

# Peru

*The Government of Peru has comprehensive prohibitions on the commercial sexual exploitation of children and child trafficking. However, social programs for the prevention and elimination of child labor 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.	23.4*
Attending School	6-14 yrs.	76.2
Combining Work and School	7-14 yrs.	40.5

\* Population of working children: 1,310,399



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Peru,<sup>4748</sup> primarily in agriculture and urban informal work. In agriculture, for example, children cultivate coca, often working long hours, performing difficult tasks and facing exposure to dangerous chemicals.<sup>4749</sup> Other crops children reportedly produce include cotton, rice, coffee, and sugarcane. Children also work in gold mines where they are exposed to chemicals such as lead and arsenic.<sup>4750</sup> In urban areas, children produce bricks and fireworks, where they may be harmed by dangerous chemicals, extreme heat, and carrying heavy loads. Children also work as street vendors, street performers, beggars, bus assistants, shoe shiners, car washers, and scavengers in garbage dumps.<sup>4751</sup> These types of urban informal activities can expose them to toxic substances, heavy traffic, and high physical exertion. Children, mainly girls, work in domestic service in both rural and urban areas and are vulnerable to physical and sexual abuse.<sup>4752</sup>

Some children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through




false offers of employment.<sup>4753</sup> Child sex tourism is reportedly a problem, particularly in Iquitos, Madre de Dios, and Cuzco.<sup>4754</sup>

Girls who work in the mining industry are often sexually exploited.<sup>4755</sup> In addition, limited evidence suggests that forced child labor is a problem in informal gold mines, and transportation.<sup>4756</sup> Drug traffickers and narco-terrorist group Shining Path are reported to use children to grow food crops and coca, as well as to transport drugs and precursor chemicals.<sup>4757</sup> There are also credible reports that Shining Path is using child soldiers in the Apurimac-Ene River Valley.<sup>4758</sup> Reports also indicate that children are recruited to transport drugs across the border between Peru and Bolivia.<sup>4759</sup>

## 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. For employment in nonindustrial agricultural work, the minimum age is 15; for work in the industrial, commercial, and surface mining sectors the age is 16; and for work

in the industrial fishing sector the age is 17.<sup>4760</sup>  
The age to which education is compulsory in Peru is 16.<sup>4761</sup>

	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	16
	Free Public Education	Yes

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.<sup>4762</sup> The Government has in place a List of Hazardous Occupations for Children under age 18 which includes 29 types of dangerous activities prohibited under the Law of Minor Children. These dangerous activities include domestic work, mining, work in fireworks production, dangerous work in agriculture, work in public areas and in public transport, work in garbage dumps and in manufacturing.<sup>4763</sup> During the reporting period, the government published an updated list of hazardous occupations for children which allows for modifications of the list as necessary.<sup>4764</sup> However, the provisions within the Law of Minor Children allow children to work in fishing and mining, activities prohibited by the List of Hazardous Occupations for Children.<sup>4765</sup> Peru's Constitution and other legislation prohibit all forms of compulsory labor, including forced labor, debt bondage, and servitude.<sup>4766</sup> 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.<sup>4767</sup> The Law against Trafficking in Persons and Illegal Migrant Smuggling prohibits all forms of trafficking in persons and penalties increase significantly for child trafficking.<sup>4768</sup> The Military Service Law sets the minimum age at 18, and prohibits forced recruitment into the armed services or any defense or armed groups.<sup>4769</sup> Peru's Decree 22095 prohibits the recruitment of children for the production, sale, and trafficking of illicit drugs.<sup>4770</sup>

### 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 to coordinate government actions against child labor. Members of CPETI include the Ministry of Education, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, and the Ministry of Health, among others.<sup>4771</sup>

The Ministry of Labor is charged with enforcing child labor laws and employs 70 inspectors who specialize in child labor inspections. The Ministry of Labor coordinated with municipal-level child protection offices, the Public Ministry, and the Ministry of Women and Social Development to document complaints of violations of child labor laws during the year, and referred cases to relevant social protection and legal services.<sup>4772</sup> During the reporting period, 100 labor inspectors received training on issues related to child labor from foreign government-funded programs, and an additional 1,181 regional government officials and labor inspectors were trained in 2010.<sup>4773</sup> However, inspectors frequently lacked sufficient resources, such as transportation and fuel, to effectively carry out inspections.<sup>4774</sup>

During the reporting period, the Ministry of Labor conducted inspections of the mining sector,

identifying 13 child laborers. As a result, the children were removed from the worksite and linked with social services.<sup>4775</sup> Information was not available on inspections in other sectors.

Between January and October 2010, 11 businesses were fined a total of \$6,300 for illegally employing children; however, it is unclear whether these fines were ever collected. Information on the types of businesses that employed these children was not available.<sup>4776</sup>

The Government of Peru also operates the National Commission against Forced Labor, led by the Ministry of Labor, and the Multi-Sectoral Committee against Trafficking in Persons, led by the Ministry of Interior, which coordinate government efforts to combat forced labor and trafficking in persons, respectively. However, in practice a lack of inter-agency coordination hampers information collection.<sup>4777</sup>

The Trafficking Investigation Unit of the Peruvian National Police investigates cases of trafficking in persons and the commercial sexual exploitation of children.<sup>4778</sup> During the reporting period, 259 police were trained to identify and investigate cases of trafficking in persons and assist victims.<sup>4779</sup> The Ministry of the Interior maintains a hotline to receive reports of trafficking in persons.<sup>4780</sup> Information on the number of investigations of child trafficking and the commercial sexual exploitation of children was not available.

### **Government Policies on the Worst Forms of Child Labor**

The CPETI is charged with overseeing the implementation of the National Plan for the Prevention and Eradication of Child Labor. Established in conjunction with the National Plan of Action for Children, the plan identifies the worst forms of child labor that occur in Peru and 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.<sup>4781</sup> The CPETI is in the process of decentralizing, and has established regional-level commissions in 23 of the 25 regions in Peru. However, not all of the regional commissions have plans of action against child labor in place and they are often not funded.<sup>4782</sup>

The Ministry of Education adopted a policy directive “0086-2008-ED” in 2008 that sets standards for tutoring activities in public schools. This directive includes a goal of combating child labor, especially the worst forms.<sup>4783</sup>

Peru is a member of the Joint Regional Group for the Americas. The group—whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Suriname, Uruguay, and Venezuela—conducts prevention and awareness-raising campaigns.<sup>4784</sup>

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.<sup>4785</sup>

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

The Ministry of Labor operates the Building Peru program which offers temporary work and technical training to low-income households, and requires beneficiaries to commit to withdrawing their children from child labor. During the 2010 calendar year, the program budget totaled \$55.7 million.<sup>4786</sup>

The Government of Peru implemented national anti-poverty and employment training programs. The Government’s *Juntos* program provides cash transfers to the poorest and most vulnerable households in 14 of the country’s 25 departments, and has an annual budget of \$220 million.<sup>4787</sup> *Juntos* reaches a total of more than 470,000 households and over 1 million children in rural areas of Peru, and it conditions transfers on beneficiaries’ participation in health and education

services.<sup>4788</sup> The Ministry of Labor's My Business program trains households on entrepreneurship skills and increasing family income. The Value Peru program, which aims to address unemployment resulting from the economic crisis, provided job training to 16,290 young persons during the reporting period.<sup>4789</sup> In addition, the Ministry of Labor runs a Pro-Youth program that provides vocational instruction and on-the-job training to children and youth between the ages of 16 to 24 from low-income households.<sup>4790</sup> During 2010, 12,000 youth from low-income families were trained.<sup>4791</sup> The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government participated in donor-funded efforts to combat child labor, taking part in a 4-year, USDOL-funded project to combat child labor which withdrew 5,633 children and prevented 6,224 children from exploitative work in the urban informal sector in Lima, Callao,

Trujillo, and Iquitos. The project developed alternative education programs for out-of-school child laborers and increased the capacity of local governments to address child labor.<sup>4792</sup> The Government also participates in a 4-year regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>4793</sup>

Furthermore, the Government implements the Street Educators Program to assist children engaged in street work. The program connects working children and their families to educational and social services with the goal of withdrawing them from exploitative work and improving family welfare.<sup>4794</sup>

Although some programs have worked to address the worst forms of child labor in urban areas, they reach only a fraction of these children. Research has found no evidence of programs to assist children working in agriculture, mining, domestic work and commercial sexual exploitation.

### 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 LAWS AND REGULATIONS:

- Revise Article 51 of the Law of Minor Children to ban children's work prohibited by the List of Hazardous Occupations for Children.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministry of Labor to carry out child labor inspections.
- Make publicly available the number of child labor inspections carried out and resulting sanctions/penalties imposed.
- Take measures to strengthen coordination and information sharing among government ministries represented in the National Commissions against Forced Labor and Human Trafficking.
- Make publicly available the number of investigations of child trafficking and commercial sexual exploitation of children, as well as the resulting penalties imposed.

#### IN THE AREA OF POLICIES:

- Install regional commissions in all regions and require the development of plans of action against child labor and the allocation of sufficient funding to implement them.

#### IN THE AREA OF SOCIAL PROGRAMS:

- Create social programs to reach children working in unsafe occupations in agriculture, domestic service, and commercial sexual exploitation.
- Expand social programs to reach children working in the urban informal sector.
- Carry out research of the impact of the cash transfer program and the employment training programs on children's school attendance and participation in child labor.
- Assess the impact of the national anti-poverty and employment training programs on child labor.



<sup>4748</sup> 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, 2005-2011. Data on working children and school attendance are from 2008. Data on children combining working and schooling are from 2007. 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.

<sup>4749</sup> UNICEF, *Niños en Zonas Cocaleras*, Lima, 2006; available from [http://www.unicef.org/peru/spanish/peru\\_unicef\\_ninoszonascocaleras.pdf](http://www.unicef.org/peru/spanish/peru_unicef_ninoszonascocaleras.pdf).

<sup>4750</sup> IREWOC, *Child Labour in the Mining Sector of Peru: The IREWOC Research Project on the Worst Forms of Child Labour in Latin America*, 2008, 30, 32, 34; available from [http://www.childlabour.net/documents/worstformsLAproject/MiningPeru\\_Ensing2008.pdf](http://www.childlabour.net/documents/worstformsLAproject/MiningPeru_Ensing2008.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](http://white.oit.org.pe/ipecc/documentos/estudio_cap_pe.pdf). See also ILO-IPEC, "Participación infantil y adolescente en la agricultura en América Latina: Panorama, lecciones y retos", [online], 2007; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1555#nota5>.

<sup>4751</sup> ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 26. See also Macro International Inc., *Children Working in Informal Sector Marketplaces: Lima, Peru*, Calverton, MD, January 12, 2007. See also International Youth Foundation, *Prepárate para la Vida*, Project Document, Washington, DC, March 28, 2007.

<sup>4752</sup> ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 28. See also ILO-IPEC, *Trabajo Infantil en el Perú: magnitud y perfiles vulnerables*, 2009, 65; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=13173>.

<sup>4753</sup> 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/>.

<sup>4754</sup> Ibid.

<sup>4755</sup> 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>.

<sup>4756</sup> U.S. Department of State, "Trafficking in Persons Report-2010: Peru."

<sup>4757</sup> U.S. Embassy- Lima, *reporting*, February 22, 2011. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

<sup>4758</sup> U.S. Department of State, "Trafficking in Persons Report-2010: Peru." See also U.S. Embassy- Lima, *reporting*, February 22, 2011.

<sup>4759</sup> U.S. Department of State, "Trafficking in Persons Report-2010: Peru."

<sup>4760</sup> *Ley que Modifica el Artículo 51 de la Ley No. 27337, 27571*, (December 4,); available from [http://www.mintra.gob.pe/contenidos/legislacion/dispositivos\\_legales/ley\\_27571.htm](http://www.mintra.gob.pe/contenidos/legislacion/dispositivos_legales/ley_27571.htm).

<sup>4761</sup> U.S. Embassy- Lima, *reporting*, February 22, 2011.

<sup>4762</sup> *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, 27337*, (August 2,), articles 53, 54; available from <http://www.acnur.org/biblioteca/pdf/01163.pdf>.

<sup>4763</sup> Ibid., article 58. See also *Decreto Supremo*. See also U.S. Embassy- Lima, *reporting*, February 22, 2011.

<sup>4764</sup> U.S. Embassy- Lima, *reporting*, February 22, 2011.

<sup>4765</sup> Ibid. See also *Decreto Supremo*, No 003-2010-MIMDES; available from [http://www.mimdes.gob.pe/files/resoluciones/ds\\_003\\_2010\\_mimdes.pdf](http://www.mimdes.gob.pe/files/resoluciones/ds_003_2010_mimdes.pdf).

<sup>4766</sup> 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 *Código Penal* 635, (August 4,), article 168; available from <http://www.seguridadidl.org.pe/normas/codigopenal.doc>.

<sup>4767</sup> *Modificación del Código Penal* 28251, (August 4,), articles 179-181, 181A; available from [http://www.oit.org.pe/ipecc/documentos/ley\\_28251\\_esci\\_pe.pdf](http://www.oit.org.pe/ipecc/documentos/ley_28251_esci_pe.pdf).

<sup>4768</sup> *Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes*, Law No. 28950, (January 16,), articles 153, 153-A; available from [http://white.oit.org.pe/ipecc/documentos/ley\\_trata\\_peru\\_06.pdf](http://white.oit.org.pe/ipecc/documentos/ley_trata_peru_06.pdf).

<sup>4769</sup> *Ley del Servicio Militar*, 27178, (September 28,); 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>4770</sup> *Ley de Represión del Tráfico Ilícito de Drogas*, 22095, (February 21,), article 57(c); available from <http://www.digemid.minsa.gob.pe/normatividad/DL2209578.HTM>.

<sup>4771</sup> U.S. Embassy- Lima, *reporting*, February 22, 2011.

<sup>4772</sup> Ibid. See also Government of Peru, *Response to USDOL Request for Information about Child and Forced Labor*, May 30, 2011, 9, 11.

<sup>4773</sup> U.S. Embassy- Lima, *reporting, February 22, 2011*. See also Government of Peru, *Response to USDOL Request for Information about Child and Forced Labor*, 10.

<sup>4774</sup> U.S. Embassy- Lima, *reporting, February 22, 2011*.

<sup>4775</sup> Ibid.

<sup>4776</sup> Ibid.

<sup>4777</sup> Ibid.

<sup>4778</sup> Ibid.

<sup>4779</sup> Government of Peru, *Response to USDOL Request for Information about Child and Forced Labor*, 13.

<sup>4780</sup> U.S. Department of State, “Trafficking in Persons Report-2010: Peru.”

<sup>4781</sup> Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005, 15-16; available from [http://www.mimdes.gob.pe/files/PROGRAMAS%20NACIONALES/PNCVFS/planes/Plan\\_Nacional\\_Trabajo\\_Infantil.pdf](http://www.mimdes.gob.pe/files/PROGRAMAS%20NACIONALES/PNCVFS/planes/Plan_Nacional_Trabajo_Infantil.pdf).

<sup>4782</sup> U.S. Embassy- Lima, *reporting, February 22, 2011*.

<sup>4783</sup> *Resolución Directoral*, 0086-2008-ED, (April 15,); available from <http://www.minedu.gob.pe/DeInteres/index.php>.

<sup>4784</sup> Grupo de Acción Regional de las Américas, *Quiénes Somos*, [online] 2010 [cited March 28, 2011]; available from [http://www.grupodeaccionregional.org/index.php?option=com\\_content&view=article&id=52%3Aquienes-somos&catid=38&Itemid=73&lang=es](http://www.grupodeaccionregional.org/index.php?option=com_content&view=article&id=52%3Aquienes-somos&catid=38&Itemid=73&lang=es).

<sup>4785</sup> United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2006, 10; available from [http://www.undg.org/archive\\_docs/6615-Peru\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/6615-Peru_UNDAF__2006-2010_.pdf).

<sup>4786</sup> Government of Peru, *Ejecución Presupuestal, Construyendo Perú*, [online] 2010 [cited March 23, 2011]; available from <http://www.construyendoperu.gob.pe/Documentos/PortalTransparencia/PresupuestoEjecutado/PresupuestoEjecutado2010IV.pdf>. See also Government of Peru, *Misión y Visión, Construyendo Perú*, [online] 2010 [cited March 23, 2011]; available from <http://www.construyendoperu.gob.pe/MisionVision.aspx>.

<sup>4787</sup> Government of Peru, *Cobertura Geográfica, Juntos*, [online] 2010 [cited March 23, 2011]; available from [http://www.juntos.gob.pe/?page\\_id=3159](http://www.juntos.gob.pe/?page_id=3159). See also Government of Peru, *Planificación y Presupuesto, Juntos*, [online] 2010 [cited March 23, 2011]; available from [http://www.juntos.gob.pe/?page\\_id=4283](http://www.juntos.gob.pe/?page_id=4283). See also Government of Peru, *Misión y Visión, Juntos*, [online] 2010 [cited March 23, 2011]; available from [http://www.juntos.gob.pe/?page\\_id=4](http://www.juntos.gob.pe/?page_id=4).

<sup>4788</sup> Government of Peru, *Cobertura Geográfica, Juntos*.

<sup>4789</sup> Government of Peru, *Response to USDOL Request for Information about Child and Forced Labor*, 18.

<sup>4790</sup> U.S. Embassy- Lima, *reporting, February 22, 2011*.

<sup>4791</sup> Ibid.

<sup>4792</sup> International Youth Foundation, *Prepárate para la Vida, Project Document*, 7, 13-14.

<sup>4793</sup> ILO-IPEC official, E-mail communication to USDOL official, April 15, 2011.

<sup>4794</sup> Programa Integral Nacional para el Bienestar Familiar (INABIF), Programa Educadores de Calle - PEC [online] March 23, 2011 [cited March 23, 2011]; available from [http://www.inabif.gob.pe/portal/02\\_lineas/pec/pec.htm](http://www.inabif.gob.pe/portal/02_lineas/pec/pec.htm). See also U.S. Embassy- Lima, *reporting, February 22, 2011*.