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## مجلس حقوق الإنسان

الدورة الثامنة عشرة

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابه وعواقبه، غولنارا شاهينيان

إضافة

البعثة إلى بيرو\*

موجز

يعرض هذا التقرير الاستنتاجات التي خلصت إليها المقررة الخاصة المعنية بأشكال الرق المعاصرة بما في ذلك أسبابه وعواقبه ، وذلك من أعقاب البعثة الرسمية الموفدة إلى بيرو في الفترة من ٩ إلى ٢٠ أيار/مايو ٢٠١١. وتدرج المقررة الخاصة معلومات بشأن التشريعات القائمة والآليات المؤسسية والبرامج والخطط والأنشطة الرامية إلى مكافحة أشكال الرق المعاصرة، كما تسلط الضوء على التدابير الإيجابية. وعلاوة على ذلك، تسترعي المقررة الخاصة الانتباه إلى التحديات الكبرى، وتقدم توصيات عن كيفية سد الثغرات التشريعية وتعزيز إنفاذ القانون والقدرات المؤسسية وتكثيف التدابير من أجل معالجة أسوأ أشكال عمل الأطفال والاستغلال الاقتصادي والاستعباد المترلي للأطفال وتوفير سبل الانتصاف الفعالة لضحايا أشكال الرق المعاصرة.

\* يُعمّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه الوارد في مرفق الموجز فيُعَمَّم بالإنكليزية والإسبانية فقط.

## Annex

### Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her visit to Peru

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## I. Introduction

1. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences visited Peru from 9 to 20 May 2011, at the invitation of the Government. The main objectives of the mission were to examine the nature and incidence of contemporary forms of slavery, its causes and consequences in forced labour and child slavery in the mining and logging sector, domestic servitude and other areas, and to engage in a dialogue with the Government of Peru in order to analyse policies and laws designed to eradicate contemporary forms of slavery. The Special Rapporteur also intended to study good practices undertaken by Peru to combat slavery in all its forms and to identify the challenges that the country now faces in addressing contemporary forms of slavery, as well as to explore solutions and strengthen partnerships.
2. During her visit, the Special Rapporteur undertook extensive consultations with high level Government representatives from the ministries of external relations; the interior; justice; culture; work and promotion of employment; women and social development; agriculture; mining and energy; and the environment. She also met with members of congress, representatives of the Ombudsperson (*Defensoria del Pueblo*), the multi-sectoral Commission on Trafficking in Persons, the Committee for the Prevention and Eradication of Child Labour and the National Commission for the Eradication of Forced Labour.
3. During the mission, the Special Rapporteur also visited Puerto Maldonado and Mazuko, in the department of Madre de Dios, and Pucallpa, in the department of Ucayali, where she met with regional authorities.
4. The Special Rapporteur also met with workers in the mining and logging sector, and with domestic workers and children in the mining areas.
5. The Special Rapporteur also held consultations with the United Nations Resident Coordinator and with United Nations agencies represented in Peru, including the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and the United Nations Organization on Drug and Crime. She received written information from the Regional Office of the United Nations High Commissioner for Human Rights in South America, the United Nations High Commissioner for Refugees and the International Organization on Migration (IOM).
6. The Special Rapporteur also met with a variety of stakeholders, including civil society organizations working on issues relating to her mandate, academics and grass-roots leaders from different sectors of the population, including indigenous peoples.
7. The Special Rapporteur expresses her appreciation to the Government, as well as to all stakeholders for their time and excellent cooperation.

## II. General background of the visit

8. The Special Rapporteur focused her visit on sectors of labour in which, according to information received, forced labour, debt bondage, domestic servitude, worst forms of child labour and economic exploitation of children, as well as other exploitative slave-like situations, persist, including trafficking in human beings for labour or sexual exploitation. Those sectors featured prominently in the logging and gold mining sectors, as well as domestic household services and other informal sectors of the economy.
9. In the Special Rapporteur's view, the persistence of contemporary forms of slavery in Peru should be examined in the light of the correlation of discrimination with social exclusion poverty and the inadequate protection offered by the State, particularly in remote areas. Therefore, she deems it pertinent to summarize some information on the demography

and social conditions of the country, as well as on the geographic areas on which she focused her visit.

#### A. Demography and socio-economic conditions

10. According to 2009 Statistics, Peru has a population of 29,164,883 million inhabitants.<sup>1</sup> In 2007, 71.3 per cent of the population was concentrated in urban areas and 28.7 per cent lived in rural areas.<sup>2</sup>

11. Peru is a multi-ethnic country. According to the first census, conducted in 1993,<sup>3</sup> the country's indigenous population comprised 8 million Quechuas, 603,000 Aymaras and 299,000 indigenous peoples from the Amazon region, accounting for 40 per cent of the Peruvian population. The ethnic composition of the population of Peru also includes mestizos,<sup>4</sup> people of white and African origin, Japanese and other ethnic groups.

12. The national economic outlook is positive, the country having overcome the global financial crisis relatively unharmed, maintaining GDP growth, employment generation and poverty reduction,<sup>5</sup> a key factor for economic growth being the high commodity prices. In 2009, the poverty rate was 34.8<sup>6</sup> per cent, and the Gini index was 0.47.<sup>7</sup>

#### B. Geographic areas of focus

13. The geographic areas of focus included, besides the capital, the departments of Madre de Dios and Ucayali, both located in the Amazon region. In Madre de Dios, well known for its rich biodiversity as well as its mineral resources, the Special Rapporteur received information on the unregulated gold rush, which has brought with it a whole range of slavery-like practices. Gold prices have increased by 400 per cent increase over the past decade,<sup>8</sup> and this has had a direct impact on the amount of gold extracted annually in Peru, rising from approximately 132 tons in 2000 to 180 tons in 2010.<sup>9</sup> It is estimated that, of total gold production, 20 per cent (around 40 tons) is extracted through informal artisanal mining. In Ucayali, the Special Rapporteur visited Pucallpa, where she received information primarily on the extent of bonded labour in logging, a major sector of the industry.

<sup>1</sup> <http://data.worldbank.org/country/peru>.

<sup>2</sup> <http://data.un.org/CountryProfile.aspx?crName=PERU>.

<sup>3</sup> This was the only time that this type of census was conducted in Peru, as any reference to mother tongue or language spoken was eliminated from the 10th national census in 2005, which, in practice, led to the statistical disappearance of indigenous peoples.

<sup>4</sup> Term traditionally used in Latin America and Spain for people of mixed European and Native American heritage or descent.

<sup>5</sup> [www.mef.gob.pe/contenidos/english/bulletin/Peru\\_Economic&Social\\_Outlook.pdf](http://www.mef.gob.pe/contenidos/english/bulletin/Peru_Economic&Social_Outlook.pdf).

<sup>6</sup> Ibid.

<sup>7</sup> The Gini coefficient is a measure of the inequality of a given distribution, a value of 0 expressing total equality and a value of 1 maximal inequality.

<sup>8</sup> According to statistics provided by the World Gold Council (whose 22 members are the world's leading gold mining companies), the average price of gold increased from \$300/oz in 2000 to \$1,200/oz in 2010.

<sup>9</sup> Data provided by Dirección General de Minería.

### III. Normative framework on contemporary forms of slavery

#### A. International and regional framework

14. Peru has ratified eight of the nine major international human rights treaties,<sup>10</sup> including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but not the International Convention on the Protection of All Persons from Enforced Disappearance. Peru has also ratified the Optional Protocol on the sale of the children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child.<sup>11</sup> Peru is a party to a number of ILO conventions relevant to the prevention and/or the elimination of contemporary forms of slavery, including the Forced Labour Convention (No.29), the Abolition of Forced Labour Convention (No.105), and the Worst Forms of Child Labour Convention (No.182).

15. Peru is not a State party to the 1926 Slavery Convention or to the Protocol amending the 1926 Slavery Convention, adopted in 1953. Peru has signed but not ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

16. Peru has ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

17. Peru is a party to the American Convention on Human Rights and has also recognized the jurisdiction of the Inter-American Court of Human Rights. In national law,<sup>12</sup> international treaties, when ratified, have the same status as the Constitution.

#### B. National legal framework

##### 1. Forced labour

18. The Constitution prohibits slavery, servitude and trafficking in human beings in all its forms (art. 2, para. 24b)). It also states that no one should be made to work without giving his or her consent and without remuneration, which should be fair and sufficient (art. 2 (15), in conjunction with art. 24). In addition, article 3 of the Constitution guarantees the protection of rights not expressly covered by the Constitution but analogous to fundamental freedoms or based on human dignity.

19. The prohibition of slavery and forced labour is addressed in article 168 of the Penal Code, which refers to “crimes against freedom of work”. It criminalizes the use of threats or violence with the intention to compel another to provide work without corresponding remuneration.

<sup>10</sup> The International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities.

<sup>11</sup> Ratified on 8 September 2000 and 1 November 2000, respectively.

<sup>12</sup> Articles 3 and 55, and the Fourth, Final and Transitory Provisions of the Constitution.

20. There is no unified labour code. Instead, labour laws and regulations are scattered throughout the body of national laws. With regard to forced labour, the legislation guarantees the voluntary nature of labour recruitment and the right to remuneration (arts. 4 and 6 of Legislative Decree No. 728).

## **2. Worst forms of child labour and child exploitation for economic purposes**

21. The Child and Adolescent Code (art. 4) prohibits forced labour, economically exploitative labour, forced recruitment, prostitution and trafficking of children and adolescents.<sup>13</sup> It specifies that children who work for another person may do so as of the age of 15 years if the work is non-industrial agricultural labour; at the age of 16 years, in cases of industrial, commercial or mining work; and as of the age of 17 years, in the fishing industry.<sup>14</sup> For all other forms of work, children must be at least 14 years old. In addition to the criterion of age, the Code lays down a set of norms regarding working hours and the workload. Children between 12 and 14 years of age are allowed to work for only four hours a day, during daytime, for a maximum of 24 hours a week. The work of persons aged 15 or 16 may not exceed six hours a day and 36 hours a week. Work during the night (between 7 p.m. and 7 a.m.) is only allowed if authorized by a judge and for boys and girls between 15 and 18 years of age, for a maximum of four hours a day. Economic activities that are conducted underground, involve toxic substances, require carrying heavy weights or are in any way harmful to a child's health and moral well-being are prohibited for persons younger than 18 years. In such cases, adolescents require a work permit from either the Ministry of Labour or the municipality, and a registry of working children must be kept. For such a work permit to be issued, the work must not interfere with regular school attendance and the child must have a medical certificate, identity documents and proof of enrolment in a school.<sup>15</sup>

22. Article 51 of the Child and Adolescent Code on the minimum working age is to be read in conjunction with Decree 003-2010-MIMDES, issued by the Ministry for Women and Social Development. The Decree lists approved types of work and activities that are hazardous or harmful for the physical and moral health of young persons and in which children should not be employed. The list includes activities linked to the mining sector.

## **3. Trafficking in human beings**

23. Trafficking in persons for sexual exploitation has been a specific offence since 2004. In January 2007, the Penal Code was amended to expand the trafficking offence to include the other forms of exploitation listed in article 3 of the Palermo Protocol, including labour exploitation. Article 153 of the Penal Code (as modified by Law no. 28950) further defines trafficking in persons, providing protection to victims and witnesses, and strengthening sentencing guidelines. Under the new law, the penalty for trafficking in persons, including for forced labour, is from 8 to 15 years of imprisonment, increased to 12 to 20 years if the victim is between 14 and 18 years of age, the trafficker is in a position of authority, a family member or guardian, or if there are multiple victims or perpetrators. The penalty is no less than 25 years of imprisonment if the victim is under 14 years, dies or is seriously injured, is physically or mentally disabled, or if the trafficker is a member of a criminal organization.

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<sup>13</sup> Law no. 27337 (2000).

<sup>14</sup> *Ibid.*, art. 51.

<sup>15</sup> *Ibid.*, arts. 56-64.

#### 4. Domestic servitude

24. In addition to the constitutional prohibition of servitude, the law governing domestic work is the Domestic Workers' Act 2003 (Ley de los Trabajadores del Hogar – Ley No. 27986) and its regulation (Reglamento de la Ley de los Trabajadores del Hogar – Decreto Supremo No. 015-2003-TR). The Act stipulates certain rights and benefits to which adult domestic workers are entitled, for instance, an eight-hour working day, no work on public holidays, 15 days of paid annual vacation and salary bonuses in July and December. In addition, in 2009, the Government adopted the Supreme Decree No. 004-2009-TR prohibiting discrimination against domestic workers, and more specifically prohibiting the requirement by employers for their domestic workers to wear uniforms in public places. Child domestic work is regulated by the Child and Adolescent Code.

### IV. Institutional framework to eradicate contemporary forms of slavery

25. A number of governmental institutions deal with aspects of the protection against contemporary forms of slavery, such as the Ombudsperson's Office (*Defensoría del Pueblo*), an autonomous constitutional body responsible for the defence of the constitutional and fundamental rights of individuals and communities and for monitoring compliance of public management duties and the rendering of public services. It has 28 representations throughout the country.

26. In 2007, the National Commission to Combat Forced Labour was established to investigate and analyse the extent of forced labour. The same year, the Commission launched a national plan against forced labour. The Commission acts as the permanent coordination body for policies and action against forced labour in various sectors, at both the national and regional levels. Its members include the ministers for labour and employment promotion, health, education, agriculture, as well as employers' and workers' organizations. A special labour inspection unit to combat forced labour was created in August 2008. The unit comprises a supervisor and five inspectors trained by ILO.

27. Given the complexity and multifaceted nature of illegal logging, a multi-sectoral commission on illegal logging was created in October 2002 under the Ministry of Agriculture. The commission has been given the task of designing and implementing a strategy to fight against illegal logging, as well as of proposing legal reform measures to penalize illegal logging and actions necessary to combat those who market illegally felled timber.

28. In 2005, the Committee for the Prevention and Eradication of Child Labour was created to coordinate the execution of the national plan to prevent and eradicate child labour adopted that same year. The Committee is composed of representatives of different ministries, workers' organizations, employers' organizations, and international and national organizations.

29. At the local level, the Municipal Commission for the Rights of the Child and the Adolescent (Comisión Municipal de Derechos de los Niños y Adolescentes) is an inter-institutional mechanism that helps municipalities to promote and protect the rights of children. Such mechanisms usually comprised DEMUNAs (municipal child and adolescent defence centres), educational institutions, health centres, the police, the public prosecutor's office, the judiciary, the church, grass-roots organizations and civil society organizations.

30. A multi-sector working group to fight human trafficking was set up in 2002 under the Ministry of the Interior, with the participation of 11 ministries, civil society and international organizations. A national plan of action has also been established for the period 2007-2013, to promote the implementation of the law on trafficking. An initial

regional plan of action against trafficking for the region of Madre de Dios was adopted in 2010, with the technical cooperation of IOM. The plan is a pilot project to be replicated throughout the country. An integrated registration and statistics system on the crime of trafficking in persons and related crimes, known as RETA-PNP, was developed and allows the recording of police inquiries indicators, places, events, the identification of individuals and the purpose of human trafficking. RETA-PNP is functional in 19 regions of the country.

## V. Contemporary forms of slavery and root causes

### A. Root causes

31. Peru is characterized by huge disparities in terms of economic development between urban and rural areas of the country. Indigenous peoples, and to a lesser extent mestizos, are subjected to a considerable amount of discrimination in the labour market and are particularly vulnerable to slavery-like practices, given that they face high rates of poverty, discrimination and exclusion and live in remote areas where the State is all but absent. The ILO Committee of Experts, when considering in 2009 the implementation by Peru of the Forced Labour Convention (No. 29), noted that members of indigenous communities were victims of forced labour practices (slavery, debt bondage and serfdom), particularly in such sectors as agriculture, stock-raising and forestry, referring in particular to the region of Atalaya, the harvesting of chestnuts in Madre de Dios and widespread forced labour in illegal timber activities in the region of Ucayali. The lack of a State presence and/or the State's feeble capacity to implement labour legislation in certain regions, as well as the high level of demand for cheap labour linked to the extraction of resources, all contribute to the persistence of contemporary forms of slavery.

### B. Contemporary forms of slavery

#### 1. Forced labour

32. Forced labour in Peru, as in other parts of Latin America, is most likely to be a result of a system of debt bondage called *enganche*.<sup>16</sup> The system lures workers into a situation of debt bondage, typically in the areas of illegal logging, informal mining and the harvesting of chestnut and Brazil nuts. The Special Rapporteur, following her visits to the departments of Madre de Dios and Ucayali, focused her attention on forced labour in the mining and logging sectors.

##### (a) Logging sector

33. The Special Rapporteur received information on the extent of forced labour in the illegal logging sector in the Peruvian rainforest and on the way workers, many of them indigenous, are tricked into debt bondage with their employers. The rising global price of luxury hardwoods, such as mahogany and cedar, has led to an intensification of the illegal exploitation of Amazon timber, which is mostly found to take place inside national indigenous community reserves. The World Wildlife Fund estimates the scale of illegal logging in Peru at 80 per cent.<sup>17</sup> These operations are conducted through the falsification of

<sup>16</sup> For an historical perspective of the *enganche* system in Latin America, see Bonded Labor, Coercion and Capitalist Development In Peru, Eduardo Bedoya Garland, Universitat Rovira i Virgili. Available from [www.raco.cat/index.php/QuadernsICA/article/viewFile/95368/163827](http://www.raco.cat/index.php/QuadernsICA/article/viewFile/95368/163827).

<sup>17</sup> [www.wwf.de/fileadmin/fm-wwf/pdf-alt/waelder/Scale\\_of\\_illegal\\_logging\\_around\\_the\\_world.pdf](http://www.wwf.de/fileadmin/fm-wwf/pdf-alt/waelder/Scale_of_illegal_logging_around_the_world.pdf).



documents provided for wood extraction or concessions, a practice known as *blanqueo de madera*, or wood laundering. ILO estimated in 2005 that profits from illegal logging alone amounted to \$75 million.<sup>18</sup> The same study found that as many as 33,000 workers were in a situation of forced labour situation in 2005. Information received leads the Special Rapporteur to believe that, although the extremely isolated locations and clandestine nature of this activity make it very difficult to estimate the number of people involved, the ILO figures of 2005 are likely to reflect the reality in 2011.

34. The Special Rapporteur was informed of two main forms of forced labour in logging activities. First, indigenous communities are contracted to provide timber from their own land; second, timber bosses hire indigenous and mestizo men to work on their camps. In both instances, deception is used to entrap workers in a cycle of debt and servitude, which can be passed on from one generation to the next.

35. In the first case, which is the most frequent, the “authorizing logger” linked to large logging companies hands out a quantity of money to middlemen, who approach indigenous communities and offer them advances in the form of basic goods, public goods (such as the promise to build schools) or money. These advances are offered on the condition that the community members, who know the area and its trees better than anyone else, deliver cut timber of a certain quality. Generally these agreements are made through verbal or written contracts, where no reference is made to the market value of the timber, often deceiving indigenous people. Thus, when the workers deliver the timber, they are told that it is of inferior quality, not worth as much as agreed, and that, in order to be paid, they have to provide more timber. Concurrently, the workers accumulate debts with the middlemen by purchasing food and basic goods from them at three to five times the market price. The middlemen repeatedly postpone final payment on delivered timber while continuing to undervalue it, thereby increasing the debt incurred by the communities. Additionally, the communities’ “contracts” often state that they are not allowed to sell their timber or work for anyone else. The communities gradually find themselves trapped: they are increasingly indebted to the middlemen and underpaid for timber, and do not have the capacity to seek work or money from elsewhere to pay them back. Middlemen can exploit this situation by demanding that the debt be repaid by providing free labour at logging camps.

36. In the second case, forced labour is used in logging camps where a majority of mestizos from cities in the highlands and on the coast, but also indigenous workers from the local or neighbouring areas, are recruited. In some cases, local indigenous leaders themselves are contracted to recruit men from their communities; in rare cases, armed groups have been known to capture indigenous men and force them to work in the camps.<sup>19</sup> As with the entrapment of indigenous communities, a cycle of indebtedness is created by the same modus operandi, namely recruitment by means of a wage advance,<sup>20</sup> marking the beginning of a spiral of indebtedness, subsequent manipulation of the worker’s debt (as his work is not appropriately accounted towards the reimbursement of his debt), and obligations to buy food and other subsistence goods at inflated prices on credit at the camp store. In addition, debt also continues to increase because workers are often unpaid during the first two or three months of work. In illegal logging camps, there have been also many reports of workers being threatened and documents and salaries being retained. The presence of armed guards to prevent workers from leaving the camps before all their debts are settled has also been reported, even though escape is virtually impossible owing to the extreme isolation of the camps. It has been reported that, on average, a logging camp is made up of 30 male loggers, a woman who cooks for the camp and another who is sexually exploited.

<sup>18</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *El Trabajo Forzoso en la Extracción de la Madera en la Amazonía Peruana*, ILO, Geneva, March 2005, p. ix.

<sup>19</sup> *Ibid.*, p. xi.

<sup>20</sup> A system known in Latin America as *habilitación-enganche*.

37. In both of the above cases, the system of wages advance progressively turns into a system of debt bondage where workers are retained without pay. The indebted worker has no choice but to pay the debt by working for the *enganchador* to whom he is indebted, entering into a circle of advances, deceit, more advances and more debt. Usually, this type of debt bondage is short term, lasting no more than one harvest, but cases have been reported of indigenous communities that have remained in debt bondage for decades or even generations.

38. The Special Rapporteur wishes to draw urgent attention to the detrimental impact on the environment of illegal logging activities, including their impact on the local fauna, deforestation and the high level of dioxin emissions.

**(b) Mining sector**

39. The Special Rapporteur received information on the extent of contemporary forms of slavery of both adults and children in the illegal small-scale mining sector, in particular in Madre de Dios, a region deeply affected by the gold rush which have seen the unregulated migration of people from the Andean regions and from adjacent countries, such as Bolivia (Plurinational State of) and Brazil. The remote and informal nature of small-scale mining activities makes it difficult to identify the phenomenon; the Special Rapporteur did, however, witness the slavery-like conditions of victims in the mining sector. Men and adolescents are often recruited through deception, being offered working conditions and workers' rights that are subsequently not complied with in practice. Often, the workers receive advance payments in cash or goods during their first three months of work, which are then deducted from the salary, using a mechanism of overestimating the goods provided and underestimating the quantity and quality of the gold handed over, so that the worker is indebted to his "patron", a situation similar to the *enganche* system seen in the logging sector. They work long hours in very dangerous conditions, are exposed to toxic substance (such as mercury) and to serious diseases (such as malaria). Workers are poorly fed and have no form of labour protection or health and social security coverage. The Special Rapporteur heard disturbing allegations of cases of disappeared miners whose whereabouts remained unknown since, according to information received, investigation was impossible not only owing to the lack of State presence, but also to an environment where "employers" are known only by their nicknames, helping to perpetuate a climate of impunity. While mining is mostly performed by men, the women employed as cooks in the mining camps are at high risk of sexual exploitation.

40. With regard to children in the informal mining sector, the Special Rapporteur notes that, although the mechanization of mining activities has lessened the presence of children in both extracting and processing activities in some regions, such as Madre de Dios, the phenomenon of child labour still persists, in particular in very remote areas of the province as well as in others, such as Ayacucho and Puno. In 2006, it was estimated that around 20 per cent of the miners in small-scale mining in Madre de Dios were between 11 and 18 years old.<sup>21</sup> Such children are involved in high-risk activities and handle highly toxic products, like mercury. Children are also exposed to serious injury and harm, breathe contaminated air and are exposed to soil and water that are contaminated with metals and chemical products. The Special Rapporteur considers that the work carried out by children in the mining sector, by its very nature and the conditions in which it is performed, qualifies as a contemporary form of slavery.<sup>22</sup>

41. The Special Rapporteur notes that Act No. 28992 of 27 March 2007, which amends Act No. 27651 on the formalization and promotion of small-scale and artisanal mining, expressly prohibits the employment of persons under 18 years of age in mining of any description. She also notes the efforts of the Government to support the formalization of

<sup>21</sup> World Report on Violence against Children, 2006, p. 248. Available at [www.unicef.org/violencestudy/](http://www.unicef.org/violencestudy/).

<sup>22</sup> See A/HRC/18/30.

artisanal mining, including through the adoption of a national plan and a bill envisioning the establishment of an agency in charge of promoting the formalization of this sector. While regretting that none of those documents refer to the labour conditions of miners or to the prohibition of the use of children in the mines, it is nevertheless the Special Rapporteur's opinion that formalization is an effective tool to combat both forced labour and children working in the mines.

42. Illegal mining has brought with it a wider range of contemporary forms of slavery, most prominently trafficking in girls and young women from impoverished rural regions of the Amazon recruited and coerced into prostitution in brothels opened in mining shanty towns. Once in the brothel, victims are deprived of their identity documents and are forced to prostitute themselves. They are not allowed to enter or leave the premises at any time, are prohibited from leaving the dormitory (even to buy food) outside of working hours (from 7 p.m. to 4 a.m.), during which they are not allowed to use the bathroom or eat. If they break any of the rules of the brothel, they are liable to a fine.

43. The Special Rapporteur is alarmed at the degree of contamination and destruction of the Amazon forest. The mercury used to extract gold is seriously polluting rivers and endangers the flora, fauna and human population of the zone.

## **2. Domestic servitude**

44. According to the most recent census on households carried out in Peru, the number of domestic workers is estimated to be 300,000, of whom 110,000 are under 18 years of age.<sup>23</sup> The actual number of domestic workers may, however, have been underestimated given the fact that the census was conducted on a Sunday, when many domestic workers had not working and were absent from their workplace, and that people working for their own close or extended families were not accounted for.

45. Women and young girls account for a higher proportion of domestic workers, who, mainly out of poverty or conditions of violence at home, migrate from the highlands and the jungle to the coastal areas in the hope of earning a living, financing their studies or helping out their families. These domestic workers are the ones often isolated by being prohibited from leaving their employer's house or maintaining contact with family and friends. They are therefore the most at risk of abuse.

46. During her visit, the Special Rapporteur's attention was drawn to the social and economic situation of domestic workers leading them to a condition of domestic servitude. The Special Rapporteur received information on poor working and living conditions, wherein domestic workers were merely given a mattress to sleep on the floor in a corner of the house, forced to work for excessively long hours, not given adequate remuneration and rest breaks, or punished by depriving them, and in some cases their children, of food. She was also informed that, in certain cases, domestic workers were subjected to physical abuses, including violence and sexual aggression, not only from the employers themselves but also from the latter's children. The Special Rapporteur was also informed about the practice of employers of withholding identity cards and other official documents of domestic workers as a means of further control. Hence, without any money or identity documents, it becomes almost impossible for domestic workers to escape from their employer's house. Domestic workers who manage to leave their employer's house in such circumstances are often eventually arrested by the police for failure to show their identity cards and returned to their employer. In most cases, domestic workers are themselves not willing to return to their places of origin owing to the absence of any means of earning a living in their villages; they thus feel compelled to accept all the abuse and humiliation to which they are subjected on a daily basis.

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<sup>23</sup> National Institute of Statistics and Information, Census of Households (2001).

47. The Special Rapporteur was informed that constant bad treatment, humiliation and discrimination against domestic workers were based not only on the fact that domestic work is looked down upon by people in general, but also on the ethnic origin of the domestic workers. The extreme inequalities existing in Peruvian society led to domestic workers being regarded as second-class citizens. The Domestic Workers' Act itself differentiates between the protection with which domestic workers are provided and that of other workers in the private sector. As such, domestic workers are entitled to only half of the benefits to which other workers are normally entitled, with regard to vacations, compensation for length of service and bonuses. In most cases, domestic workers actually receive even less than what is provided by the law in terms of remuneration, breaks, rest on holidays, compensation for length of service, social security and bonuses. Since most domestic workers are not aware of their rights, they are not in a position to defend them or to negotiate better conditions of work. The situation is thus perpetuated.

48. The above-described situation is even worse in the case of child domestic workers.<sup>24</sup> Because of the dire economic situation that people in the rural areas face, it is a common practice for parents to give their children away to relatives,<sup>25</sup> neighbours or even complete strangers, who are regarded as godparents, in the hope of a better future for the children, with the understanding that the children will go to school and, in return for household chores, some payment. The Special Rapporteur received information that these children end up being given an excessive workload that not only prevents them from attending school or doing homework, but is also detrimental to their development and health. Their average working day is not less than nine hours long and they remain on-call 24 hours a day; the maximum number of hours for child domestic work allowed by the Child and Adolescent Code is four per day (a total of 24 hours per week for children aged under 14 years, and six per day, a total of 36 hours per week for those aged between 15 and 17). Long working days involve a variety of heavy tasks for child domestic workers, namely looking after other children, cleaning, washing, ironing, cooking, shopping, watering the garden and looking after pets.

49. Some child domestic workers are held in close custody and kept in isolation by their employers. Their parents do not even know of their whereabouts, since they are prohibited from having social contacts and friends. Many young child domestic workers do not receive any payment and do not even question the lack of payment, thinking that they are only helping out around the house. They have no possibility of defending their rights. According to information received, when subjected to verbal or physical abuse, they believe that their employers' reactions are to mistakes they have made and are therefore justified. Moreover, their employers expect them to be grateful. Child domestic workers who are allowed to go to night school usually do not even complete their education because of their excessive workload.

50. The Special Rapporteur notes that Supreme Decree No. 007-2006 recognizes domestic work as a hazardous type of work for children because of the working conditions involved. She is deeply concerned over the working conditions of child domestic workers leading to them being in domestic servitude, which she considers to be a contemporary form of slavery.<sup>26</sup>

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<sup>24</sup> The 2007 ILO-IPEC study on approaches to prevention and the vulnerability of children engaged in domestic work in families that live in rural and urban areas showed that domestic work by children is widespread in the country.

<sup>25</sup> In Peru, people easily take in relatives in the name of charity, when in fact they see it as an opportunity to use the relatives as free labour.

<sup>26</sup> See A/HRC/15/30.

### 3. Worst forms of child labour and economic exploitation of children

51. According to ILO,<sup>27</sup> approximately 3.3 million children are involved in economic activities in Peru, including children working for their families and receiving no remuneration. Among those, the Special Rapporteur was alarmed by the increasing number of children affected by the worst forms of child labour in various sectors, reportedly involved in washing motor vehicles, loading and unloading heavy items in markets, collecting chestnuts and Brazil nuts, scavenging, working in brick-making factories and sawmills, begging in the streets, child prostitution and even picking coca leaves. Children as young as five years of age were said to be preferred for some types of work requiring their light weight or their tiny hands, for instance, to step on bricks and turn them around for drying without damaging them in home brick-making factories, to reach and wash every nook and cranny of motorbikes used as taxis, or to pick coca leaves. The Special Rapporteur notes that, in some of the above-mentioned instances, elements such as coercion, fear, restriction on freedom of movement and complete dependence on the employer are present, amounting to contemporary forms of slavery.

52. In most cases, children are either abandoned or given away by their parents in the hope that the children may have a chance to study and find a better future. According to the 2001 National Survey of Households,<sup>28</sup> one of every five children aged between 6 and 17 years that were working were excluded from the education system for various reasons, including poverty and inaccessibility or unavailability of schools, particularly in rural areas. Cases of minors who had been captured and/or recruited for military service by the military forces in some regions or by Sendero Luminoso were also reported.<sup>29</sup> The Special Rapporteur also notes with concern that no data on or register of working children exists, a situation explained by the authorities to be due to the fact that employers did not register child workers.<sup>30</sup>

### 4. Trafficking in human beings for the purpose of labour exploitation or sexual exploitation

53. During her visit, the Special Rapporteur became aware of the extent to which Peru is affected by internal trafficking in human beings for both labour and sexual exploitation, as well as of the significant efforts made by the Government to fight against that phenomenon. She holds the view, however, that despite the multi-sectoral approach taken by the Government to address the issue of trafficking in persons, the absence of facts and figures about persons trafficked for forced labour and other forms of labour exploitation shows that the existing legal framework and overall enforcement are insufficient. In that respect, the Special Rapporteur notes that of the 356 cases of trafficking affecting 885 victims<sup>31</sup> reported in the RETA-PNP (see paragraph 30 above) for the period from January 2004 to February 2011, only 78 cases were prosecuted for sexual exploitation and 9 people convicted. She also notes that the majority of programmes and initiatives at different levels of Government focus on trafficking for sexual exploitation, which explains the absence of

<sup>27</sup> [www.ilo.org/ipecinfor/product/viewProduct.do?productId=13173](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=13173).

<sup>28</sup> Encuesta Nacional de Hogares.

<sup>29</sup> Following the intervention of the Regional Office of the Ombudsman in Pucallpa, the cases registered of minors recruited for military service had dropped from 52 in 2009 to 8 in 2011, and to 4 in the first four months of 2011.

<sup>30</sup> According to the Regional Office of the Ombudsman in Madre de Dios, in the first quarter of 2011, only one child had been registered as working. The DEMUNAs responsible for issuing cards to working children are unable to do so owing to lack of resources and/or manpower (for instance, there are only two persons working in the Madre de Dios centre).

<sup>31</sup> A total of 48 men and 750 women were reported to be victims in the cases reported between January 2004 and September 2010. Of the 318 cases reported during that period, 247 were for sexual exploitation, 49 for labour exploitation, and 22 were related to other cases.

prosecution in cases relating to labour exploitation, such as the 49 cases relating to allegations of labour exploitation registered in the RETA-PNP.

## **VI. Positive measures to eradicate contemporary forms of slavery and prevent vulnerability to slavery-like situations**

54. During her visit, the Special Rapporteur was informed on positive measures taken to eradicate contemporary forms of slavery and on various initiatives of cooperation that illustrate the commitment of the Government and other stakeholders to realize human rights in the context of the elimination of contemporary forms of slavery. Of both those achievements and initiatives, she wishes to highlight a non-exhaustive list of measures already taken, as well as some promising measures.

### **A. Consolidated institutional framework**

55. The Special Rapporteur welcomes the creation in January 2007 of the National Commission against Forced Labour, with members hailing from 13 ministries and organizations, including ILO, and responsible for coordinating policies and initiatives at the national and regional levels. She notes that the national plan to combat forced labour developed by the Commission and adopted in 2007 is well articulated. It includes the collection of statistical data, legislative action to specifically criminalize instances of forced labour and to repress such practices, measures to strengthen and train inspection services, investigations in sectors in which there are indications of situations of forced labour, the development of a communication strategy to inform the population concerning the problem of forced labour and the computerized processing of complaints of cases of forced labour. However, the elements of both rehabilitation and compensation for forced labourers are regrettably absent from the plan. The Special Rapporteur wishes to emphasize that those elements are vital to eliminate the practice permanently and to prevent workers from becoming forced labourers again at a later date.

56. The Special Rapporteur commends the creation in 2005 of the Committee for the Prevention and Eradication of Child Labour, which is responsible for coordinating execution of the national plan to prevent and eradicate child labour. She notes that the Committee has been successfully decentralized through regional committees responsible for the implementation of the plan, and are encouraged to develop and implement their own plans of action, taking into consideration particular incidences of child labour and the local context as a means to complement and guarantee the implementation of the plan.

57. The Special Rapporteur also notes the creation in 2010 of the General Directorate of Fundamental Rights, Health and Safety, a body responsible for formulating policies and whose functions are aimed at, inter alia, the eradication of forced and child labour. She further notes with appreciation the creation of the Division to Combat Trafficking in Persons in the Criminal Investigation Directorate of the National Police, which works with the special labour inspection unit to combat forced labour on complaints lodged over the phone line established for that purpose by the Ministry of the Interior concerning trafficking in persons for the exploitation of their labour.

### **B. Programmes and awareness-raising initiatives**

58. The Special Rapporteur notes with appreciation that, since 2007, the Government observes 30 March as the National Day of Domestic Workers. She also welcomes the awareness-raising campaigns conducted to inform domestic workers about their rights,

including through radio and television programmes, providing information on how they can report cases of servitude and receive support and assistance, as well as workshops organized for the academic training and personal development of 566 domestic workers.

59. With regard to child labour, the Special Rapporteur commends the Government for its efforts to sensitize more than 1 million people on the prevention and eradication of child labour through campaigns and the distribution of informative materials in shopping centres and in public services. She also appreciates the fact that 172,053 people, including workers, employers and public servants, had received training with the aim of eradicating child labour. She commends the Public Prosecutor's Office for its work to disseminate information on child labour to children at school, parents and street children.

## **VII. Major challenges for the elimination of contemporary forms of slavery**

60. Despite the legal, policy and institutional framework aimed at eradicating contemporary forms of slavery and the measures reflecting the strong commitment to the achievement of that goal, the Special Rapporteur believes that major challenges persist.

### **A. Legislative gaps and weak enforcement of the law**

61. The Special Rapporteur notes that the prohibition of slavery and forced labour is inadequately covered in article 168 of the Penal Code, which refers only generally to "crimes against freedom of work". The article criminalizes the use of threats or violence with the intention of forcing another to provide work without the corresponding remuneration. It has limited scope, as it requires total non-payment of remuneration as a determinant and concurrent element to characterize the crime. The Special Rapporteur notes the State party's assumption that article 153 of the Penal Code, which deals with trafficking, covers cases of trafficking for labour exploitation. However, the conditions for a crime to be qualified as trafficking for labour exploitation differ from those for the crime of forced labour, notably in relation to the first constituent element of the crime, namely the act of recruitment, transportation, transfer, harbouring or receipt of persons. It is the Special Rapporteur's view that the lack of a qualification of forced labour in the penal code in line with article 25 of ILO Convention No. 29 prevents cases from being reported; and even when a case is reported, it prevents the prosecutor from investigating it under the proper offence. She also notes that the absence of prosecution for forced labour, while the existence of such situations has been confirmed, may be an indication of the inability of the judiciary to prosecute such practices. With regard to labour legislation, it does not define the maximum percentage of remuneration that can be delivered in kind, and does not prescribe administrative sanctions for perpetrators or compensation for victims of forced labour or other violations of labour laws.<sup>32</sup>

62. While noting the specific protection against contemporary forms of slavery of children included in the Child and Adolescent Code and the list of hazardous or harmful work that includes activities linked to the mining sector (see paragraphs 21 and 22 above), the Special Rapporteur is concerned at the lack of an explicit and broad prohibition on children working in all types of mining and in all operations linked to the mining process. She, however, welcomes the information provided by the Government subsequent to her visit according to which a special committee in charge of reviewing the Code had made a proposal for the inclusion of such an explicit prohibition, together with other proposals in relation to hazardous work, prohibited work and authorization to work.

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<sup>32</sup> Legislative Decree No. 728, arts. 4 and 6.

63. In all cases, the Child and Adolescent Code provides that children require an authorization to work from either the Ministry of Labour or the municipal authorities, and that a registry of working children must be kept.<sup>33</sup> It also provides that, in order to receive such an authorization, a number of requirements need to be satisfied (namely that the work does not interfere with the child's regular school attendance, that a medical certificate is delivered and that the child's identity documents and proof of school enrolment must be submitted)<sup>34</sup> The Special Rapporteur, while commending such a system of authorization and registry, notes, however, that, in practice, of the total number of children working, very few have been duly authorized.

64. The Special Rapporteur was informed that many children still lack proper birth registration, a concern that was similarly raised by the Committee on the Rights of the Child, which estimated in 2006 that 15 per cent of children were not properly registered in the Civil Registry System, mostly in rural and remote areas of the country.<sup>35</sup> While noting the efforts made by the Government, which have led to a decrease in the percentage of unregistered children,<sup>36</sup> the Special Rapporteur wishes to highlight that, without the recognition of identity assigned by birth registration, a child risks not only statelessness, but is also placed in an extremely vulnerable position, since children without identification documents have no access to any of the services, including education and health, and are at risk of becoming victims of trafficking for sexual or labour exploitation.

## **B. Implementation of programmes to eradicate slavery and remaining gaps in institutional capacity**

65. While noting the significant knowledge of governmental authorities about the different dimensions and manifestations that slavery may take, and the Government's commitment to translate the State's obligations on the elimination of slavery-like practices into policies and programmes, the Special Rapporteur regrets that current plans, programmes and policies rarely refer to forced labour or bonded labour as a separate form of contemporary slavery, given that, in many instances, such forms of slavery are seen as deriving from human trafficking.

66. While noting that the National Plan to Combat Forced Labour, adopted in 2007, envisaged a whole range of measures to specifically combat forced labour, the Special Rapporteur did not receive sufficient information on its implementation stage, any assessment by the State of the plan, its impact and the results achieved, nor any indication of whether the plan is still being implemented.

67. The Special Rapporteur is concerned that both the National Commission against Forced Labour and the Committee for the Prevention and Eradication of Child Labour do not have any permanent staff or dedicated funds to carry out their respective national plans. She is also concerned that the Committee lacks a clear mandate and sufficient authority to carry out its mandate. In addition, no monitoring seems to have been conducted on the implementation of the national plan of action on the eradication of child labour, which ended in 2010. With regard to the Directorate for Children and Adolescents, which falls within the Ministry of Women and Social Development and is in charge of the programmes for the well-being of children and adolescents, the Special Rapporteur is of the view that such a key entity does not have enough authority to coordinate the different sectors.

<sup>33</sup> Law no. 27337, art. 52-54.

<sup>34</sup> Ibid., arts. 56-64.

<sup>35</sup> CRC/C/PER/CO/3, para. 33.

<sup>36</sup> According to UNICEF, in 2010, seven per cent of children up to five years of age were unregistered in Peru; see [www.unicef.org/infobycountry/peru\\_55460.html](http://www.unicef.org/infobycountry/peru_55460.html).



68. The Special Rapporteur acknowledges that the number of labour inspectors has been increased to 409 and that the Government intends to appoint 50 more. She notes, however, that the labour inspectorate not only lacks human resources but also that monitoring and inspection suffer from the fact that inspectors do not have adequate material and other means at their disposal to allow them access to distant and difficult areas. Furthermore, the Special Rapporteur is concerned that the inspection unit to combat forced labour, which is instrumental to achieving the objectives set out in the national plan to combat forced labour, also lacks the financial capacity to travel to distant areas and communities and the necessary equipment to do so, as well as required level of security for its personnel. She further notes that the unit is based in Lima, not in the Amazon forest, where the incidence of forced labour is highest.

69. The Special Rapporteur is concerned about the absence of a local integrated protection system to provide social services to children. Furthermore, no social policy has been developed for children to address the root causes of why the children end up in child labour, even the worst forms. There is a lack of attention to the implementation of programmes in an articulated fashion. Education and health services are not available in many rural and remote areas, where there are no bilingual schools or even no school at all.

## **VIII. Conclusions and recommendations**

**70. Peru has made genuine efforts to establish policies aimed at the elimination of contemporary forms of slavery affecting different sectors of the population.**

**71. Despite the progress made, the Special Rapporteur holds the view that contemporary forms of slavery persist in Peru and are directly related to pervasive instances of discrimination, in particular against indigenous peoples, lack of economic opportunities and poverty. Victims are generally unaware of their rights and the protection against contemporary forms of slavery offered by the State.**

**72. On the basis of her findings, the Special Rapporteur makes the recommendations outlined below.**

### **A. Addressing legislative gaps and strengthening the implementation of legislation**

**73. The Special Rapporteur recommends that the Government of Peru:**

(a) Ratify, as a matter of priority, the 1926 Slavery Convention as amended by the 1953 Protocol, and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(b) Urgently strengthen the State's capacity to address cases of forced labour by reviewing the relevant legislation; in particular, specific norms are needed in both labour legislation and the penal code defining forced labour and its constituting elements and providing for adequate penalties in line with article 25 of ILO Convention No. 29 so as to adequately prevent and prosecute cases of forced labour;

(c) Ensure that the new bill on forestry expressly prohibits the use of any form of forced labour and respects the rights of indigenous people in accordance with ILO Convention No. 169; (d) Ensure that mining concessions contain a clear prohibition of forced labour and child slavery and that companies found to be in

breach of this prohibition will have their concessions revoked, and ensure that those responsible are prosecuted in accordance with the law;

(d) Take effective steps towards the formalization of all artisanal mining activities as a means to prevent forced labour and children working in mines;

(e) Include in the proposed legislative amendments to the Code of Children and Adolescents the following:

(i) An explicit and broad prohibition of child slavery in all types of mining (underground, surface or in rivers) and in all operations linked to the mining process (extraction, transport and processing);

(ii) A provision that ensures that the law captures child domestic workers working in the houses of relatives and/or godmothers/godfathers (real or fictitious), and prohibits live-in domestic work children younger than 18 years of age; other domestic work for children younger than 15 years or still completing compulsory education should be prohibited to the extent that it interferes with their schooling;

(iii) The adoption, as a matter of priority, the above amendments, as well as the amendments envisioned to article 51 raising the minimum age for children to work to 15 years;

(f) Ensure that the elements of rehabilitation and compensation for victims of contemporary forms of slavery are duly taken into consideration in the design of relevant national plans to combat contemporary forms of slavery.

74. With regard to combating domestic servitude and protecting domestic workers' rights, the Special Rapporteur urges the Government to adopt specific provisions to criminalize domestic servitude and to amend the Domestic Workers Act:

(a) Extending equal protection of their labour laws to domestic workers and ending any discriminatory denial of entitlements;

(b) Establishing effective penalties for the violation of the rights of domestic workers, including child domestic workers, and ensuring that perpetrators are prosecuted and punished with due diligence and that victims obtain reparation for material and moral prejudice from perpetrators;

(c) Requiring that domestic workers receive a written contract in a language they understand and that wage payments are made into a bank account;

(d) Imposing severe sanctions for failure to register domestic workers and on employers for withholding salaries, requiring employers to undergo compulsory awareness-raising training before employing live-in workers, and requiring that employers ensure that their employees present themselves to periodic private interviews with labour inspectors;

(e) Prohibiting undue restriction on the freedom of movement and communication of domestic workers, strengthening complaint procedures and sanctioning employers who prohibit domestic workers from leaving the house outside working hours or withhold their identification documents.

## **B. Strengthening institutional capacity**

75. The Special Rapporteur recommends that the Government:

(a) Urgently strengthen the monitoring of workplaces by increasing the number of labour inspectors, who should be deployed across all regions, and by

allocating more financial resources to the labour inspectorate to allow inspectors to carry out their duties more effectively. In particular, the labour inspection unit should be provided with adequate human and material resources in order to be able to travel rapidly, effectively and safely, including to the most remote areas. The Special Rapporteur encourages the Government to take inspiration from the experience of the mobile inspection units in Brazil, which, together with protection from the federal police, conduct inspections in remote farms suspected of using slave labour;

(b) Provide labour authorities with the legal powers, expertise and resources necessary to carry out on-site inspections, based on a judicial order, in cases of credible allegations of serious violations of labour rights of domestic workers;

(c) Strengthen institutional support for domestic workers by creating a specific Government department responsible for implementing the law and guaranteeing domestic workers their rights; establish, as a matter of priority, separate specialized departments and units at both regional and local levels with the responsibility of investigating issues relating to child domestic work in different areas; and ensure that those responsible for the monitoring of working conditions implement the law strictly;

(d) Ensure that all domestic workers are registered and included in the social security (EsSalud) and pension (Oficina de Normalización Previsional) schemes;

(e) Draw up blacklists of employers found to have abused or exploited live-in domestic workers or victims of forced labour;

(f) Provide adequate funding through its national budget to empower the Committee for the Prevention and Eradication of Child Labour as well as the different regional and local offices involved in the prevention and eradication of child labour to carry out their mandates efficiently;

(g) Consider raising the status of the Directorate for Children and Adolescents by establishing a post of State secretary, which would address, in a comprehensive and holistic way, all issues affecting children by developing, coordinating and monitoring all programmes and actions on child protection.

### **C. Other measures to address the worst forms of child labour, economic exploitation and domestic servitude of children**

76. The Special Rapporteur recommends that the Government:

(a) Take effective and urgent measures to stop children from remaining in the worst forms of child labour, economic exploitation and domestic servitude, and to provide children with appropriate assistance, including through well-resourced shelters, to ensure their social reintegration;

(b) Ensure that education is made accessible and affordable for all children by taking all steps necessary to increase, in particular in rural and remote areas, the number of qualified teachers providing adequate educational infrastructure, and ensuring bilingual teaching with flexible timetables and curricula suited to children's needs, as well as adequate transportation to and from schools;

(c) Expand efforts to work with families, teachers, religious leaders and community organizations to end the worst forms of child labour and domestic servitude. Families, particularly in rural areas, should be informed about the dangers of handing over their children to for domestic or for any other type of work to third parties;

(d) Take additional measures to effectively reduce poverty, specifically targeting children who are at risk of or who are already engaged in the worst forms of child labour, are being economically exploited or are in domestic servitude; such measures should include direct assistance to marginalized families, for instance, through conditional cash-transfer programmes;

(e) Promote changes of attitude and behaviour in families with a view to reduce violence within the family, which may be one of the reasons for many children leaving their homes with intention to work and not returning, even when they know they are being exploited.

77. As a preventive measure to prevent children from falling into the worst forms of child labour, domestic servitude and economic exploitation, the Special Rapporteur also recommends that the Government:

(a) Put in place a monitoring system of the mandatory registration of children working, to ensure that employers and parents duly comply with the requirement of registering working children in accordance with article 52 of the Code of Children and Adolescents;

(b) Ensure that the National Registry of Identification and Civil Status and its regional and municipal offices take effective measures to register and issue identity documents to all children, especially those working and who are at risk of abuse or exploitation;

(c) Take effective measures to ensure that children under the age of 18 years are not recruited into the military force or into armed groups, in accordance with international standards, and closely monitor the ways and means by which the age of recruitment is verified.

#### **D. Effective remedies for victims of contemporary forms of slavery**

78. The Special Rapporteur further recommends that the Government:

(a) Ensure easy access to information and complaint mechanisms to victims of contemporary forms of slavery, for instance by providing telephone hotlines with operators speaking in native languages;

(b) Ensure thorough and prompt investigation, prosecution and adequate punishment of perpetrators, as well as availability of free legal aid for victims;

(c) Establish special mechanisms for compensating victims of contemporary forms of slavery;

(d) Provide all victims with adequate and unconditional assistance to protect, rehabilitate and reintegrate them, including by funding relevant civil society organizations;

(e) Increase the number of shelters in all parts of the country and the resources allocated to them in order to provide appropriate assistance to victims of contemporary forms of slavery, particularly through psychological support and rehabilitation programmes.

(f) Take the steps necessary to achieve effective protection from discrimination against indigenous peoples in various domains, in particular in employment, housing, health and education;

(g) Pay special attention to the issues that indigenous peoples have raised to date in various forums, including those relating to their rights to lands and territories and projects for the exploitation of natural resources.<sup>37</sup>

## **E. Other recommendations**

**79. The Special Rapporteur recommends that the Government:**

- (a) Conduct a comprehensive analysis of the consequences of the decentralization process and its impact on the delivery of social services, evaluating roles and capacities at different levels;**
  - (b) Work in partnership with UNICEF to ensure birth registration;**
  - (c) Continue to seek the technical cooperation of ILO in all relevant areas;**
  - (d) Ratify ILO Convention No. 189 on Domestic Workers.**
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<sup>37</sup> A/HRC/12/34/ Add.8 para. 40.