordination with MINJUSDH	Incorporation of the GP-RBC approach in the curriculum.	SERVIR	Baseline: No baseline.  Baseline (2022): GP-RBC approach incorporated into the curriculum.

5	Incorporate the GP-RBC approach through training actions aimed at civil servants at all hierarchical levels.	In order to ensure ongoing training and awareness-raising for civil servants at all hierarchical levels, both in the national and subnational governments, it is important to promote training activities on GP-RBC as a way of strengthening their capacities in this area.	SERVIR, in coordination with MINJUSDH	Formulation and implementation of training actions.	SERVIR	Baseline: No baseline.  Target (2022-2025): To be defined.
6	Implement training initiatives on the GP-HRA approach within the framework of the NAP Business and Human Rights, aimed at the SGSD team and other line agencies of the PCM.	It is justified by the lack of knowledge of the HR approach and the scope of the NAP as a reference to promote RBC in the territory from the competencies of the PCM's line bodies and in the context of conflict and social management and dialogue processes. The aim is to sensitize the work teams on the Guiding Principles and RBC in the territory.	PCM MINJUSDH	Annual progress report.	SGSD - PCM	Baseline: No baseline.  Target (2022-2025): 1 annual progress report on the implementation of initiatives.
7	Implement a training program on GP-RBC in the territory, aimed at social management teams of sectors for the prevention of social conflicts.	It is necessary to strengthen the capacities of the dialogue and social management offices of the sectors to incorporate the GP-RBC approach within the framework of their functional competence as a reference to promote a RBC in the territory from their functional competence and in the context of conflict and social management and dialogue processes.  It is specified that the term program refers to activities.	PCM MINJUSDH	Annual progress report.	SGSD - PCM	Baseline: No baseline.  Target (2022-2025): 1 annual progress report on the implementation of initiatives.

**Objective 2:** Organized civil society (members of civil society organizations, trade unions, and indigenous peoples) are aware of and promote the implementation of the guiding principles and other related international instruments in their activities.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
8	Create and implement a permanent training program based on international standards on GP-RBC, from the Justice and Human Rights sector, with special emphasis on the specific needs of organized civil society, indigenous peoples, Afro-Peruvian people, trade unions, special protection groups, communities, and peasant patrols, and citizens in general.	<p>In order to guarantee a permanent state training and awareness-raising effort for the general public, organized civil society, the business sector, indigenous peoples, Afro-Peruvian people, trade unions, and groups in special protection situations, the MINJUSDH shall create and implement a training program on GP-RBC that addresses, in coordination with the institutions representing these sectors and other competent state entities, their particular needs.</p> <p>This is without prejudice to the fact that the aforementioned representative institutions, taking into account MINJUSDH's leadership in human rights matters, may voluntarily report their own progress in the implementation of this type of initiative.</p> <p>If necessary, these institutions may coordinate with MINJUSDH the technical and/or financial assistance of international organizations and international cooperation.</p> <p>It is specified that the term program refers to activities.</p>	MINJUSDH	Creation and implementation of the program, and annual progress report.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2021): 1 program created.</p> <p>Target (2022): 1 program implemented.</p> <p>Target (2023-2025): 1 annual progress report on the implementation of the program and initiatives of organized civil society, the business sector, indigenous peoples, trade unions, and groups in special protection situations.</p>
			MINJUSDH, in coordination with competent entities	Training plan on GP-RBC for organized civil society in general.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2022): 1 training plan approved.</p> <p>Target (2023-2025): 1 work plan implemented.</p>

			MINJUSDH, in coordination with competent entities	Training plan on GP-RBC for unions, with emphasis on women.	MINJUSDH	Baseline: No baseline.  Target (2022): 1 training plan approved.  Target (2023-2025) 1 work plan implemented.
			MINJUSDH, in coordination with competent entities	Training plan on GP-RBC for indigenous peoples and Afro-Peruvian people, with special emphasis on women.	MINJUSDH	Baseline: No baseline.  Target (2022): 1 training plan approved.  Target (2023-2025) 1 work plan implemented.
			MINJUSDH, in coordination with competent entities	The number of training sessions to civil society organizations and/or human rights defenders on GP-RBC and instruments for the protection of human rights defenders, to strengthen their work.	MINJUSDH	Baseline: No baseline.  Target (2021): 3 training activities conducted during 2021.  Target (2022-2025): To be defined

9	Guarantee the rights, especially the rights to equality and non-discrimination, of specially protected groups (LGBTI, the elderly, people with disabilities, women, migrants, Afro-Peruvians, indigenous peoples) in consumer relations.	Special protection groups (LGBTI, elderly people, people with disabilities, women, migrants, Afro-Peruvians) require the State to adopt measures that guarantee their right to fair and equitable treatment in consumer relations and not to be discriminated against on the basis of origin, age, sex, sexual orientation, etc., in the products and services offered.	INDECOPI	Number of training activities on equality and non-discrimination in consumption and/or advertising for suppliers and/or consumers.	INDECOPI	Baseline (2020): 3 training activities. Target (2021): 3 training activities. Target (2022): 3 training activities. Target (2023): 3 training activities. Target (2024): 3 training activities. Target (2025): 3 training activities.
10	Promote a change in the culture of trade unions as defenders of human rights.	It is necessary to focus on the importance of trade unions as defenders of human rights. Thus, it is necessary to ensure that they have access to this right, so that they can freely decide their union membership.	MTPE	Number of people trained in the area of trade union participation as human rights defenders, considering the business and human rights approach.	MTPE	Baseline: No baseline. Target (2022): 120. Target 2023-2025: To be defined based on the people trained in 2022.
			MTPE	Percentage of people trained who effectively participate in trade unions.	MTPE	Baseline: No baseline. Target (2022): 60%. Target (2023-2025): To be defined based on the percentage established in 2022.

11	Develop spaces with the business sector and organized civil society to promote the GP-RBC approach to social conflict prevention and management.	To the extent that social conflict, in the context of business activities, involves a multiplicity of stakeholders in issues related to the environment, health, indigenous peoples and others, it is necessary to provide them with tools to address these scenarios from the perspective of prevention, but also management, for which it is essential to generate spaces and mechanisms for promotion that emphasize the integration of the GP-RBC approach in business practices in dialogue with civil society and the State.	Undersecretariat for Prevention and Follow-up - PCM MINJUSDH, in coordination with competent entities	Number of spaces with representatives of the business sector and civil society in the prevention and attention of social conflict scenarios, under a GP-RBC approach.	PCM MINJUSDH	Baseline: No baseline.  Target (2023-2025): 1 annual progress report.
12	Coordinate with the business sector to develop training plans on best practices in gender equality and non-discrimination in the workplace.	It is necessary to promote training opportunities in the business sector on good practices in equality and non-discrimination in business management, in order to help close gender gaps and promote women's participation in the labor market.	MIMP	Number of training plans on best practices in gender equality and non-discrimination in business management.	MIMP	Baseline: No baseline.  Target (2022-2025): 2 plans per year.

**Objective N° 3:** The business sector is aware of and promotes the implementation of the guiding principles on business and human rights and other related international instruments in its activities and responsible business conduct.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
13	Create and implement a permanent training program on GP-RBC and other international	In order to guarantee a permanent state training and awareness-raising of the business sector, both private and public, the MINJUSDH will create and implement	MINJUSDH	Program created and implemented, and annual progress report,	MINJUSDH	Baseline: No baseline.  Target (2021): 1 program created.  Target (2022):



standards, from the Justice and Human Rights sector, with special emphasis on meeting the specific needs of the business sector, both private and public, by company size and industry.

a training program on GP-RBC and other international standards that will address, in coordination with companies and business associations, their particular needs, with special emphasis and attention to micro and small enterprises. These training activities will take into account, to the extent necessary, the context of the sanitary emergency caused by Covid-19.

The training work plan will be coordinated with the business sector in order to be carried out.

It is specified that the term program refers to activities.

taking into account the emphasis on micro and small enterprises.

Number of private and public companies trained in GP-RBC and other international standards, to the extent necessary, taking into account the emphasis on micro and small enterprises.

Number of training sessions for private and public companies and/or business associations on GP-RBC and other international standards, the role of human rights defenders, and the instruments for their protection.

1 program implemented.

Target (2023-2025): 1 annual progress report on program implementation.

Baseline: No baseline.  
Target (2022): 1 training plan approved.  
Target (2023-2025) 1 training plan implemented.

Baseline: No baseline.  
Target (2021): 2 training activities to private companies carried out.

**Strategic guideline No. 2:** Design of public protection policies to prevent human rights violations in the business environment.**Objective No. 1:** Promote regulatory actions to prevent human rights violations in the corporate sphere

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
14	The General Directorate of Human Rights will form a working team in charge of the implementation, follow-up, monitoring, and evaluation of the NAP, with all the actions, programs, and mechanisms that this implies.	In order to guarantee a permanent state work of implementation, follow-up, monitoring, and evaluation of the NAP and, in general, of the public policy on GP-RBC, the MINJUSDH will form a working team within the General Directorate of Human Rights, in charge of these functions, in order to articulate with all state sectors, both at national and subnational levels, as well as with the business sector, organized civil society, indigenous or native peoples, trade unions, groups in special protection situations, international organizations, international cooperation and citizens in general. This team will coordinate as a priority with the National Contact Point, as well as with all state sectors at the national and subnational levels.	MINJUSDH	Work team formed and implemented; and annual activity report	MINJUSDH	Baseline: No baseline.  Target (2021): 1 work team created and implemented, and starting its operation.  Target (2022-2025): 1 annual report of activities and progress of the work team.
15	To create a coordination space made up of Executive Branch entities for the intersectoral coordination of the	In order to guarantee a permanent work of articulation and collaboration in the implementation, as well as the follow-up, monitoring, evaluation, and updating of the same, by the business sector, civil	MINJUSDH	A coordination space formed and implemented by the entities of the Executive Branch.	MINJUSDH	Baseline (2021): Vice-ministerial Resolution No. 001-2019-JUS, which approves the NAP

implementation, follow-up, monitoring, evaluation, and updating of the NAP.

Likewise, continue with the articulation of the State, companies, unions, indigenous peoples, and organized civil society stakeholders, as well as international organizations and international cooperation, for the implementation, follow-up, monitoring, evaluation, and updating of the NAP, through a coordination space.

Likewise, in accordance with the intercultural approach of the NAP, within the framework of the Permanent Multisectoral Commission created by Supreme Decree No. 05-2021-MC, form a working and coordination space with indigenous organizations, in order to contribute to the strengthening

society, indigenous or native, Andean and Amazonian peoples, trade unions, and citizens in general, the following coordination spaces will be created under the leadership of the MINJUSDH:

1.- A space formed by the entities of the Executive Branch. At the time of the approval of the NAP, this already existing space called the Executive Branch Working Group for the NAP, created by Vice-Ministerial Resolution No. 01-2019-JUS, has the participation of 40 entities, with the possibility of incorporating more during the implementation of the NAP.

A space made up of representatives of State, companies, trade unions, indigenous peoples, and organized civil society stakeholders, as well as international organizations and international cooperation agencies. At the time of the approval of the NAP, a similar space already exists and was created for the process of elaboration of the NAP through Vice-Ministerial Resolution No. 01-2019-JUS. Thus, in order to give it continuity, said space -which has the participation of 132 institutions-, will continue to operate, being able to incorporate more stakeholders during the implementation stage. Likewise, in order to guarantee a closer multi-stakeholder accompaniment during the implementation stage, a space with a

A coordination space made up of representatives of State stakeholders, companies, trade unions, indigenous peoples, and civil society organizations, as well as international agencies and international cooperation, formed and implemented.

Work and coordination space, within the framework of the Multisectoral Commission, created and implemented by Supreme Decree No. 005-2021-MC, led by MINJUSDH.

Methodology and creates the NAP Multi-stakeholder Roundtable and the Executive Branch Working Group for the NAP; and, Supreme Decree No. 005-2021-MC, which creates the CMP of Indigenous Peoples.

Target (2021):

1 coordination space formed by the entities of the Executive Branch;

1 coordination forum made up of representatives of state stakeholders, companies, trade unions, indigenous peoples and civil society organizations, as well as international organizations and international cooperation agencies;

<p>of the institutional framework of such organizations for the follow-up, monitoring and evaluation of the implementation of the NAP, as well as to follow up that the competent entities responsible for the implementation of actions related to indigenous or aboriginal peoples determine, according to the provisions of Article 9 of Law No. 05-2021-MC, monitoring and evaluation of the implementation of the NAP, as well as to follow up that the competent entities responsible for the implementation of actions related to indigenous or native peoples, determine, according to the provisions of Article 9 of Law No. 29785, whether the action of the NAP under their responsibility must be subject to prior consultation, as a precondition for its implementation.</p>	<p>smaller number of members, appointed by each of the stakeholder groups, will be created within the framework of this space.</p> <p>3.- A working and coordination space with indigenous organizations in order to contribute to the strengthening of the institutional framework of such organizations for the follow-up, monitoring, and evaluation of the implementation of the NAP, as well as to follow up that the competent entities responsible for the implementation of actions related to indigenous or native peoples determine, according to the provisions of Article 9 of Law No. 29785, whether the action of the NAP under its responsibility must be subject to prior consultation, as a prior condition for its implementation.</p> <p>The rules for the operation of these coordination forums, which will follow international standards on the subject, will be determined during the NAP implementation stage.</p>				<p>1 work and coordination space, within the framework of the Multisectoral Commission created by Supreme Decree No. 005-2021-MC.</p> <p>Target (2022-2025): Annual reports on the functioning of the aforementioned coordination spaces.</p>
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16	Formally designate, within the Executive Branch entities, the organizational unit in charge of the implementation, follow-up, monitoring, evaluation, and updating of its GP-RBC policy and the NAP within the framework of the NAP.	In order to guarantee a permanent state work of implementation, follow-up, monitoring, evaluation, and updating of the NAP and, in general, of the public policy on GP-RBC, the entities of the Executive Branch will designate within their respective organizations, the organizational unit in charge of the implementation, follow-up, monitoring, evaluation, and updating of their GP-RBC policy and the NAP.	Each entity. Coordination to fix their specific commitments will be a matter for the implementation stage.	Designated organizational unit, and annual report of activities.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2021): Organizational unit designated.</p> <p>Target (2023-2025): 1 annual report of activities and progress of the organizational unit regarding its work in implementing, following up, monitoring, evaluating, and updating its GP-RBC policy and the NAP.</p>
17	Promote capacity building on GP-RBC between the Ombudsman's Office, the National Contact Point, and other national agencies.	In order to strengthen the coherence of public policies in the area of GP-RBC, it is important to generate the articulation of different public entities. In this sense, the work of the National Contact Point would be strengthened through synergies with the Ombudsman's Office and other additional agencies, which could also strengthen the fulfillment of its functions.	National Point of Contact, with the collaboration of MINJUSDH	Annual reports.	National Point of Contact	<p>Baseline: No baseline.</p> <p>Target (2022-2025): 1 annual report of activities and progress.</p>

18	Guarantee the right to identity of LGBTI people, particularly trans people.	The state's non-recognition of the social name of transgender persons and in general, the non-recognition of their identity, is one of the drivers for this not being a regular business practice. Without this recognition, the full exercise of the right to work cannot be guaranteed.	MINJUSDH	Regulatory proposal for the recognition of the gender identity of trans persons in their identity documents.	MINJUSDH	Baseline: No baseline.  Target (2022): 1 regulatory proposal.
19	Formulate a proposal for strengthening the implementation of prior consultation, based on ILO Convention No. 169 and the GP-RBC framework, considering the development of productive activities in a context of sustainable development of the country, with the participation of the competent state entities.	<p>Prior consultation processes must be strengthened based on ILO Convention 169 and the GP-RBC framework, national and international regulations, and case-law. To this end, it is necessary to develop a proposal with the competent state entities, both at the national and subnational levels, which, based on an evaluation of the status of implementation of prior consultation, identifies appropriate measures for its strengthening.</p> <p>This evaluation must take into account the need for the development of productive activities, as well as the closing of gaps in public infrastructure and public services, and private investment in these areas, within the framework of sustainable development.</p>	MINJUSDH, in coordination with MINCUL and other competent entities.	Technical report on the status of the implementation of prior consultation and proposals for measures to strengthen it.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2021): Intersectoral space installed.</p> <p>Target (2022): 1 technical report of the proposal on the status of implementation of prior consultation and proposals for measures to strengthen it.</p> <p>Target (2023-2025): 1 annual report on the implementation of the proposal of activities and progress of the intersectoral team, as well as proposals for measures to strengthen the implementation of prior consultation.</p>



20	Raise the minimum working age to 15 years of age.	The country has received recommendations from the Committee on the Rights of the Child, and the following are pending implementation: Raise the minimum age to work to 15 years of age. In this sense, it is required to evaluate the issuance of regulations to raise this age.	Each entity. Coordination to fix their specific commitments will be a matter for the implementation stage.	Designated organizational unit, and annual report of activities.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2021): Organizational unit designated.</p> <p>Target (2023-2025): 1 annual report of activities and progress of the organizational unit regarding its work in implementing, following up, monitoring, evaluating, and updating its GP-RBC policy and the NAP.</p>
21	Ensure that all hazardous forms of work are prohibited for persons under 18 years of age.	The country has received recommendations from the Committee on the Rights of the Child, with the following pending implementation: "Ensure that all hazardous forms of work, which include domestic work, are prohibited for children under 18 years of age. In this regard, it is required to update the list of hazardous work developed as part of the activities of the National Steering Committee for the Prevention and Eradication of Child Labor (CPETI)".	MINJUSDH MIMP MTPE	Technical report proposing a list of hazardous jobs prepared as part of the activities of the National Steering Committee for the Prevention and Eradication of Child Labor (CPETI).	MTPE	<p>Baseline: No baseline.</p> <p>Target (2022): To have a technical report.</p>

22	Prepare an assessment of the status of the public procurement system with respect to the GP-RBC approach.	It is necessary to know the status of the public procurement system, its regulations and management, in relation to the GP-RBC standards previously defined by the MINJUSDH, in order to determine how the public procurement system can contribute to achieving the expected objective.	MINJUSDH OSCE MEF PERU COMPRAS	Situation assessment report.	MINJUSDH OSCE MEF PERU COMPRAS	Baseline: No baseline.  Target (2022): Status assessment report completed.
23	Evaluate, based on the status assessment report, the incorporation of appropriate measures to contribute to formalization through the public procurement system; as well as 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 promote and guarantee respect for human rights by companies in their supply chains.	<p>Informality, a widespread phenomenon in the country, is a wide area of human rights violations. The GP-RBC are an important opportunity to contribute to its reduction, as well as to promote the formalization of small, medium, and micro enterprises, including those that are part of the supply chains.</p> <p>Peru should also 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. Likewise, the State should promote measures so that through public procurement, companies and their supply chains are encouraged to respect human rights.</p>	MINJUSDH OSCE MEF PERU COMPRAS  Other relevant entities	Report that, based on the assessment of the situation, identifies appropriate measures to contribute to formalization, prevent the State from contracting with companies that incur serious human rights violations, directly or through their supply chain; and promote that companies and their supply chains respect human rights.	MINJUSDH OSCE MEF PERU COMPRAS	Baseline: No baseline.  Target (2023): Report identifying appropriate measures.  Target (2023-2025): Annual report that reports on measures implemented.

24	Promote awareness of the identification documents of migrants, refugees, and refugee claimants, in order to ensure respect for their rights and access to labor information.	It is required that the identification documents issued by the State to migrants, refugee claimants and refugees, be recognized by all entities, to allow foreigners to access procedures before State entities in order to facilitate their access to decent work and their rights. In the case of refugee applicants, the documents issued in their favor are considered as identity documents, in accordance with the provisions of Art. 14 of Law 27891. In this sense, it is also necessary to establish a greater number of channels that allow this information to reach the interested persons. In the case of employers: how to hire foreigners, which documents are recognized in our country and labor rights.	MIGRACIONES, in coordination with competent entities	Guidelines on the legality of immigration identification documents in state and private entities.	MIGRACIONES	Baseline: No baseline.  Target (2021): Proposal of Guidelines on the legality of migratory identification documents in state and private entities.
			MIGRACIONES RREE ( <i>Foreign Affairs</i> ) in coordination with competent entities	Information material on the rights and duties of migrants and their socioeconomic integration process aimed at companies and foreigners.	MIGRACIONES	Baseline: Report of the Migrant Orientation Center.  Target (2021-2025): 01 informative material per year on rights and duties of migrants and their socioeconomic integration process.
				Information material on the rights and duties of migrants and their socioeconomic integration process aimed at companies and foreigners.	RREE	Baseline: No baseline.  Target (2021-2025): 01 informative material per year on the rights and duties of migrants and their socioeconomic integration process.

			RREE	Number of actions aimed at strengthening awareness and acceptance of identification documents issued to refugee claimants.	RREE	Baseline: No baseline.  Target (2021-2025): 1 information campaign minimum per year.
			MIGRATIONS	Number of companies receiving information sessions on identification documents for migrants, refugee claimants and refugees, rights, recruitment, and socioeconomic integration of migrants in the country.	MIGRATIONS	Baseline: No baseline.  Target (2021): 15 companies  Target (2022-2025): 30 companies per year.
			RREE	Number of business associations that receive information sessions on identification documents for refugee claimants, rights, duties, and socioeconomic integration in the country.	RREE	Baseline: No baseline.  Target (2021): 1 per year minimum.  Target (2022-2025): 1 per year minimum.

			MTPE	Labor recruitment of migrant workers information booklet	MTPE	<p>Baseline: No baseline.</p> <p>Target (2022): Approval of information booklet.</p> <p>Target (2023) 10,000 people who have accessed the booklet virtually and/or physically.</p> <p>Target (2024-2025): To be defined based on the 2023 target.</p>
				Number of migrants, asylum seekers, and refugees trained in labor and social security matters.	MTPE	<p>Baseline: No baseline.</p> <p>Target (2022): Training program for migrants in labor issues.</p> <p>Target (2022) 600 migrants trained in labor issues.</p> <p>Target (2023-2025): To be defined based on the 2022 target.</p>

25	Ensuring fair access to employment for foreigners	For migrants whose countries of origin do not have an agreement with our country, Legislative Decree No. 689 applies to them, which, in Article 4, establishes that national and foreign companies may only hire foreign personnel in a proportion that does not exceed 20% of the total number of workers. This limits the possibilities of hiring, especially in micro and small companies, which have a smaller number of workers.	MTPE MINJUSDH	Intersectoral technical report that includes the evaluation of the relevance of modifying the limit for hiring foreigners for MSEs.	MTPE	Baseline: No baseline.  Target (2022): To have an inter-sectoral technical report that includes an evaluation of the relevance of modifying the limit on hiring foreigners for MSEs.
26	Promote the adaptation of the labor regulatory framework in order to protect LGBTI people from a differential approach.	There is no express mention of LGBTI people in the majority of applicable norms for the protection of people's rights. There are no legal categories of protection that could apply to them in labor regulations, as well as those that regulate the actions of companies: sexual orientation, gender identity and/or expression, etc.	MINJUSDH, in coordination with MTPE and other competent entities.	Proposals for regulatory modification to include legal categories for the protection of LGBTI persons.	MINJUSDH in technical coordination with MTPE	Baseline: No baseline.  Target (2023): Elaboration of regulatory proposal.
		LGBTI workers with a partner are not recognized as entitled to the economic benefits granted to heterosexual workers with a partner. This constitutes an act of discrimination and even, indirectly, an economic penalty for their orientation.	MTPE MINJUSDH	Regulatory proposals that recognize labor and social security rights for LGBTI couples.	MINJUSDH in technical coordination with MTPE	Baseline: No baseline.  Target (2022): Elaboration of a technical report that supports the regulatory proposals for the recognition of labor rights and social security for same-sex couples.



27	Formulate provisions for the adaptation of the sector's regulations to the Constitutional Court's ruling in Exp. No. 00009-2019-PI/TC, in order to ensure compliance with the conditions that enable the exceptional use of extraordinary police service agreements.	The Constitutional Court's Decision in Exp. 00009-2019-PI/TC has determined the constitutionality of agreements for the provision of extraordinary police services, only in cases where their use is exceptional, i.e., subject to compliance with certain conditions. In this sense, it is necessary to have provisions to ensure their due application.	MININTER	Provisions formulated and implemented.	MININTER	Baseline: Ministerial Resolution N° 1191-2019-IN. Establish provisions for the provision of extraordinary police services and the management of the corresponding agreements.  Target (2021): Provisions formulated and approved.  Target (2023-2025): Annual report on the implementation of these provisions.
28	Prepare an analysis report on the application of standards for the use of force in the provision of extraordinary police services, which in turn should be extended to companies that provide and contract private security.	Although some private security companies have been adopting human rights policies, private security providers (PSPs) lack provisions regulating the use of force in the scope of their activities. There are also no provisions that determine the role of the companies and/or individuals that contract private security services. In this regard, a report will be prepared with the purpose of analyzing the application of standards for the use of force within the framework of the provision of extraordinary police services, which in turn will be extended	MININTER SUCAMEC	Analysis report.	MININTER SUCAMEC	Baseline: No baseline.  Target (2021): Analysis Report.

		to companies that provide and contract private security. This report will serve as a basis for the formulation of provisions or guidelines on the matter.				
29	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 GP-RBC approach.	The regulatory framework on conflict of interest management is not properly articulated and its clarity would be convenient to manage and resolve conflict of interest situations. Therefore, it is necessary to prepare, disseminate and implement a guide on this matter, which includes the definition of conflict of interest, as well as the tools to deal in depth with situations of public-private conflicts of interest with the GP-RBC approach.	SIP - PCM, in coordination with MINJUSDH	Guide for managing conflicts of interest with a GP-RBC approach.	SIP - PCM	Baseline: No baseline. Target (2022): Guide developed and disseminated. Target (2022-2025): Annual report on guide implementation.
30	Evaluate, taking into account the progress achieved through the NAP in strengthening public policy on GP-RBC, a regulatory proposal on due diligence in the business sector.	In order to progressively strengthen the public policy on Business and Human Rights, based on the incorporation of the RP and other international standards in national public policies, it is convenient to evaluate the relevance of a specific regulation of legal rank that regulates corporate due diligence, the same that has been adopted in other European and Latin American countries. This evaluation should take into account the progress made in the incorporation of standards through the NAP.	MINJUSDH, in coordination with competent entities	Assessment report on a regulatory proposal on due diligence in the corporate sector.	MINJUSDH	Baseline: No baseline. Target (2024): Evaluation report submitted.

**Objective 2:** Ratify international treaties on Human Rights, directly or indirectly related to business activities.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
31	Promote the ratification and implementation of international agreements related to migrant workers.	<p>There are a number of treaties, mainly of the ILO, to which the Peruvian State is not a party and which could strengthen the legal system, aimed at preventing human rights violations in the business environment.</p> <p>This requires a specific evaluation of ILO Convention No. 97 on migrant workers; Convention No. 118 on equal treatment of nationals and foreigners in matters of social security; Convention No. 143 on migrant workers, analyzing their relevance and contribution, as well as whether they are in harmony with other national legislation, which will be considered in the Technical Report.</p>	MINJUSDH RREE MTPE	An intersectoral technical report evaluating the relevance and contribution of Convention No. 97, concerning migrant workers, prepared by the Ministries concerned.	MINJUSDH	Baseline: No baseline. Target (2022): A report submitted to the National Human Rights Council.
			MINJUSDH RREE MTPE	An Intersectoral technical report evaluating the relevance and contribution of Convention No. 118, concerning equal treatment of nationals and foreigners in matters of social security, prepared by the Ministries concerned.	MINJUSDH	Baseline: No baseline. Target (2022): A report submitted to the National Human Rights Council.

			MINJUSDH RREE MTPE	An Intersectoral technical report evaluating the relevance and contribution of Convention No. 143 on migrant workers, prepared by the Ministries concerned.	MINJUSDH	Baseline: No baseline.  Target (2022): A report submitted to the National Human Rights Council.
32	Promote the ratification and implementation of Convention No. 187 on occupational safety and health.	There are a number of treaties, mainly of the ILO, to which the Peruvian State is not a party and which could strengthen the legal system, aimed at preventing human rights violations in the business environment. This requires a specific evaluation of ILO Convention No. 187, analyzing its relevance and contribution, as well as its harmony with the rest of the national legislation, which will be considered in the Technical Report.	MINJUSDH RREE MTPE	An Intersectoral technical report evaluating the relevance and contribution of Convention No. 187, on the Convention on the Promotional Framework for Occupational Safety and Health, prepared by the Ministries concerned.	MINJUSDH	Baseline: No baseline.  Target (2022): A report submitted to the National Human Rights Council.

**Objective No. 3:** Review, design, and adoption of national plans and programs to guarantee human rights in the framework of business activities.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
33	Incorporate the UN Guiding Principles on Business and Human Rights and other international standards into the mechanism for the protection of human rights defenders.	The protection of human rights defenders must incorporate international standards on the subject.	MINJUSDH, in coordination with competent entities	Work plan to incorporate the GP-RBC and other international standards in the Mechanism for the protection of human rights defenders.	MINJUSDH	Baseline: No baseline. Target (2021): Standard approved.
34	Evaluate the results of public policies, integrating the Human Rights approach and the GP-RBC approach, to ensure their effectiveness.	Evaluations and progress reports on public policies should analyze existing and reduced gaps based on human rights indicators.	MINJUSDH, in coordination with competent entities	Methodological guide for the evaluation of public policies, focusing on results based on human rights. Progress report on the evaluation of public policies under a human rights approach and GP-RBC.	MINJUSDH	Baseline: No baseline. Target (2022): Methodological guide approved. Target (2022-2025): Annual report on implementation of methodology in public policy evaluation.
35	Incorporate the human rights approach, taking into consideration the GP-BHR and other	Public management policies, plans, and programs should consider in their design, elaboration, and implementation the human rights approach and its	INDECOPI (The National Institute for the Defense of	National Consumer Protection Policy that incorporates a human rights	INDECOPI	Baseline: No baseline. Target 2021: Approval of national

	international standards in public policies.	complementary approaches (gender, disability, intercultural, age, territorial, and differential), taking into consideration the United Nations Guiding Principles on Business and Human Rights and other international standards on business and human rights in public policies.	Competition and Protection of Intellectual Property)	approach, taking into consideration the United Nations Guiding Principles on Business and Human Rights and other international standards on business and human rights.		policy updating the National Consumer Protection Policy that incorporates a human rights approach, taking into consideration the United Nations Guiding Principles on Business and Human Rights and other international standards on business and human rights.
36	Strengthen the State's response strategy and operational capacity in the prevention and attention to social conflict scenarios with a GP-RBC approach.	The Secretary of Social Management and Dialogue is the technical regulatory authority in the area of social management and dialogue. However, other sectors of the Executive Branch, Regional and Local Governments have competencies in this area, according to each level of government and the nature of their competencies. Therefore, it is necessary to have a regulatory instrument that regulates the exercise of such competencies at the national, regional, and local levels, incorporating the GP-RBC and with cultural relevance.	PCM MINJUSDH, in coordination with competent entities	Guidelines for the Executive Branch, Regional and Local Governments for the prevention and management of social conflict, including the GP-RBC approach.	SGSD - PCM	Baseline: No baseline. Target (2022): Guidelines approved. Target (2023-2025): 1 annual report on the implementation of the guidelines.
37	Follow-up on social commitments assumed in dialogue processes during social conflicts.	There is a need to standardize criteria and establish mechanisms to follow-up on commitments, including voluntary socio-environmental commitments, within	MINJUSDH PCM	Development of a protocol for monitoring commitments,	SGSD - PCM	Baseline: No baseline. Target (2021): 1



		the framework of multisectoral dialogue processes.		including voluntary socio-environmental commitments. Information platform for commitment management.		Protocol approved. Target (2022): 1 Platform presented. Target (2023-2025): 1 annual report on the implementation of the guidelines.
38	Execute training actions aimed at GORES officials on the guidelines of the procedure for the formalization of individual and collective land rights.	The process of formalizing individual and collective land rights needs to be strengthened. To this end, it is necessary that MIDAGRI, through DIGESPACR, implement training actions aimed at GORES officials on the guidelines of the formalization procedure under the approach of individual and collective human rights over land.	MIDAGRI	GORES officials trained in the guidelines of the procedure for the formalization of individual and collective land rights.	MIDAGRI	Baseline: No baseline. Target (2022-2025): Report on number of officials trained.
39	Produce a guide on soil studies and soil capacity in the regions of the country from the agricultural sector.	Measures to assess the social and environmental sustainability of agroindustrial projects need to be strengthened by conducting national studies on soil and soil capacity in the different regions and an evaluation of how large-scale plantations have been carried out.	MIDAGRI	Guide for soil and soil capability studies in the regions.	MIDAGRI	Baseline: No baseline. Target (2022): Guide for soil studies and soil capacity in the regions. Target (2023-2025): Annual report on the impact of the guide.
40	Publish the next guides prepared by MIDAGRI considering the human rights approach and, in	The next guides planned by MIDAGRI, whether new topics or updated versions of topics already addressed, should consider the issue of business and human rights.	MIDAGRI	MIDAGRI guidelines with a human rights approach	MIDAGRI	Baseline: No baseline. Target (2023-2025): 4 new versions

	particular, Responsible Business Conduct.	To this end, it is necessary to incorporate the human rights approach and, along these lines, address Responsible Business Conduct.				of guidelines incorporating the human rights approach.
41	Update the National Agrarian Policy considering the human rights approach and including Responsible Business Conduct.	The updating of public policy in the agrarian sector, the National Agrarian Policy, must consider the human rights approach. Likewise, this policy must address Responsible Business Conduct.	MIDAGRI	National Agrarian Policy with a human rights approach approved.	MIDAGRI	Baseline: National Agrarian Policy of 2016.  Target (2021): Update of the National Agrarian Policy with a human rights approach.  Target (2022-2025): Annual report on progress in the implementation of the policy.
42	Incorporate the human rights approach, taking into consideration the GP-BHR and other international standards, in the services provided by the Ministry of Labor and Employment Promotion.	Promotion of measures to ensure equal treatment and non-discrimination of persons using the services provided by the Ministry of Labor and Employment Promotion.	MTPE, in collaboration with MINJUSDH.	A guide that incorporates the human rights approach.	MTPE	Baseline: No baseline  Target (2023): Guide that establishes guidelines for MTPE services that incorporate a human rights approach.

43	Promote the reduction of the land titling gap of rural properties, and of peasant and native communities at the level of the GORES.	The execution of the procedures for the Titling of rural properties, peasant communities, and native communities is the exclusive competence of the GORES and the steering role is exercised by the MIDAGRI through the General Directorate of Agrarian Property and Rural Cadastre (DIGESPACR), it, it is required to strengthen the mechanisms to continue promoting the process of formalization of individual and collective land rights, according to its competence.	MIDAGRI	Number of rural property titles registered, promoted by MIDAGRI.	MIDAGRI (DIGESPAR)	Baseline 2021: (7,680) PEI Target (2022): (38,667). PEI Target (2023-2025): (119,137, 119137, SD).
44	Strengthen the right to transparency and access to information, taking into account the GP-RBC approach.	It is required that platforms such as SINIA continue with the function of disseminating documentary, geographic and statistical information, in order to strengthen access to environmental information so that it is timely, articulated, georeferenced, updated, reusable, interoperable, so that this helps to narrow the existing information gaps. The result of this is reflected in the National Report on the State of the Environment 2014-2019, which is currently being prepared and contains the alignment of environmental statistics and indicators for dissemination through SINIA.	MINAM	Number of National Reports on the State of the Environment disseminated through SINIA.	MINAM	Baseline: (2) National State of the Environment Report 2009-2011 and 2012-2013. Target (2022): (1) National State of the Environment Report 2014-2019.

45	Expressly incorporate the GP-RBC approach in actions related to climate change, biological diversity, and environmental land use planning in the next National Environmental Action Plan and the National Environmental Policy.	<p>The issues of climate change, biological diversity, and environmental land-use planning should be expressly associated with the issue of business and human rights. In this way, related public policy measures would encourage companies to take into account the issues arising from these issues in their due diligence processes throughout the supply chain and address negative environmental risks and impacts.</p> <p>Although climate change, biodiversity, and environmental land use planning are topics addressed in the National Environmental Action Plan 2011-2021 and the National Environmental Policy, it would be appropriate to incorporate the GP-RBC approach in the next public policy of this nature.</p>	MINAM	National Environmental Action Plan, including or expressly contemplating the GP-RBC approach in actions related to climate change, biological diversity, and environmental land use planning.	MINAM	<p>Baseline: National Environmental Action Plan 2011-2021.</p> <p>Target (2022): Express incorporation of the GP-RBC approach in the next National Environmental Action Plan.</p> <p>Target (2023-2025): Annual progress report on the implementation of the plan.</p>
				The National Environmental Policy expressly contemplates the GP-RBC approach in the actions.	MINAM	<p>Baseline: National Environmental Policy.</p> <p>Target (2022): Express incorporation of the GP-RBC approach in the National Environmental Policy.</p> <p>Target (2023-2025): Annual progress report on the implementation of the Policy.</p>

46	<p>Evaluate the aspects of the GP-RBC approach that need to be considered in the mechanisms for citizen participation in order to adopt the corresponding improvements, within the framework of the National Environmental Impact Assessment System.</p>	<p>The quality of the information collected for the baseline, the predictability of its methodology, the participation of the parties involved, access to environmental information, among others, must be known in order to ensure that vulnerable groups participate in the environmental impact assessment process under equal conditions and in an environment of greater trust. To this end, it is necessary to evaluate the aspects of the GP-RBC approach that need to be considered in the mechanisms for citizen participation in order to adopt the corresponding improvements.</p>	<p>MINAM, in coordination with MINJUSDH and other competent entities.</p>	<p>Evaluation report on the incorporation of the GP-RBC approach in the mechanisms for citizen participation, within the framework of the National Environmental Impact Assessment System.</p>	<p>MINAM</p>	<p>Baseline: No baseline.</p> <p>Target (2021-2022): 01 evaluation report on the aspects of the GP-RBC approach that need to be considered in citizen participation mechanisms.</p> <p>Target (2022-2023): Regulations, guidelines, among others that include the GP-RBC approach in the mechanisms for citizen participation, within the framework of the SEIA.</p> <p>Target (2023-2024): Report on the implementation of regulations, guidelines, among others that include the GP-RBC approach in the mechanisms for citizen participation, within the</p>
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						<p>framework of the SEIA.</p> <p>Target (2024-2025): Evaluation and follow-up report (feedback) on the implementation of regulations, guidelines, among others that include the GP-RBC approach in the mechanisms for citizen participation, within the framework of the SEIA.</p>
47	Evaluate the aspects of the GP-RBC approach that need to be integrated into the guidelines, manuals, and other documents of the National Environmental Impact Assessment System (SEIA), related to the role of the evaluating entities and project owners, to adopt the corresponding improvements, as the case may be.	Guides, manuals, and other documents for project evaluators and project owners within the framework of the National Environmental Impact Assessment System (SEIA) should incorporate the BHR-RBC approach. Although these documents do not constitute mandatory regulations, but rather have a guiding purpose, they would be very useful for disseminating good practices compatible with international standards. To this end, it is necessary to evaluate the aspects of the GP-RBC approach that need to be integrated into the guides, manuals, and other documents of the National Environmental Impact	MINAM and competent environmental authorities	Guides, manuals, and other documents for project evaluators and project owners within the SEIA framework, incorporating the GP-RBC approach.	MINAM	<p>Baseline: Guides, manuals, and other documents for evaluators and project holders.</p> <p>Target (2021-2022): 01 evaluation report on the aspects of the GP-RBC approach that need to be integrated into the guides, manuals, and other documents of the National Environmental</p>

Assessment System (SEIA), related to the role of the evaluating entities and project owners, to adopt the corresponding improvements, as the case may be.

Impact Assessment System (SEIA), related to the role of the evaluating entities and project holders, to adopt the corresponding improvements, as the case may be.

Target (2022-2023): Guides, Manuals, among other SEIA documents that include the GP-RBC approach, related to the role of the evaluating entities and project holders.

Target (2023-2024): Report on the implementation of Guidelines, Manuals, among other SEIA documents that include the GP-RBC approach, related to the role of the evaluating entities and project holders.

Target (2024-2025): Evaluation and follow-up report



						(feedback) on the implementation of the Guidelines, Manuals, among other SEIA documents, that include the GP-RBC approach, related to the role of the evaluating entities and project holders.
48	Evaluate the implementation process of the Intersectoral Mechanism for the protection of human rights defenders, incorporating the business and human rights approach.	The purpose of having an evaluation report on how the mechanism is implemented is to identify progress and the impact it has on access to rights, which would require the publication of one (1) annual evaluation report.	MINJUSDH	Annual evaluation report on the implementation of the intersectoral mechanism for the protection of human rights defenders.	MINJUSDH	Baseline: No baseline.  Target (2022): First evaluation report on the implementation of the Intersectoral Mechanism for the Protection of Human Rights Defenders.
49	To prepare a study that includes an analysis and situational status of child labor in the informal sector.	According to the OECD Study on Public Policies on Responsible Business Conduct, "child labor is still widespread in Peru and is a predominant phenomenon in the informal sector".  In line with the above, it can be stated that one of the main unattended sectors is in the informal sector, which requires the responsible entities to design a comprehensive strategy that goes beyond regulation and should include micro and small enterprises.	MTPE, in coordination with MINJUSDH	Study of the analysis and situational status of child labor in the informal sector and production chains.	MTPE	Baseline: No baseline.  Target (2023): To have a study on child labor in the informal sector.

50	Generate updated, disaggregated information that allows us to understand the changes in the migration dynamics of foreigners in Peru.	It is necessary to have updated information on the characteristics, vulnerability conditions, and human capital of migratory flows in Peru.	MIGRACIONES	Report on characteristics, human capital, and vulnerability conditions of migration flows in Peru.	MIGRACIONES	Baseline: Report on vulnerability conditions of the Venezuelan population.  Target (2021-2025): To have a report on characteristics, human capital, and vulnerability conditions of foreign migratory flows in Peru, per year.
51	To have updated data on the labor situation of Afro-Peruvian people.	It is necessary for the State to promote the visibility of Afro-Peruvian people through statistical reports, qualitative studies, and research that will provide updated information with which to make decisions to generate development.	MTPE MINCUL	Interannual reports on the labor situation of the Afro-Peruvian population.	MTPE	Baseline (2021): No baseline.  Target (2022-2025): Annual report on the labor situation of Afro-Peruvian people.
52	Raise awareness and promote the rights of persons with disabilities in the media.	It is a tool to help the media and its professionals to create a responsible image of disability, respectful of diversity that favors awareness and social inclusion.	CONADIS	Guide to facilitate the development and dissemination of content on disability in the media.	CONADIS	Baseline: No baseline.  Target (2023): Guide developed and approved.

53	Incorporate the human rights approach, taking into consideration the GP-BHR and other international standards, in public policy related to the issue of persons with disabilities.	Public management policies, plans, and programs should consider the human rights approach and its complementary approaches (gender, disability, intercultural, age, territorial, and differential) in their design, elaboration, and implementation, taking into consideration the HR-PR and other international standards in public policies.	CONADIS	Study on the incorporation of the human rights and disability approach in the employment of people with disabilities.	CONADIS	Baseline: No baseline.  Target (2021, 2023, and 2025): Study on the incorporation of the human rights and disability approach in the employment of people with disabilities.
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**Strategic guideline No. 3:** Design of public policies that promote respect for human rights by companies through accountability, investigation, and sanction for the impacts of their activities.

**Objective 1:** Promote policies and/or standards that guarantee respect for human rights in business activities.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
54	Promote the rights and non-discrimination of foreign migrants by companies.	Companies have an important role to play in respecting the human rights of migrants, so it is necessary to avoid situations of discrimination or stigmatization in the workplace, which could prevent access to work because of their origin.  Likewise, communication companies have a responsibility in promoting and respecting the rights of foreign migrants, since, through the content of their programming, they make visible or make invisible certain	MINJUSDH, in coordination with SUNAFIL and competent entities.	CONACOD's work program to strengthen the complaint system and dissemination of this anti-discrimination mechanism.  Cases followed up by CONACOD to resolve discrimination	MINJUSDH (CONACOD)  SUNAFIL	Baseline: National Human Rights Survey 2020.  Target (2022): To have a CONACOD work program to strengthen the system for reporting and dissemination of this mechanism against

		aspects of society, reinforcing narratives that benefit or harm this population group.		complaints.  Number of discrimination complaints filed with SUNAFIL.		discrimination.  Target (2023-2025): Annual report that follows up on the number of cases from CONACOD, so that the discrimination complaint is resolved.  Target (2022-2025): to be defined.
55	Promote the rights and non-discrimination of the Afro-Peruvian people and the Andean and Amazonian indigenous peoples, and protect in cases of racism.	To ensure close coordination between the Culture and Justice and Human Rights sectors in order to promote, together with regional and local governments, concrete and effective actions to promote, respect, and guarantee the human rights of Afro-Peruvian people, indigenous or native peoples, and timely defense interventions in cases of racism and racial discrimination. Likewise, the participation of the national representative organizations of these peoples.	MINCUL MINJUSDH	Strategy for the promotion of the rights of Afro-Peruvian people and Andean and Amazonian indigenous or native peoples, and protection in cases of racism.	MINCUL, in coordination with Regional Governments	Baseline (2021): Approved ordinances on non-discrimination on ethnic-racial grounds.  Target (2022): Approval of Strategy for the promotion of the rights of Afro-Peruvian people and protection in cases of racism.
56	Promote the reconciliation of work and family life in public and private sector workplaces.	To provide answers that favor the reconciliation of family and work-life for women and men working in public and private sector workplaces, under principles	MIMP	Regulatory proposal for the Reconciliation of work and family	MIMP	Baseline: No baseline.  Target (2023):

		of gender equality, understanding the complexity of family ties in a diversified society.		life within the framework of Strengthening Families.		Regulatory proposal for the reconciliation of work and family life within the framework of Strengthening Families.
				Regulatory proposal for the Strengthening of child daycare services in public and private sector workplaces for the reconciliation of family and work life.	MIMP	Baseline: No baseline. Target (2022): Regulatory proposal for the Strengthening of child care services for the reconciliation of family and work life.
				Report the number of public and private sector workplaces that implement child daycare services that promote work-life balance.	MIMP	Baseline: No baseline. Target (2023-2025): Annual report on the number of public and private sector workplaces that implement child daycare services.
				Report the number of employees in public and private sector workplaces	MIMP	Baseline: No baseline. Target (2023-2025):

				benefiting from child daycare services that promote the reconciliation of work and family life.	MIMP	Annual report on the number of workers benefiting from child daycare services.
				Report the percentage of public and private sector workplaces with breastfeeding services.	MIMP	Baseline: No baseline. Target (2022-2025): Annual report on the number of public and private sector workplaces that implement breastfeeding services.
57	To guarantee the conditions for access to and permanence in the labor market for older adults.	The Inter-American Convention on the Protection of the Human Rights of Older Persons states that Member States shall promote labor policies aimed at ensuring that working conditions, working environment, working hours, and organization of tasks are appropriate to the needs and characteristics of older adults.	MTPE MIMP	Percentage of elderly people trained in the use of information and communication technologies.	MIMP	Baseline: No baseline. Target (2021) Establishment of a baseline. Target (2022-2025): To be defined based on the established baseline.
				Number of older adults certified in their labor competencies.	MTPE	Baseline: No baseline. Target (2021-2025): To be defined.

				Number of job offers aimed at senior citizens.	MTPE	Baseline (2020): 170. Target (2021): 100. Target (2022-2025): To be defined.
				Number of companies that incorporate senior citizens within the framework of the Employment Promotion Plan.	MTPE	Baseline: No baseline. Target (2022-2025): To be defined.
				Number of companies that implement good practices to protect the right to work of older adults.	MIMP	Baseline: No baseline. Target (2022) Establishment of a baseline. Targets (2022-2025): To be defined based on the established baseline.
				Number of senior citizens trained for self-employment, job training, and certification of labor competencies, within the framework of the National Employability Program.	MTPE	Baseline: No baseline. Targets (2022-2025): To be defined based on the established baseline.



58	Guarantee technical assistance to public and private employers for the adoption of reasonable accommodations and accessibility to the workplace.	Universal design must be implemented in the work environment, so that all individuals, whether or not they have a disability, can independently and autonomously access the work environment, work tools, physical space, etc., which is an essential condition for the participation and inclusion of people with disabilities.	CONADIS	Technical assistance to public and private employers.	CONADIS	<p>Baseline: No baseline.</p> <p>Target: (2021): 4 technical</p> <p>Assistance activities.</p> <p>Target (2022): 6 technical assistance activities.</p> <p>Target (2023): 8 technical assistance activities.</p> <p>Target (2024): 10 technical assistance activities.</p> <p>Target (2025): 12 technical assistance activities.</p>
59	Ensure reasonable adjustments in access, environment, and work performance for people with disabilities.	Reasonable adjustments facilitate access to and movement in the workplace for workers with disabilities, their work development, access to induction, training, and promotion programs in employment, under conditions of equality with other workers, and are therefore mandatory for employers in the public and private sectors.	MTPE SUNAFIL	Number of inspections related to reasonable adjustments.	SUNAFIL	<p>Baseline (2020): 49.</p> <p>Target (2021): 60 inspections performed.</p> <p>Target (2022): 65 inspections performed.</p> <p>Target (2023): 70 inspections performed.</p>

						<p>Target (2024): 75 inspections performed.</p> <p>Target (2025): 80 inspections conducted.</p>
				Number of orientations related to reasonable adjustments.	SUNAFIL	<p>Baseline (2020): 35.</p> <p>Target (2021): 45 orientations provided.</p> <p>Target (2022): 50 orientations provided.</p> <p>Target (2023): 55 orientations provided.</p> <p>Target (2024): 60 orientations provided.</p> <p>Target (2025): 65 orientations provided.</p>
				Number of companies advised or trained to implement reasonable adjustments.	MTPE	<p>Baseline: No baseline.</p> <p>Target (2022-2025): To be defined.</p>

				Technical guide for making reasonable adjustments in the private sector.	MTPE	Baseline: No baseline.  Target (2021): Approval of Technical Guide for making reasonable adjustments in the private sector.
				Database of successful cases of reasonable adjustments implementation.	MTPE	Baseline: No baseline.  Target (2022): Implementation of the Reasonable Adjustment Case Database.
60	To guarantee equal access to work and work performance for people with disabilities.	The MTPE, regional governments, and municipalities promote the adoption, by public and private employers, of good employment practices for persons with disabilities. Likewise, job training, updating, placement, and employment programs incorporate in their design, components, strategies, or specialized methodologies to adapt the provision of their services to the needs and characteristics of the various types of disabilities, in order to optimize their effectiveness.	MTPE	Number of job openings for people with disabilities.	MTPE	Baseline (2020): 3,873.  Target (2021): 3,100.  Target (2022-2025): To be defined.

				Number of people with disabilities who have been placed in jobs.	MTPE	Baseline (2020): 67. Target (2021): 30. Target (2022-2025): To be defined.
		Although the employment quota seeks to reverse the situation of historical discrimination that people with disabilities have experienced in access to employment, it can be noted that this measure has not been fully complied with by public and private entities.	MTPE SUNAFIL	Number of private companies that hire people with disabilities.	MTPE	Baseline: No baseline. Target (2021-2025): To be defined.
				Number of inspections related to employment quotas.	SUNAFIL	Baseline (2020): 107. Target (2021): 140 inspections performed. Target (2022): 150 inspections performed. Target (2023): 160 inspections performed. Target (2024): 170 inspections performed. Target (2025): 180 inspections performed.

				Number of orientations related to employment quotas.	SUNAFIL	Baseline (2020): 35. Target (2021): 45 orientations provided. Target (2022): 50 orientations provided. Target (2023): 55 orientations provided. Target (2024): 60 orientations provided. Target (2025): 65 orientations provided.
		It is necessary to invest and generate capacities so that companies have inclusive policies for people with disabilities, and it is the State's responsibility to provide practical guidelines and orientations on how to include people with disabilities, as well as to provide personalized and effective support to companies so that they comply with the obligations contained in the regulations in force.	MTPE MINJUSDH	Technical guide for the labor inclusion of people with disabilities.	MTPE	Baseline: No baseline. Target (2022): Approval of Technical Guide for the labor inclusion of people with disabilities.
			MTPE MINJUSDH	Number of technical assistance (accompaniment) to employment	MTPE	Baseline: No baseline. Target (2021-2025): To be defined.

				professionals in charge of labor intermediation services, for the promotion of employment of persons with disabilities of the MTPE.		
61	Promote the rights and non-discrimination of Afro-Peruvian people, and protect in cases of racism.	The private sector has a responsibility to give visibility and promote awareness of the rights of Afro-Peruvian people. To this end, it is necessary to work in coordination and permanently with the State, in order to establish and incorporate concrete mechanisms for protection and respect, and to avoid discriminatory or racist practices.	MINJUSDH in coordination with MTPE	Implementation of a guide for the promotion of the rights and non-discrimination of Afro-Peruvian people, aimed at the business sector.	MINJUSDH	Baseline (2021): Good practices in the business sector.  Target (2022): Elaboration of a guide for the promotion of rights and non-discrimination of Afro-Peruvian people.  Target (2023): Companies implement a guide for the promotion of rights and non-discrimination of Afro-Peruvian people.
62	Guarantee equal access to work and work performance for	Promote initiatives aimed at ensuring equal employment opportunities for LGBTI people.	MIMP (Ministry of Women and Vulnerable	Evaluation and recognition of legal entities working	MIMP	Baseline (2014): Certification "Safe Company, Free

LGBTI people.			Populations)	to promote the employment of LGBTI people through the certification mark "Safe Company, Free of Violence and Discrimination against Women".		of Violence and Discrimination against Women" from MIMP.  Target (2022): Incorporation of actions for the promotion of the rights and inclusion of LGBTI people in the evaluation criteria and sub-criteria of the MIMP's "Safe Company, Free of Violence and Discrimination against Women" certification mark.
		It is important to articulate collaborative actions that allow the progressive implementation of a culture of respect towards LGBTI people, which will have a significant impact on the sustained reduction of discrimination in society and, in particular, in the field of business activities.	MTPE	Formulation of affirmative actions in favor of LGBTI persons to be incorporated into the Sectoral Plan for Non-Discrimination and Equal Opportunities in the Workplace.	MTPE	Baseline (2021): No baseline.  Target (2022): Sectoral plan for non-discrimination and equal opportunities of the MTPE that incorporates affirmative actions in favor of LGBTI people.



						Target (2023): Guide that establishes guidelines for MTPE services that incorporate a human rights approach in favor of LGBTI people.
63	Strengthen the supervision of public and private companies regarding compliance with regulations related to economic formalization.	It is necessary to strengthen SUNAFIL, so that it can optimally supervise compliance with labor regulations that are directly or indirectly related to formalization actions.	SUNAFIL	Number of workers incorporated in the registry of workers on the payroll.	SUNAFIL	Baseline: 68,681. Target (2021): 78,000. Target (2022): 80,000. Target (2023): 85,000. Target (2024): 90,000. Target (2025): 95,000.
				Number of inspections on social benefits (bonuses, CTS, and vacations) to private companies.	SUNAFIL	Baseline: 10,549. Target (2021): 11,000. Target (2022): 11 500. Target (2023): 12,000. Target (2024): 12

						500. Target (2025): 13,000.
				Number of inspections on social benefits (bonuses, CTS, and vacations) to public companies.	SUNAFIL	Baseline: 3. Target (2021): 10. Target (2022): 12. Target (2023): 14. Target (2024): 16. Target (2025): 18.
64	Implement the services of the "Formaliza Perú" Integrated Center, nationwide.	The "Formaliza Perú" Integrated Center promotes and facilitates entry and permanence in labor formalization through access to guidance, training, and technical assistance services in matters related to labor formalization (R.M. 169-2018-TR), so within the framework of the NAP this measure is relevant, which is also part of the National Competitiveness and Productivity Plan (Policy Measure 5.4), approved by Supreme Decree No. 237-2019-EF).	MTPE	Number of regions that have implemented the "Formaliza Perú" Integrated Center	MTPE	Baseline (2021): 12 regions implemented.  Goal (2025): 24 regions implemented.
65	Incorporate the component referring to GP-RBC, under a preventive approach, to the Guidelines addressed to the Executive Branch,	In accordance with Ministerial Resolution No. 161-2011-PCM, the SGSD has been implementing guidelines and strategies for the management of social conflicts with a human rights approach, in order to manage social conflicts through processes of dialogue, mediation, negotiation, among	PCM MINJUSDH	Guidelines approved with incorporation of human rights and business. Guidelines approved with incorporation	SGSD - PCM	Baseline: No baseline.  Target (2021-2022): Guideline approved.  Target (2022): 1 annual report.

	Regional and Local Governments for the management of social conflict.	other mechanisms, with the various social stakeholders, representatives of private institutions and public officials to help consolidate a culture of peace, respect for human rights and other democratic values for the sustainability and defense of the rule of law.		of human rights and business, implemented. Guidelines evaluated.		Target (2023-2025): 1 annual implementation and evaluation report.
66	Institutionalize intersectoral coordination through the creation of a permanent coordination space, made up of directors of the Executive's Social Management Offices.	Create a space for coordination with the directors of the social management offices to periodically analyze the different social conflicts registered in the Peruvian territory, establishing lines of action and proposing strategies to address the conflict in which situations that could constitute violations in terms of business and human rights are identified on time.	PCM	Standard for the creation of the permanent intersectoral coordination space.	SGSD - PCM	Baseline: No baseline. Target (2022): 1 Standard approved.

**Objective No. 2:** Technical assistance to companies for the observance of human rights in their business activities

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
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	In order to promote the implementation of due diligence mechanisms for the GP-RBC and other international standards, MINJUSDH will create and implement a technical assistance program for the business sector, both private and public sector, large, medium, small and micro enterprises, according to international standards, the current national and	MINJUSDH	A program created and implemented, and annual progress report.	MINJUSDH	Baseline: No baseline. Target (2021): 1 program created and beginning implementation. Target (2022): 1 program

	of due diligence mechanisms for GP-RBC	<p>international regulatory framework and good practices in Peru and other countries that can be replicated in the Peruvian context, taking into account, if necessary, the context of the health emergency due to Covid-19.</p> <p>Although this program will be applied throughout the country, it will take into account regional particularities and will focus on addressing the issues prioritized in the diagnosis and baseline and others.</p> <p>To this end, the MINJUSDH will coordinate with the different competent state sectors, as well as the technical and financial assistance of international organizations, particularly those of the United Nations System, the OECD, international cooperation, and specialized institutions such as the Global Reporting Initiative, among others.</p> <p>It should be noted that the aforementioned program corresponds to activities, and is not regulated under the Organic Law of the Executive Branch, Law No. 29158.</p> <p>It is specified that the term program refers to activities.</p>				<p>implemented.</p> <p>Target (2023-2025): 1 annual progress report on program implementation.</p>
68	Produce, in coordination with the business sector,	With the purpose of implementing the principles of the GP-RBC, and adapted to specific business sectors, the MINJUSDH	MINJUSDH, with the collaboration of relevant public	Guides developed and publicly presented.	MINJUSDH	Baseline: No baseline.

	<p>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.</p>	<p>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. These guides will take into consideration aspects of cultural relevance, the characteristics of small and medium-sized enterprises, as well as the type of business activity. These documents will be prepared in consultation with stakeholders linked to the type of activity and will be presented at a public event.</p> <p>These guides will take advantage of those already published by the United Nations System, the OECD, and other international organizations and international cooperation agencies; they will consider the characteristics of micro and small enterprises, the type of activity and, if necessary, will take into account the context of the health emergency caused by Covid-19.</p>	entities	Follow-up reports on the implementation of the guides.		<p>Target (2021): the creation of 1 coordination space for the development of guides.</p> <p>Target (2022-2025): 4 guides per year.</p> <p>Target (2022-2025): 1 annual report on the implementation of the guides.</p>
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,	<p>The guide will specifically address the principles of GP-RBC in order to promote the formalization of micro and small enterprises and progressively implement a culture of due diligence, taking into account their peculiarities.</p> <p>The guide will be developed with the business sector and civil society, and its implementation and follow-up will be promoted.</p>	MINJUSDH, in coordination with PRODUCE	Due diligence guide for micro and small companies prepared, presented, and implemented. Follow-up reports on the implementation of the guide.	MINJUSDH, in coordination with PRODUCE	<p>Baseline: No baseline.</p> <p>Target (2022): Guide developed, presented, and implemented.</p> <p>(2023-2025): 1 annual report on the implementation of</p>

	progressively, a culture of due diligence.					the guide.
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 formalization and, progressively, a culture of due diligence.	<p>The guide will specifically address the GP-RBC postulates in order to promote the formalization of small-scale mining units that are in this process and progressively implement a due diligence culture, taking into account their peculiarities.</p> <p>The guide will be developed with the business sector and civil society, and its implementation and follow-up will be promoted.</p>	MINJUSDH, in coordination with MINEM	Due diligence guidelines for small-scale mining units developed, submitted, and implemented. Follow-up reports on the implementation of the guide.	MINJUSDH, in coordination with MINEM	<p>Baseline: No baseline.</p> <p>Target (2022): Guide developed, presented, and implemented.</p> <p>Target (2023-2025): 1 annual report on implementation of the guide.</p>
71	Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous peoples, and trade unions, specific guidelines for the business sector on the implementation of due diligence mechanisms for human rights defenders.	In order to reflect the principles of the RBC and adapt them to specific business sectors, the MINJUSDH will produce a specific guide to implement due diligence mechanisms for the protection of human rights defenders. These documents will be elaborated with the stakeholders linked to the type of activity.	MINJUSDH	Due diligence guide on human rights defenders prepared and publicly presented.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2021): 1 working group created for the development of the guide.</p> <p>Target (2021): 1 guide on the protection of human rights defenders.</p>
72	Promote the rights and non-discrimination	Media companies have a responsibility to promote and respect the rights of specially	INDECOPI	Number of informative letters	INDECOPI	Baseline: No baseline.

	of special protection groups (elderly people, Afro-Peruvians, people with disabilities, women, LGBTI people, migrants) in advertising and the media.	protected groups (elderly people, Afro-Peruvians, people with disabilities, women, LGBTI people, migrants), since, through the content of their programming, they make visible or make invisible certain aspects of society, reinforcing narratives that benefit or harm this population group.		sent to market agents.		<p>Target (2021): 20 information letters.</p> <p>Target (2022): 20 information letters.</p> <p>Target (2023): 20 information letters.</p> <p>Target (2024): 20 information letters.</p> <p>Target (2025): 20 information letters.</p>
73	Incorporate due diligence mechanisms to guarantee a human rights approach in the activities of the business sector, specifically in consumer relations and advertising.	The activities carried out by the business sector, specifically, consumer relations and advertising must take into account the human rights approach, with special emphasis on groups in need of special protection.	INDECOPI	Guidelines for suppliers, incorporating recommendations related to due diligence in respecting equality and non-discrimination in consumption and/or advertising.	INDECOPI	<p>Baseline: No baseline.</p> <p>Target (2021-2025): Publication of 1 guidebook each year.</p>
74	Promote the implementation of compliance and corruption prevention mechanisms, considering the GP-RBC approach.	It consists of generating spaces for discussion on the benefits of corporate compliance, as well as providing support to the business sector, both private and public, for the implementation of these corruption prevention schemes.	SIP - PCM	Number of activities to disseminate and promote the measure.	SIP - PCM	<p>Baseline: No baseline.</p> <p>Target (2022): 1 regulated follow-up and monitoring mechanism.</p>



75	To support the commitment of companies in the fight against harassment, sexual harassment, and any type of violence in the workplace.	<p>One of the difficulties identified in the area of business and women's rights are situations of harassment and sexual harassment. This requires institutionalized prevention work and the implementation of due diligence measures to prevent possible violations in the context of business activities.</p> <p>The "Safe Company, Free of Violence and Discrimination against Women" Certification Mark is biannual. Therefore, biannual goals will be considered.</p>	MTPE MIMP MINJUSDH	Number of editions of the "Safe Company, Free of Violence and Discrimination against Women" Certification Mark.	MIMP	<p>Baseline: 4 editions of the "Safe Company, Free of Violence and Discrimination against Women" Certification Mark.</p> <p>Target (2022): V Edition of the "Safe Company, Free of Violence and Discrimination against Women" Certification Mark</p> <p>Target (2024): VI Edition of the "Safe Company, Free of Violence and Discrimination against Women" Certification Mark.</p>
				Percentage of legal entities certified with the "Safe Company, Free of Violence and Discrimination against Women" Certification Mark that receive technical assistance in the prevention	MIMP	<p>Target (2022): 40% of the legal entities certified in the V Edition receive technical assistance in the prevention of and attention to violence against women.</p> <p>Target (2023): 60%</p>

				of and attention to violence against women.		of the legal entities certified in the V Edition receive technical assistance in the prevention of and attention to violence against women.  Target (2024): 40% of legal entities certified in the VI Edition receive technical assistance in the prevention of and attention to violence against women.  Target (2025): 60% of the legal entities certified in the VI Edition receive technical assistance in the prevention of and attention to violence against women.
				Percentage of sanctions imposed in cases of sexual harassment reported in the Case Registration	MTPE	Baseline: No baseline.  Target (2022): 5% increase in sanctions imposed in sexual

				Platform.		harassment cases reported in the Case Registry Platform with respect to the previous year.  Target (2023-2025): To be defined.
				Number of women accessing the "Work without Harassment" service.	MTPE	Baseline: No baseline.  Target (2022): 5% increase of women users of the "Work without Harassment" service with respect to the previous year.  Target (2023-2025): To be defined.
				Number of inspections of companies related to sexual harassment.	MTPE SUNAFIL	Baseline: No baseline.  Target (2021): 5 inspections  Target (2022): 10 inspections.  Target (2023): 15 inspections.  Target (2024): 20 inspections.

						Target (2025): 25 inspections.
76	Establish a training program on the protection of human rights in the context of social conflict situations, in coordination with MINJUSDH.	It is necessary to develop a culture of dialogue for social peace and respect for human rights within the framework of business activities, thus reconfiguring relations with social environments. To this end, it is important to implement a social conflict management program with a focus on the protection of human rights, so that these can be applied in the environments of investment projects.	PCM MINJUSDH	Training program	SGSD - PCM MINJUSDH	Baseline: No baseline.  Target (2022-2025): 1 annual report.
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.	Establish action guidelines to guide companies involved in situations of social conflict, in order to avoid human rights violations both by action and omission.	PCM MINJUSDH	Guide for good business practices in the area of GP-RBC that contribute to the prevention of social conflict.	SGSD - PCM	Baseline: No baseline.  Target (2022-2025): 1 instrument.
78	Promote gender equality and non-discrimination within companies.	Currently, the gap in women's participation in the formal private sector persists. Three out of every 10 people working in the formal private sector are women. In order to raise awareness of the importance of promoting the inclusion of women in the workplace, communications and awareness-raising activities will be carried out. The greater participation of women in the labor market has a direct impact on the development of their economic autonomy.	MIMP	Number of informational materials or communication actions directed at the business sector.	MIMP	Baseline: No baseline.  Target (2025): 4 informational materials or communication actions per year.

**Strategic guideline No. 4:** Promotion and design of due diligence procedures to ensure the respect of human rights by companies

**Objective 1:** Promote that companies have a human rights due diligence process.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
79	Incorporate the GP-RBC approach in FONAFE Corporation's management instruments.	Public enterprises, as part of the state sector, have direct obligations to comply with the GP and RBC standards, in addition to the fact that in public policy, the State must, through them, comply by setting an example for the private sector. In this sense, it is essential that the FONAFE Corporation progressively incorporate the PR-ER approach into its management instruments, in order to guarantee respect for human rights in the sphere of state business activities, based on its role as the State's governing body of business activity.	FONAFE	Guidelines incorporating the GP-RBC approach.	FONAFE	Baseline: No baseline.  Target (2021): Management guideline incorporating the GP-RBC approach approved.  Target (2022-2025): Annual report on the implementation of the guideline.
80	Formulate and implement a guideline for the implementation of due diligence management mechanisms for the RBC, aimed at public companies.	In order to guarantee the implementation of the GP-RBC approach in SOEs, and specifically, of operational due diligence mechanisms, it is necessary that FONAFE, in accordance with its steering role, and with the support of MINJUSDH and other competent bodies, formulate and disseminate guidelines for the incorporation of the aforementioned approach and due diligence mechanisms in	FONAFE, with the collaboration of MINJUSDH and other relevant entities	Policy formulation by portfolios.	FONAFE	Baseline: No baseline.  Target (2022): Policy formulated and implemented in the portfolio of generation and distribution companies.

		SOEs. These guidelines will be formulated and implemented by business portfolios (generators, distributors, financial, non-electrical infrastructure, and miscellaneous and Defense).				<p>Target (2023): Policy formulated and implemented in the portfolio of generation, distribution, and financial companies.</p> <p>Target (2024): Policy formulated and implemented in the portfolio of non-electricity infrastructure, miscellaneous, and defense companies.</p> <p>Target (2022-2025): Policy implementation report.</p>
81	Formulate and implement a follow-up, monitoring, and evaluation mechanism for the implementation of due diligence mechanisms in public companies.	In order to strengthen the implementation of due diligence mechanisms in SOEs, FONAFE Corporation should also implement a follow-up, monitoring, and evaluation mechanism for the implementation of due diligence mechanisms in order to strengthen its oversight of SOEs.	FONAFE, with the collaboration of MINJUSDH and other competent entities.	Mechanism for follow-up, monitoring, and evaluation of the implementation of due diligence mechanisms in public companies.	FONAFE	<p>Baseline: No baseline.</p> <p>Target (2022): Follow-up, monitoring, and evaluation mechanism implemented.</p> <p>Target (2023-2025): Annual report of the follow-up, monitoring,</p>

						and evaluation mechanism.
82	Provide information and raise awareness on the importance of not contracting with the State in the case of companies sanctioned for forced labor and the worst forms of child labor, making visible the harmfulness of this practice.	Despite the international instruments on business and human rights, our country has not yet issued any specific regulation that includes mechanisms to require companies to ensure that their supply chains do not contract with companies that have been sanctioned for forced labor and/or worse forms of child labor. These mechanisms should also consider micro and small companies.	MINJUSDH MTPE	Information booklet on the importance of not contracting with the State in the case of companies sanctioned for forced labor and the worst forms of child labor, making visible the harmfulness of this practice.	MTPE MINJUSDH	Baseline: No baseline.  Target (2022): Informative booklet on the importance of not contracting with the State in the case of companies with sanctions for forced labor and the worst forms of child labor, making visible the harmfulness of such practice.
83	Adopt due diligence measures to avoid actual and potential risks of violations to the safety and health of workers.	Adopt due diligence measures to ensure the prevention of situations of violation of the safety and health of workers in business activities that include risk map, index of hazards and risks), documents (internal regulations, records), or institutions (OSH committee) in the company. These measures should be produced considering the context of the Covid-19 pandemic.	MTPE MINJUSDH	Number of members of the Occupational Health and Safety Committee in the companies.	MTPE MINJUSDH	Baseline: No baseline.  Target (2022-2025): To be defined in implementation.
			MTPE	Increase workers' insurance against occupational hazards.	MTPE	Baseline: No baseline.  Target (2022-2025): To be defined in implementation.

			MTPE	Percentage of regions in which technical assistance was provided to workers on OSHMS participation mechanisms.	MTPE	Baseline: No baseline. Target (2022-2025): To be defined in implementation.
84	Provide information and raise awareness on collective labor rights due diligence throughout the supply chain.	There is a need to provide information and raise awareness on the adoption of due diligence measures for the respect of collective labor rights throughout the supply chain. This information should include small and medium-sized enterprises, as well as the context of the Covid-19 pandemic.	MTPE MINJUSDH	Information booklet on due diligence measures for respecting collective labor rights throughout the supply chain.	MTPE MINJUSDH	Baseline: No baseline. Target (2022): Information booklet on collective labor rights due diligence measures throughout the supply chain.
85	Adopt measures to avoid real and potential risks to the safety and health of workers.	It is necessary to intensify the work being carried out in the area of inspection, in order to prevent risks to the safety and health of workers, taking into account, if necessary, the context of the health emergency caused by Covid-19.	SUNAFIL	Number of training sessions and/or orientations in the area of occupational health and safety.	SUNAFIL	Baseline: 871. Target (2021): 900 training and/or orientation sessions. Target (2022): 930 orientations. Target (2023): 960 orientations. Target (2024): 990 orientations. Target (2025): 1020 orientations.



			SUNAFIL	Number of companies audited for occupational health and safety.	SUNAFIL	<p>Baseline: 1,750.</p> <p>Target (2021): 1950 inspections.</p> <p>Target (2022): 1970 inspections.</p> <p>Target (2023): 1990 inspections.</p> <p>Target (2024): 2010 inspections.</p> <p>Target (2025): 2030 inspections.</p>
86	Provide technical advice on the implementation of due diligence mechanisms within the framework of GP-RBC, with a focus on occupational safety and health.	In order to promote the implementation of GP-RBC due diligence mechanisms, the MINJUSDH will provide technical assistance to the business sector according to international standards, the national and international regulatory framework in force, and good practices in Peru and other countries that can be replicated in the Peruvian context on issues of due diligence in occupational safety and health. This technical advice should consider the characteristics of small and medium enterprises, as well as the context of the Covid-19 pandemic.	MINJUSDH, in coordination with the competent entities	Number of orientations provided	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2023-2025): 1 annual progress report on guidance provided.</p>

**Objective 2:** Establish mechanisms for companies to report on their human rights due diligence processes.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
87	To progressively create and implement a mechanism for follow-up, monitoring, and voluntary reporting of the corporate due diligence mechanisms implemented by trade unions and companies in the formal sector, with the participation of the business sector, civil society organizations, indigenous peoples, trade unions, and the competent state sector.	<p>In order to follow up and monitor the implementation of due diligence mechanisms by the business sector, MINJUSDH will progressively create and implement a state mechanism to receive voluntary reports from the business sector reflecting progress in this task.</p> <p>This follow-up and monitoring mechanism will be formulated in coordination with the business sector, with the participation of the state, trade unions, indigenous or native peoples, and civil society sectors; furthermore, the reports will be received voluntarily, at the times and with the contents contemplated in its respective regulations. In this sense, it will take advantage of the reports already made by the business sector, as well as internationally recognized standards and guidelines, developed independently and with a focus on all stakeholders. Among these guidelines and standards, the following will be taken into account</p>	MINJUSDH	Follow-up and monitoring mechanism for the business sector due diligence mechanisms.	MINJUSDH	<p>Baseline: No baseline.</p> <p>Target (2022): 1 regulated follow-up and monitoring mechanism.</p> <p>Target (2023-2025): 1 annual report on progress and challenges in the business sector due diligence mechanisms.</p>

**Strategic guideline No. 5:** Design and strengthening of mechanisms to ensure that those affected by human rights violations have access to judicial, administrative, legislative, or other means of redress.

**Objective 1:** Strengthen mechanisms at the state level to redress human rights violations in the corporate sphere.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
88	Promote regulatory modifications that guarantee suitable reparation mechanisms, in accordance with international standards.	Establish mechanisms or commissions for the review of legislative frameworks and judicial and extrajudicial mechanisms, in line with the recommendations issued in the OHCHR Project on Access to Redress (A/HRC/32/19/Add.1, A/HRC/38/20/Add.1 and A/HRC/38/20/Add.1).	MINJUSDH, in coordination with competent entities	Creation and Implementation of space for intersectoral sectoral coordination for the reviewing of legislative frameworks and judicial and extrajudicial mechanisms.	MINJUSDH	Baseline: No baseline.  Target (2022): An intersectoral coordination space is in place for the review of legislative frameworks and judicial and extrajudicial mechanisms.
		Evaluate the possibility of expanding the catalog of offenses for which criminal liability could be imposed on legal persons, in relation to human rights violations that are characterized as crimes.	MINJUSDH, in coordination with competent entities	Regulatory proposal for the modification of the offenses for criminal liability of legal persons.	MINJUSDH	Baseline: No baseline.  Target (2023): Technical report supporting the regulatory proposal.
		Assess the convenience of clarifying or making explicit the regulations of domestic law from which the responsibility of companies to prevent adverse impacts on human rights is derived.	MINJUSDH, in coordination with competent entities	Technical report assessing the internal regulations on corporate responsibility to prevent adverse impacts on human rights.	MINJUSDH	Baseline: No baseline.  Target (2023): Technical report.

89	Disseminate information on how to access the Intersectoral Mechanism for the Protection of Human Rights Defenders.	Disseminate information on how the Intersectoral Mechanism for the Protection of Human Rights Defenders works, with cultural and linguistic relevance, so that human rights defenders can resort to it in case they require protection actions.	MINJUSDH MINCUL MINAM	Culturally and linguistically relevant information material that provides information on the Intersectoral Mechanism for the Protection of Human Rights Defenders, in the native languages of the places where the greatest risk situations have been identified.	MINJUSDH	Baseline: No baseline.  Target (2021): Informative and dissemination graphic material on protection mechanisms for human rights defenders, with cultural and linguistic relevance.
		Prepare a report on the situation of environmental defenders.	MINAM	Report on the situation of environmental defenders in Peru.	MINAM	Baseline: No baseline.  Target (2022): Report on the situation of environmental defenders.
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,	Peru has made significant progress focused on sanctions, through the incorporation of administrative liability of companies for corruption offenses, as well as the establishment of a legal framework to ensure that companies involved in corruption cases comply with the payment of civil reparations.  Under the GP-RBC approach, it is important that these advances be	SIP - PCM, in coordination with MINJUSDH and other competent entities.	Number of activities to promote and encourage the aforementioned procedures.	SIP - PCM	Baseline: No baseline.  Target (2022-2023): Development of activities to promote and encourage procedures.  Target (2024): Proposal developed.

	incorporating the GP-RBC approach and, therefore, evaluating the inclusion of guarantees of non-repetition, apologies, and non-judicial mechanisms based on mediation.	complemented with activities that promote expeditious and accessible procedures for the reparation of those directly affected, as well as measures of non-repetition, apologies and mediation. In the latter case, it is important to take advantage of the framework of the National Contact Point.				
91	To guarantee mechanisms for redress in the event of violation of the rights of children and adolescent workers in business activities.	Both administrative and criminal liability are focused on sanctioning offenders, in the absence of expeditious and accessible procedures for the redress and rehabilitation of victims of child and hazardous labor.	MTPE, in coordination with competent entities.	Strategy for the comprehensive care of children and adolescents identified as hazardous child laborers.	MTPE	Baseline: No baseline. Target (2023): Approval of the strategy for the comprehensive care of children and adolescents identified as child and hazardous laborers.
		No information has been found on free legal services specialized in assisting working minors. These should contemplate the characteristics of micro and small businesses.	MTPE in coordination with MINJUSDH and other competent entities.	Number of counseling services for adolescent work authorization procedures.	MTPE	Baseline: No baseline. Target (2022): 50 counseling services for adolescent work authorization procedures. Target (2023-2025): To be defined based on 2022 care.

92	Guarantee reparation mechanisms in the event of human rights violations against LGBTI people in business activities.	Complaint processes established mechanisms and processes, and sanctions must operate in a way that guarantees companies, respects the dignity of potential complainants and their privacy, so that LGBTI people can freely access them, as well as adequate mechanisms for redress, according to international standards.	MINJUSDH, with the collaboration of MTPE within the framework of its competencies.	Guide for the implementation of reparation mechanisms for the violation of the human rights of LGBTI people in companies.	MINJUSDH	Baseline (2021): No baseline.  Target (2022): Elaboration of a draft guide for the implementation of reparation mechanisms and guarantees of non-repetition in labor sanctions.  Target (2023-2025): Implementation reports.
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**Objective 2:** Strengthen the judicial and extrajudicial systems to redress human rights violations in the corporate sphere.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
93	Create and implement a permanent training program for justice operators regarding administrative offenses and crimes in labor and environmental matters.	There is a need to implement a training program for justice operators regarding administrative offenses and crimes in labor and environmental matters so that they have greater operational capacity and the processes related to these issues are resolved in compliance with international standards of the right to due process.	MINJUSDH, in coordination with competent entities	Creation and implementation of a training program.	MINJUSDH	Baseline: No baseline.  Target (2021): 1 program created.  Target (2022): 1 program implemented.  Target (2023-2025): 1 annual progress report on program implementation.

94	Produce and disseminate international standards on business and human rights through informative materials on judicial redress to strengthen the mechanisms for sanctioning and investigating human rights violations caused by business activities, aimed at judges, prosecutors, jurisdictional and fiscal assistance personnel.	In order to provide accessible and useful tools that will enable judges, prosecutors, and judicial and prosecutorial staff to strengthen their work on reparations in the area of business activities, it is important to produce and disseminate informative guides and other similar documents that facilitate the application of international standards in judicial and prosecutorial work.	MINJUSDH, in coordination with AMAG, the Judiciary, and the Public Prosecutor's Office.	Creation and dissemination of guides.	MINJUSDH	Baseline: No baseline.  Baseline (2022-2025): 1 guide produced and/or updated annually.  Baseline (2022-2025): Guides disseminated.
95	To disseminate judicial and extrajudicial mechanisms for the protection of human rights in business activities.	To make visible and disseminate the existing tools in the national legal framework and the experiences in terms of reparation in cases involving corporate responsibility for adverse impacts on human rights, including aspects such as the burden of proof.	MINJUSDH, in coordination with competent entities	Report on activities for the dissemination of judicial and extrajudicial mechanisms implemented.	MINJUSDH	Baseline: No baseline.  Target (2022-2025): Report on dissemination activities of judicial and extrajudicial mechanisms implemented.

**Objective 3:** Create and strengthen mechanisms at the operational level by companies to redress human rights violations in the corporate sphere.

	Action	What does it consist of (define/justify)	Responsible for the action	Action Indicator	Responsible for the indicator	Baseline (year) Target (year)
96	Create and implement a follow-up and monitoring mechanism for corporate due diligence related to reparations, which are implemented by trade 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 relevant state sector.	Businesses should diligently manage complaints and/or claims received from people with disabilities and senior citizens who consider themselves affected by the adverse impacts of business activities, ensuring due process of their complaints and implementing sanctions and redress mechanisms, as appropriate. This action, with emphasis on reparation mechanisms, is implemented within the framework of Action 87.	MINJUSDH, in coordination with competent entities	Follow-up and monitoring mechanism for the business sector due diligence mechanisms.	MINJUSDH	Baseline: No baseline.  Target (2022): 1 regulated follow-up and monitoring mechanism.  Target (2023-2025): 1 annual report on progress and challenges in the business sector due diligence mechanisms.
97	Produce, in coordination with the business sector, organized civil society, the competent state sector, indigenous or native peoples, Andean and Amazonian peoples,	In order to reflect the principles of PR-CER, and adapted to specific business sectors, MINJUSDH will produce specific guides for the groups of species and issues prioritized in the diagnosis and baseline and others to be prioritized, in order to implement due diligence mechanisms. These documents will be prepared with stakeholders linked to the type of activity and will be presented	MINJUSDH, in coordination with competent entities	Preparation and public presentation of the guides	MINJUSDH	Baseline: No baseline.  Target (2021): 1 working group formed and designated to develop the guides.  Target (2022): 1





	and trade unions, specific guidelines for the business sector for the implementation of due diligence mechanisms that provide comprehensive reparation.	at a public event. These guidelines will consider the characteristics of micro and small enterprises, the type of business activity, as well as the Covid-19 pandemic.				topic-specific guide published.
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# CHAPTER V

## IMPLEMENTATION, MONITORING, EVALUATION, AND UPDATING OF THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

### **Guiding Principles on Business and Human Rights, and other international instruments, as an international standard. Guiding Principles on Business and Human Rights, and other international instruments, as an international standard.**

As pointed out in the NAP diagnostic documents, performance evaluation of government interventions has become one of the priorities of government agencies. Thus, the OECD defines evaluation as the "systematic and continuous measurement over time of the results obtained by public entities and the comparison of these results with those desired or planned, to improve the institution's performance standards" (OECD/PUMA, 1998). The possibility of achieving results is only possible with the ex-ante existence of objectives (what was expected to be achieved), which should be established through concrete and possible goals that can be measured based on indicators. The latter can be defined as "measures that describe how well the objectives of a program, a project and/or the management of an institution are being developed" (Bonnefoy & Armijo, 2005).

In the same vein, the UN Working Group on Business and Human Rights, following the standards contained in the Guiding Principles and other international instruments, recommends "a comprehensive assessment" of the effectiveness of the NAP "in terms of its actual impact in relation to the prevention, mitigation, remediation of adverse human rights impacts related to business activities" for which "reference should be made to the performance indicators defined by the government in the NAP" and this assessment "should be conducted by an independent entity or other experts" and include "consultations with stakeholders". Importantly, the Working Group notes, the assessment process should include "[...] a reassessment of the most relevant business and human rights challenges and the performance of governments and companies in implementing the Guiding Principles to address them" (UN. Working Group on the issue of human rights and transnational corporations and other business enterprises, 2015, p. 11).

In accordance with this standard, the NAP incorporates a follow-up, monitoring, evaluation, and updating mechanism with the following characteristics:

### **5.2. Mechanism for follow-up, monitoring, evaluation, and updating of the NAP 2021-2025**

There will be a Follow-up, Monitoring, Evaluation, and Updating System for the NAP 2021-2025, which will include processes for collecting and using information with evidence of the changes generated to guide the actions and objectives towards the desired impact, allowing in the process due transparency in accountability with useful, objective and timely information to facilitate decision making for management.

The implementation of this system, as a component of the NAP, corresponds to the MINJUSDH, specifically to the Vice-Ministry of Human Rights and Access to Justice, whose functions are: to formulate, coordinate, execute and supervise the policy on human rights and access to justice under its

competence, in accordance with the respective national policy.

It is also recognized that the National Human Rights Council has as one of its attributions to issue opinions on documents related to the implementation, execution, and supervision of the NAP on Business and Human Rights. The specific objectives of this system are:

- Generate early warnings regarding the progress of the goals;
- Strengthen public practices of transparency, accountability, and civil society participation in business and human rights;
- Produce relevant information for the systematization of evidence of NAP progress; and
- Evaluate the progress made by the State and the country in general in the area of business and human rights and RBC, identifying the responsibilities of each State sector and other stakeholders, and identifying and/or updating data on the human rights situation of vulnerable groups requiring special protection.

In addition, the mechanism for follow-up, monitoring, evaluation, and updating of the NAP will be articulated based on the recommendations of the human rights mechanisms of the UN System, including the UPR, and the goals of the UN Agenda 2030. To this end, the following three coordination spaces will be taken into account:

In order to guarantee a permanent work of articulation and collaboration in the implementation, as well as the follow-up, monitoring, evaluation, and updating of the same, by the State, the business sector, civil society, indigenous or native peoples, Andean and Amazonian peoples, trade unions, and citizens in general, the following coordination spaces will be created under the leadership of MINJUSDH:

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- 1.- A space formed by the entities of the Executive Branch. At the time of the approval of the NAP, this already existing space called the Executive Branch Working Group for the NAP, created by Vice-Ministerial Resolution No. 01-2019-JUS, has the participation of 40 entities, with the possibility of incorporating more during the implementation of the NAP.
- 2.- A space made up of representatives of the State, companies, trade unions, indigenous peoples, and organized civil society stakeholders, as well as representatives of international organizations and international cooperation agencies. At the time of the approval of the NAP, a similar space already existed and was created for the process of elaboration of the NAP through Vice-Ministerial Resolution No. 01-2019-JUS. Thus, in order to give it continuity, said space, which has the participation of 132 institutions, will continue to operate, being able to incorporate more stakeholders during the implementation stage. Likewise, in order to guarantee a closer multi-stakeholder accompaniment during the implementation stage, a second complementary space will be formed, derived from this first space, with a smaller number of members, designated by each of the stakeholder groups.
- 3.- A space for work and coordination with indigenous organizations in order to contribute to the strengthening of the institutional framework of such organizations for the follow-up, monitoring, and evaluation of the implementation of the NAP, as well as to follow-up that the competent entities responsible for the implementation of actions related to indigenous or native peoples, determine, as provided in Article 9 of Law No. 29785, whether the action of the NAP in their charge must be subject to prior consultation, as a precondition for its implementation.

The rules for the operation of these coordination forums, which will follow international standards on the subject, will be determined during the NAP implementation stage.



### 5.3. Phases of implementation of the mechanism for the follow-up, evaluation, and updating of the NAP 2021-2025

The implementation of the system consists of three phases: (i) design and elaboration of the strategic commitments, formulated within the framework of the NAP 2021-2025; (ii) activities of the follow-up process (registration, reporting, and analysis of information, among others); and (iii) elaboration of follow-up products (profit and loss statement, annual report, and the control dashboard) that allow improving the process of generating public value; and, (iv) total updating of the NAP.

It should be noted that the NAP 2021-2025 is approved in implementation of Guideline No. 5 of the National Human Rights Plan 2018-2021, whose validity ends in December of this year. In this regard, in accordance with the regulations of the National Planning System, the NAP will be integrated as part of the future National Human Rights Policy 2022-2030, whose elaboration process in accordance with its stewardship, is also in charge of the General Directorate of Human Rights.

The specificity of the content is described in the following tables:

**Table 9. Phase I: Structure of the follow-up, evaluation, and updating mechanism**

Stage	What it consists of
Identification of indicators for monitoring, baseline, and goals	Based on the indicators defined in the NAP 2021-2025
Definition of the structure of the mechanism	Structure the mechanism considering the value chain from a strategic perspective.
Definition of the stakeholders and roles in the follow-up system	It is necessary to define the organizational scheme (stakeholders and roles) that will allow specifying the mechanisms for reporting, validation, and use of the information. Among the stakeholders we have: <ul style="list-style-type: none"> <li>· Those who report information</li> <li>· Those who manage the system</li> <li>· Those who are Information users</li> </ul>
Definition of program and indicator data sheets	<p>The data sheet clearly and directly summarizes 'what it is' that the indicator measures, 'how' and 'when' the measurement is made, 'what' information is generated, and 'who' produces and uses this information.</p> <p>A matrix will be developed that identifies the recommendations of the UN System's human rights mechanisms, including the UPR, the goals of the 2030 Agenda, as well as the recommendations of the OECD, the Inter-American System, and their linkage with the NAP indicators.</p>

**Table 10. Phase II: Follow-up, evaluation, and adjustment process**

Stage	What it consists of
Register the information in the MINJUSDH Follow-up System.	<p>Each Sector indicator manager must upload information into the system.</p> <p>Training is provided to those responsible for the sectors to instruct them in the task of reporting qualitative and quantitative information to the system.</p> <p>The deadline will be established for those responsible for the indicators to submit the information corresponding to the period reported.</p>
Establish follow-up routines (reporting and analysis)	<p>The periodicity of the uploading of qualitative and quantitative information is established.</p> <p>The periodicity of the preparation of reports is established.</p> <p>The progress of each of the indicators recorded is reviewed and approved, ensuring the relevance, consistency, accuracy, and quality of the information provided by the entities.</p>
Review and adjust the System information	<p>Changes will be subject to their technical relevance. In general terms, the goals established in the NAP will not be reduced, as they are commitments assumed by the State.</p> <p>The frequency with which meetings will be held between the DGDH and the competent sectors to review the NAP indicators will be established. These meetings will verify progress and identify possible bottlenecks in order to suggest corrective measures. This review may generate a space for adjustments to increase goals and the generation of new indicators to complement the measurement of expected results.</p>

**Table 11. Phase III: Development of the mechanism's products**

Stage	What it consists of
Profit and Loss Statement	The profit and loss statement is presented annually to the National Human Rights Council and to the NAP Multi-stakeholder Roundtable.
Control panel	Tool that allows visualizing (in a standardized and organized way) the priorities and goals established by the NAP, as well as early warning analyses on the achievement of these goals.

**Table 12. Phase IV: Total update of the NAP**

Stage	What it consists of
Final evaluation of the NAP 2021-2025	The evaluation of the NAP and its updating will be subject to the provisions of the National Human Rights Policy 2022-2030.

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