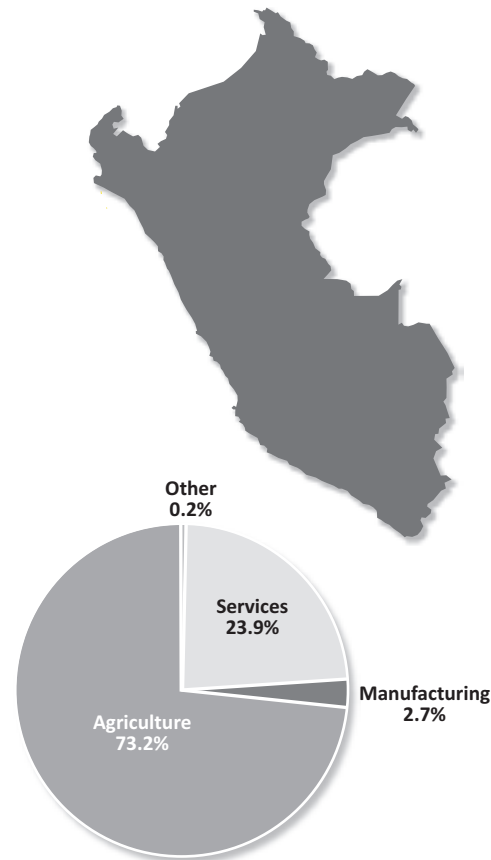


Peru

The Government of Peru has comprehensive prohibitions on the commercial sexual exploitation of children and child trafficking. However, gaps remain in social protection programs for the prevention and elimination of child labor, which do not reach some of the most vulnerable children. In addition, the worst forms of child labor persist in many sectors, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	22.3%
Attending School	5-14 yrs.	96.6%
Combining Work and School	7-14 yrs	22.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴¹⁰²






Children are exploited in the worst forms of child labor in Peru, many in agriculture where they work long hours, perform difficult tasks, and are exposed to dangerous chemicals. For example, children work in the production of coca, cotton, rice, coffee, and sugarcane. They also work in the production of gold, working in mines where they are exposed to chemicals such as lead and arsenic.⁴¹⁰³ Children, mainly girls, work in domestic service in both rural and urban areas where they are vulnerable to physical and sexual abuse.⁴¹⁰⁴ In urban areas, children produce bricks and fireworks, activities in which they are exposed to harmful chemicals and extreme heat, and carry heavy loads. Children also work as street vendors and street performers, beggars, bus assistants, shoe shiners, car washers, and scavengers in garbage dumps. These types of urban informal activities can involve work with toxic substances, and carry the risk of injury as they often require high physical exertion and exposure to densely-transited areas.⁴¹⁰⁵

Children in Peru are exploited in other types of activities constituting the worst forms of child labor. For example, according to an ILO study, girls who work in the mining industry are often sexually exploited.⁴¹⁰⁶ Forced child labor is a problem in informal gold mines, cocaine production, and transportation. Some Peruvian children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through false offers of employment.⁴¹⁰⁷ Peruvian children are also trafficked internationally for commercial sexual exploitation and forced labor. Drug traffickers and the narco-terrorist group Shining Path (*Sendero Luminoso*—SL) use children to grow food crops and coca, as well as to transport drugs and precursor chemicals.⁴¹⁰⁸ There are also credible reports that SL is using child soldiers in the Apurimac-Ene River Valley (VRAE). Child sex tourism is a problem, particularly in Iquitos, Madre de Dios, and Cuzco.⁴¹⁰⁹ There have reportedly been some cases of Bolivian families selling or renting their children to work in agriculture and mining in Peru. Reports also indicate that children are recruited to transport drugs across the border between Peru and Bolivia.⁴¹¹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Law of Minor Children sets the general minimum age for employment at 14 and places some restrictions on the ability of children ages 14 and above to work legally. The minimum age for employment in nonindustrial agricultural work is 15; for work in the industrial, commercial, and surface mining sectors is 16; and for work in the industrial fishing sector is 17.⁴¹¹¹

The Law of Minor Children prohibits night work for children under age 15 and requires children under age 18 to receive a permit from the Ministry of Labor in order to work.⁴¹¹² The Government adopted a list of hazardous occupations for children under age 18 which includes 26 types of hazardous activities, which are prohibited under the Law of Minor Children, such as night work, and work in industrial mining and fishing.⁴¹¹³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	Yes

Peru's Constitution and other legislation prohibit all forms of compulsory labor, including forced labor, debt bondage, and servitude.⁴¹¹⁴ Peru's Penal Code prohibits the prostitution of children, including selling, recruiting, using, and benefiting economically from the crime. The Penal Code also prohibits child

pornography, including its production, sale, use, and possession.⁴¹¹⁵ The Law against Trafficking in Persons and Illegal Migrant Smuggling prohibits all forms of trafficking in persons and penalties increase significantly for child trafficking.⁴¹¹⁶ The Military Service Law sets the minimum age at 18 and above, and prohibits forced recruitment into the armed services or any defense or armed groups.⁴¹¹⁷ Peru's Decree 22095 prohibits the recruitment of children for the production, sale, and trafficking of illicit drugs.⁴¹¹⁸

Institutional Mechanisms for Coordination and Enforcement

The Government of Peru operates a National Commission for the Prevention and Eradication of Child Labor (CPETI), which is led by the Ministry of Labor and meets once a month for the purpose of coordinating government actions against child labor. Members of CPETI include the Ministry of Education, the Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, and the Ministry of Health, among others.⁴¹¹⁹

The Ministry of Labor's Office of Labor Protection for Minors is charged with enforcing child labor laws. The Ministry of Labor employs 412 inspectors who have been generally trained on child labor issues, and 68 of these inspectors specialize in child labor enforcement.⁴¹²⁰ Municipal-level child protection offices coordinated with the Ministry of Labor to document complaints of violations of child labor laws, and referred cases to relevant social protection and legal services.⁴¹²¹ Information was not available on the number of inspections conducted which revealed instances of child labor or on the number of sanctions for violations of child labor law.

Other agencies are responsible for enforcing criminal laws regarding the worst forms of child labor. The Peruvian National Police's Trafficking Investigation Unit, which employs 32 police officers, is charged with investigating cases of trafficking in persons and the commercial sexual exploitation of children. In addition, the Labor Administrative Authority (*Autoridad Administrativa de Trabajo*) has the authority to levy fines against employers who are guilty of trafficking minors.⁴¹²² The Ministry of the Interior maintains a hotline to receive reports of trafficking in persons.⁴¹²³ In 2009, anti-trafficking officials

received training from a number of local NGOs and government ministries on detecting, investigating, and tracking trafficking cases.⁴¹²⁴ The National Police have an annual budget of approximately \$12,000 for investigating trafficking cases, which according to the Ministry of the Interior represents a significant limitation on investigating trafficking cases.⁴¹²⁵ During the reporting period, the Peruvian National Police's Trafficking Investigation Unit investigated 137 cases of trafficking in persons affecting 185 victims, 113 of whom were minors, a significant increase over last period. Seven trafficking cases involving minors resulted in six convictions during the reporting period.⁴¹²⁶ In the area of commercial sexual exploitation of children, 24 cases were opened; however, there is no information on convictions during the reporting period.⁴¹²⁷ Despite the Government's increased efforts to investigate child trafficking, law enforcement efforts did not reach many areas where trafficking is common, including in the Amazon region and highlands. In addition, while no formal referral system exists for child trafficking victims to social and legal services, authorities could refer child victims to government-operated children's homes for basic shelter and care.⁴¹²⁸

Government Policies on the Worst Forms of Child Labor

The Government of Peru has a National Plan for the Prevention and Eradication of Child Labor and a National Committee to Prevent and Eradicate Child Labor. The Plan, established in conjunction with the National Plan of Action for Children, focuses on three strategic goals: preventing and eradicating child labor among children under age 14, preventing and eradicating the worst forms of child labor among children under age 18, and protecting the wellbeing of adolescent workers between ages 14 and 18.⁴¹²⁹

There are also some sector-focused policies that aim to reduce the worst forms of child labor. The Ministry of Women and Social Development (MIMDES) has a National Plan against Commercial Sexual Exploitation of Boys, Girls and Adolescents. The Plan has four strategic components: establish and strengthen institutions, increase awareness about commercial sexual exploitation of children, establish a system to monitor and penalize perpetrators, and develop a system to support victims.⁴¹³⁰ The Ministry of Education adopted a policy directive "0086-2008-ED"

in 2008 that sets standards for tutoring activities in public schools, which includes a goal of combating child labor, especially the worst forms, including work in mines, quarries, brick factories, trash sorting, fireworks production, and work as street vendors and domestic service.⁴¹³¹

The Government of Peru and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.⁴¹³² Peru's Ministry of Trade and Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America. The Joint Group was created in 2005 and includes Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Suriname, Uruguay, and Venezuela.⁴¹³³

The Government of Peru has adopted the 2006-2010 United Nations Development Assistance Framework, which, among other goals, aims to build government capacity to combat child labor through effective policies and programs.⁴¹³⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Peru has implemented national anti-poverty and employment training programs. The Government's *Juntos* (Together) Program provides cash transfers to the poorest and most vulnerable households in 14 of the country's 26 departments, and has an annual budget of \$170 million. *Juntos* reaches a total of over 420,000 households in rural areas of Peru, and conditions transfers on beneficiaries' participation in health and education services.⁴¹³⁵ However, the cash transfers are not conditioned on withdrawal of children from child labor. In addition, the Ministry of Labor operates the *Construyendo Peru* (Building Peru) program which offers temporary work and technical training to low-income households, and requires beneficiaries to commit to withdrawing children from child labor. During the 2009 calendar year, the *Construyendo Peru*

program budget totaled \$37.3 million.⁴¹³⁶ The Ministry of Labor's *Mi Empresa* (My Business) program trains households on entrepreneurship skills and increasing family income. In addition, the Ministry of Labor runs a *PROJoven* (Pro-Youth) program which provides vocational instruction and on-the-job training to children and youth between the ages of 16 to 24 from low-income households.⁴¹³⁷ There is no available information on the impact of these national anti-poverty and employment programs on children's school attendance and participation in child labor.

The Government also implements the *Programa Educadores de Calle* (Street Educators), which aims to connect working children and their families to educational and social services with the goal of withdrawing them from exploitive work and improving family welfare.⁴¹³⁸ The program has been in operation for 17 years, and the program reports that it has withdrawn 58,000 children since its inception.⁴¹³⁹

The Government participated in donor-funded efforts to combat child labor. For example, it took part in a 4-year, USDOL-funded project to combat child labor which targeted 5,250 children for withdrawal and

5,250 children for prevention from exploitive work in the urban informal sector in Lima, Callao, Trujillo, and Iquitos.⁴¹⁴⁰ The Government also participates in a 4-year regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴¹⁴¹ In recent years, the Government took part in USDOL-funded projects to combat child labor in mining, commercial sexual exploitation, and domestic labor. These projects worked with local civil society organizations and Government institutions to build their capacity to combat child labor. One project assisted the national Government in the development of the National Commission and the National Plan against Child Labor.⁴¹⁴²

Although the Government of Peru has implemented programs to address the worst forms of child labor through the *Educadores de la Calle* program, research has found no evidence that there are programs to assist children working in agriculture, mining, domestic work, and commercial sexual exploitation. Evidence also indicates that existing programs do not reach many children working in urban informal work given the magnitude of child laborers in this sector.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Peru:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the scope of child labor inspections to detect the worst forms of child labor, including hazardous work.
- Make publicly available the number of child labor inspections carried out and resulting sanctions/penalties imposed.
- Allocate sufficient resources to law enforcement agencies to investigate and prosecute cases child trafficking.
- Develop a structured system to refer child victims of trafficking to social and legal services.

IN THE AREA OF SOCIAL PROGRAMS:

- Create social programs to reach children working in hazardous agriculture, domestic service, and commercial sexual exploitation.
- Expand social programs to reach children working in the urban informal sector.
- Implement the Directive 0086-2008-ED, to reinsert child laborers into the education system through both formal and informal programs.
- Carry out assessment of impact of cash transfer program and employment training programs on children's school attendance and participation in child labor.
- Implement awareness-raising measures in border areas to prevent the child trafficking and the sale of children to work in agriculture and the recruitment of children for transporting drugs.

⁴¹⁰² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴¹⁰³ Ruth Arroyo Aguilar and Luis Yupanqui Godo, *Peligros, Riesgos y Daños a la Salud de los Niños y Niñas que Trabajan en la Minería Artesanal*, International Labour Organization, Lima, 2005; available from http://www.ilo.org/public/libdoc/ilo/2005/105B09_643_span.pdf. See also ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, Lima, 2007, 26; available from http://white.oit.org.pe/ipecc/documentos/estudio_cap_pe.pdf. See also Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, Lima, September 30, 2005, 14-15; available from http://www.mimdes.gob.pe/dgna/Plan_Nacional_Trabajo_Infantil.pdf. See also UNICEF, *Niños en Zonas Cocaleras*, Lima, 2006, 46-48; available from http://www.unicef.org/peru/spanish/peru_unicef_ninoszonascocaleras.pdf. See also ILO-IPEC, "Participación infantil y adolescente en la agricultura en América Latina: Panorama, lecciones y retos", [online], 2007 [cited August 9, 2010]; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1555#nota5>. U.S. Department of State, "Peru," in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119170.htm>.

⁴¹⁰⁴ ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 28.

⁴¹⁰⁵ *Ibid.*, 26 and 27. See also International Youth Foundation, *Prepárate para la Vida*, Project Document, Washington, DC, March 28, 2007, 7. See also Macro International Inc., *Children Working in Informal Sector Marketplaces: Lima, Peru*, Calverton, MD, January 12, 2007, 42.

⁴¹⁰⁶ ILO-IPEC, *Girls in Mining, research findings from Ghana, Niger, Peru and United Republic of Tanzania*, Geneva, 2007, 6; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=5304>.

⁴¹⁰⁷ U.S. Department of State, "Peru (Tier 2)," in *Trafficking in Persons Report-2010*, Washington, DC, June 14, 2010;

available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁴¹⁰⁸ U.S. Embassy- Lima, *reporting*, February 12, 2010. See also U.S. Department of State, "Trafficking in Persons Report-2010: Peru."

⁴¹⁰⁹ U.S. Department of State, "Trafficking in Persons Report-2010: Peru." See also U.S. Embassy- Lima, *reporting*, February 12, 2010.

⁴¹¹⁰ U.S. Embassy- Santiago, *reporting* February 25, 2010. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010. See also U.S. Department of State, "Trafficking in Persons Report-2010: Peru."

⁴¹¹¹ Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes, 27571*, (December 4, 2001); available from http://www.mintra.gob.pe/contenidos/legislacion/dispositivos_legales/ley_27571.htm.

⁴¹¹² Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, 27337*, (August 2, 2000), articles 53, 54; available from <http://www.acnur.org/biblioteca/pdf/01163.pdf>.

⁴¹¹³ *Ibid.*, article 58. See also Government of Peru, *Aprueban la "Relación de Trabajos y Actividades Peligrosas o Nocivas para la Salud Física o Moral de las y los Adolescentes"*, (July 25, 2006); available from http://white.oit.org.pe/ipecc/documentos/decreto_tip_pe.pdf.

⁴¹¹⁴ Government of Peru, *Constitución Política del Perú*, article 2; available from <http://www2.congreso.gob.pe/congreso/Constitución-Política-08-09-09.doc>. See also Government of Peru, *Modificación del Código Penal 28251*, (June 7, 2004), article 168; available from http://www.oit.org.pe/ipecc/documentos/ley_28251_esci_pe.pdf.

⁴¹¹⁵ Government of Peru, *Código Penal*, articles 179-181, 181-A, 183-A.

⁴¹¹⁶ Government of Peru, *Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes*, Law No. 28950, (January 16, 2007), articles 153 and 153-A; available from http://white.oit.org.pe/ipecc/documentos/ley_trata_peru_06.pdf.

⁴¹¹⁷ Government of Peru, *Ley del Servicio Militar*, 27178, (September 28, 1999), articles 6 and 42; available from <http://www.resdal.org/Archivo/d0000281.htm>. See also Coalition to Stop the Use of Child Soldiers, "Peru," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴¹¹⁸ Government of Peru, *Ley de Represión del Tráfico Ilícito de Drogas*, 22095, (February 21, 1978), article 57(c); available from <http://www.digemid.minsa.gob.pe/normatividad/DL2209578.HTM>.

⁴¹¹⁹ U.S. Embassy- Lima, *reporting*, March 23, 2010

⁴¹²⁰ *Ibid.*

⁴¹²¹ *Ibid.*

- ⁴¹²² Ibid.
- ⁴¹²³ U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”
- ⁴¹²⁴ U.S. Embassy- Lima, *reporting, March 23, 2010*.
- ⁴¹²⁵ Ibid. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”
- ⁴¹²⁶ U.S. Embassy- Lima, *reporting, March 23, 2010*.
- ⁴¹²⁷ Ibid. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”
- ⁴¹²⁸ U.S. Embassy- Lima, *reporting, February 12, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”
- ⁴¹²⁹ Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005, 58-60; available from http://www.mimdes.gob.pe/dgna/dna/cpeti/Plan_CPETI.pdf.
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- ⁴¹³⁶ Government of Peru, *Ejecución Presupuestal 2009*, 2009; available from <http://www.construyendoperu.gob.pe/Documentos/Financiera/Resumen%20Ejecución%20de%20Compromisos%20vs%20PIM%20mensualizada%202009.pdf>. See also U.S. Embassy- Lima, *reporting, March 23, 2010*. See also Government of Peru, *Los Participantes, Construyendo Peru*, [online] 2007 [cited July 2, 2010]; available from http://www.construyendoperu.gob.pe/part_participantes.html.
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