

Peru

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In 2013, Peru made a significant advancement in efforts to eliminate the worst forms of child labor. The Government took steps to consolidate and strengthen its inspection system by transferring inspection authority, in most cases, from regional governments to a new National Labor Inspection Superintendency (SUNAFIL). The Ministry of Labor and Employment Promotion (MTPE) approved a tenfold increase in the maximum fine for employers that employ children in the worst forms of child labor. In addition, in an effort to support regional actions to combat child labor, the Government provided specialized training to 23 Regional Commissions for the Prevention and Eradication of Child Labor. The MTPE, Ministry of Education, and the Ministry of Social Development signed an agreement to jointly implement two pilot programs to combat child labor, as called for in Peru's National Strategy for the Prevention and Eradication of Child Labor. However, children in Peru continue to engage in child labor, including in agriculture and street work, such as street vending and street begging. Labor inspectorates remain underfunded and the number of child labor inspections is insufficient, especially in regions with the highest rates of child labor. In addition, not all Regional Commissions for the Prevention and Eradication of Child Labor have drafted and funded action plans to combat child labor, as they are mandated to do by Ministerial Resolution 202-2005-TR.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Peru are engaged in child labor, including in agriculture and street work.(1) According to the Government's 2011 National Household Survey, 68 percent of child laborers under the legal working age work in rural areas, principally on farms.(1, 2) According to the same Survey, approximately 31 percent of child laborers in urban areas work in the service sector, including in hazardous occupations such as street sales.(2) Official statistics indicate that rates of child labor are significantly higher in the Highland and Jungle regions of Peru as compared to the Coastal regions.(2) Table 1 provides key indicators on children's work and education in Peru.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	6-14 yrs.	19.4 (1,014,688)
Attending School (%)	6-14 yrs.	79.4
Combining Work and School (%)	7-14 yrs.	14.4
Primary Completion Rate (%)		91.0

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(3)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta Nacional de Hogares, 2011.(4)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Production of Brazil nuts/chestnuts* (5, 6)
	Planting and harvesting avocados,* barley,* beans,* cocoa,* coffee,* corn,* grass,* passion fruit,* pineapples,* plantains,* potatoes,* rocoto (chili pepper),* and yucca* (7)
	Herding and caring for farm animals† (2, 8)

Table 2. Overview of Children's Work by Sector and Activity (cont)

Sector/Industry	Activity
Agriculture	Fishing,† activities unknown (9)
Industry	Mining,† including silver mining* and particularly gold mining (5, 6, 10-12)
	Clearing forestland for mining, including cutting down and burning trees*† (11)
	Logging, activities unknown*† (5, 6)
	Production of bricks and fireworks† (5, 6)
Services	Street vending,† street begging,† shoe shining, and car washing† (2, 5, 6, 13)
	Collecting fares on public buses† (14)
	Repairing motor vehicles† (11)
	Garbage scavenging† and battery recycling*† (5, 6, 10)
	Domestic service† (6, 8, 13)
Categorical Worst Forms of Child Labor‡	Forced labor in mining, particularly gold* mining (6, 11, 15)
	Forced labor in logging,* domestic service, street vending, begging, and bartending (5, 6, 11, 13, 16)
	Working in bars and brothels (5, 11)
	Commercial sexual exploitation sometimes as a result of human trafficking (6, 11, 16)
	Domestic service as a result of human trafficking (6, 13)
	Growing and processing coca (stimulant plant), and transporting drugs (5, 6, 13, 16)
	Use of child soldiers sometimes as a result of forced recruitment* (6, 13, 16)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.







‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

The terrorist group Shining Path uses children as soldiers.(6, 13, 16) The Shining Path, as well as other drug traffickers, use children to produce coca and transport drugs.(5, 13, 16) Evidence suggests that children work in informal mining, particularly in informal gold mines.(15) Girls are found in commercial sexual exploitation across the country, in particular in mining communities.(17, 18) Domestic work is principally carried out by girls, who often migrate from impoverished areas in the Highland and Jungle regions to the Coastal areas to work in third-party homes.(6) Child sex tourism is a problem in Cuzco, Iquitos, and Lima.(16, 19)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Peru has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

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The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Child and Adolescent Code (20)
Minimum Age for Hazardous Work	Yes	18	Child and Adolescent Code (21)
List of Hazardous Occupations Prohibited for Children	Yes		Supreme Decree No. 003-2010-MIMDES (22)
Prohibition of Forced Labor	Yes		Constitution; Penal Code (23, 24)
Prohibition of Child Trafficking	Yes		Law against Trafficking in Persons and Illegal Migrant Smuggling (25)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 153 of the Penal Code (26)
Prohibition of Using Children in Illicit Activities	Yes		Penal Code (27)
Minimum Age for Compulsory Military Recruitment	Yes	18	Military Service Law (28, 29)
Minimum Age for Voluntary Military Service	Yes	18	Military Service Law (28, 29)
Compulsory Education Age	Yes	17	Constitution; General Education Law (24, 30)
Free Public Education	Yes		Constitution (24, 30)

There are apparently inconsistent interpretations as to the application of Section 153 of the Penal Code, outlawing trafficking in persons, to forced labor cases. Although the Ministry of Justice has prosecuted forced labor cases under the provision, the Ministry of Labor and Employment Promotion (MTPE) believes a specific forced labor provision in the Penal Code is necessary to most effectively address the problem and has proposed legislation to make the change, which the ILO Committee of Experts supports.(31)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Promotion of Employment (MTPE)	Enforce child labor laws, including prohibitions on the worst forms of child labor.(32, 33) Set national policies and guidelines for labor law enforcement, including for inspections.(34) In the past, was responsible for conducting inspections in Lima. As of 2013, is responsible for supporting and overseeing the National Labor Inspection Superintendency, a newly created government agency within the MTPE but functionally independent, charged with conducting labor inspections in Lima and other regions.(34)
National Labor Inspection Superintendency (SUNAFIL)	Carry out labor inspections in the Lima region, as well as inspections of employers outside of Lima with more than 10 registered workers, in coordination with regional labor inspectorates.(35) Maintain a Special Inspection Group Against Forced Labor and Child Labor, composed of 16 inspectors who conduct inspections targeting forced labor and child labor violations, and train other inspectors on these topics.(36) Address possible child labor violations during all inspections and refer cases of child labor to the Ministry of Women and Vulnerable Populations (MIMP) and the Public Ministry.(37, 38)
Regional Labor Inspectorates	Inspect employers in regions outside of Lima with 10 or fewer registered workers, in coordination with the SUNAFIL.(34, 35)
Public Ministry	Coordinate with the MTPE, SUNAFIL, and National Police to investigate and prosecute cases of criminal violation of child labor laws.(38)
Ministry of Women and Vulnerable Populations (MIMP)	Maintain a Children's Bureau that coordinates with the MTPE and SUNAFIL to document complaints of violations of child labor law.(33) Maintain a hotline for exploited children, including child laborers, and provide social services to children found working in the worst forms of child labor.(36, 38)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
National Police	Enforce criminal laws regarding child labor and child exploitation and maintain a Trafficking Investigation Unit to investigate cases of child trafficking for labor and sexual exploitation.(33, 38) Coordinate with the Public Ministry and MIMP to place rescued minors in the care of family members or state social services.(1)
Ministry of the Interior	Maintain a hotline functioning during office hours to receive reports of trafficking in persons. Provide victims and the general public with information on trafficking; communicate trafficking cases to relevant government offices; and coordinate services for victims.(1, 39)

Law enforcement agencies in Peru took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In an effort to improve the quality of labor law enforcement, in particular inspections, throughout Peru, in 2013 the Government passed a law creating the National Labor Inspection Superintendency (SUNAFIL). The law transferred the authority to inspect employers with more than 10 registered workers from MTPE and regional governments to the SUNAFIL.(32, 34, 35) However, during the reporting period, the SUNAFIL had not yet been fully established and the MTPE continued to carry out inspections in the Lima region and regional inspectorates carried out all inspections outside of Lima.(13)

In 2013, the Government employed 416 inspectors nationally, the same number it employed in 2012.(1, 36) Of these inspectors, approximately 225 were based in Lima, and the remaining 191 were based in regional inspectorates.(35) From January to September 2013, the MTPE reported that 612 inspections targeting child labor were carried out, although the number of these inspections that occurred in each region was not available.(40) These inspections were carried out in the agriculture, fishing, mining, construction, commerce, hotels and restaurants, and transportation sectors. The number of child labor violations found as a result of these inspections was not available, although the MTPE reported that child labor was found mainly in the mining, agriculture, fishing, and commerce sectors.(13) As a result of these inspections, the MTPE assisted 31 children in Lima who were working illegally.(13) Complete data on the number of children found working and provided with assistance in regions other than Lima was not available.

In 2013, the Government imposed fines on 25 employers for child labor violations, totaling approximately \$30,129, although it is not known whether the employers fined were in Lima or in other regions, or whether additional fines were imposed by regional inspectorates.(13, 40) The Government reports that all the fines were collected.(36) In late 2013, the MTPE greatly increased the maximum fine that could be applied to employers who employ children in the worst forms of child labor from \$26,400 to \$264,000.(34)

In 2013, MTPE inspectors participated in several workshops related to child labor, including a training and information exchange with the Argentine Ministry of Labor on child labor and youth employment.(36) In addition, Peru's Office of the Ombudsman initiated a study on the MTPE's actions on child labor, with a focus on the inspection system. The study, scheduled for publication in 2014, is expected to produce recommendations to improve the MTPE's actions on child labor.(36)

In general, inspectors in Peru lack sufficient resources, such as transportation and fuel, to effectively carry out inspections, including on child labor.(13, 33) Many Regional Labor Inspectorates outside of Lima and Callao are particularly understaffed and underfunded.(32)

Criminal Law Enforcement

In 2013, the MPTE, the National Police, and the Public Ministry worked together to investigate and prosecute criminal cases of the worst forms of child labor. The Public Ministry investigated and prosecuted 201 cases involving trafficking in persons and coordinated legal and psychological assistance for 117 victims; however, these data do not distinguish between children and adults.(40) The Ministry of Interior reported receiving approximately 500 calls to the trafficking in persons hotline.(40) The Judicial Branch reported having convicted 41 people for trafficking in persons, although the number of these cases involving

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children is unknown. In addition, the National Police identified 25 child victims of trafficking in persons; however, information was not available on the number of children who were rescued or received services in 2013.(40)

Peru's Public Defender's Office has stated that perpetrators of crimes related to the trafficking of minors are often given sentences that are below the minimum required by law.(41)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Commission for the Prevention and Eradication of Child Labor (CPETI)	Propose public policies and coordinate, evaluate, and monitor government actions to combat child labor.(13) Maintain several subcommittees, including one on informal mining and one on child labor in indigenous villages.(13) Led by the MTPE and includes 17 government agencies, including the Ministry of Education, the Ministry of Justice, and the Ministry of Interior, as well as representatives from business associations, unions, and NGOs.(13)
Regional Commissions for the Prevention and Eradication of Child Labor	Carry out CPETI's mandate at the regional level.(42) Have been created in 23 of the 25 regions in Peru.(1, 36)
National Commission against Forced Labor	Coordinate government efforts to combat forced labor, including conducting research on forced labor, awareness raising efforts, developing legislation, and strengthening Peru's institutional capacity to address forced labor.(33) Led by the MTPE with participation of eight additional government ministries.(33)
Permanent Multi-Sectoral Commission on Illegal Mining	Coordinate the Government's efforts to address illegal mining, including by developing programs to eradicate child labor and child prostitution in mining areas.(43) Led by the Prime Minister's Office and includes the participation of regional governments and six national government agencies, including the Ministry of Energy and Mines and the Ministry of the Interior.(43)
Multi-Sector Committee Against Trafficking in Persons	Lead and coordinate government efforts to combat trafficking in persons. Chaired by the Ministry of the Interior and includes 12 government agencies, including the Ministry of Justice, the MIMP, and the MTPE.(33)

In 2013, the CPETI created four technical working groups. One group aims to modify the methodology of Peru's National Household Survey to improve and increase the collection of data on child labor and to monitor the Government's progress in implementing the National Strategy for the Prevention and Eradication of Child Labor.(36) Three other working groups began reviewing Peruvian child labor laws to identify areas needing improvement. One of these groups has begun drafting a proposed update to the List of Hazardous Occupations Prohibited to Children.(36)

Also in 2013, the CPETI held a training workshop in Lima for the leadership of all 23 Regional CPETIs. In addition, members of the CPETI provided onsite training to members of the Regional CPETIs in 21 regions.(36) Regional CPETI commissions are mandated to create action plans to combat child labor. However, not all regional commissions have action plans in place, as they are mandated to do by Ministerial Resolution 202-2005-TR, and some regions have not provided funding to carry out the action plans.(37, 44)

In general, government agencies that identify and assist child laborers, as well as law enforcement agencies that investigate child labor cases, do not consistently coordinate with one another or share information about planned interventions or raids.(40) In 2013, the failure of law enforcement officials in different parts of the country to coordinate with one another led to significant delays in investigating child trafficking and rescuing victims.(45)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Peru has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Strategy for the Prevention and Eradication of Child Labor for 2012–2021	Aims to eliminate hazardous child labor by improving the livelihoods of low-income families, improving education opportunities, raising awareness about child labor, improving work conditions for adolescents, and increasing child labor law enforcement.(2) Also seeks to improve the quality of child labor data in Peru.(2) Includes the objective of carrying out pilot programs to combat child labor in urban and rural areas. In 2013, an agreement was signed by the MTPE, the Ministry of Education, and the Ministry of Social Development to jointly implement two such programs.(36)
National Action Plan for Children and Adolescents for 2012–2021	Establishes a comprehensive set of government policies for children and adolescents, including the goal of eradicating hazardous child labor.(1, 33)
Sector Strategy on the Prevention and Eradication of Child Labor	Developed jointly by the MTPE and the ILO; includes the objectives of increasing the availability of child labor data, raising public awareness, strengthening coordination between public and private entities on child labor issues, and improving investigations of child labor violations.(32, 38)
Second National Plan to Combat Forced Labor for 2013–2017†	Establishes the Government’s policies and priorities for combatting forced labor. Includes the goal of reducing children’s vulnerability to becoming engaged in forced labor.(15)

† Policy was launched during the reporting period.

Although the Government approved the Second National Plan to Combat Forced Labor for 2013–2017 during the reporting period, the Government has not allocated funding to implement many components of the plan.(13)

In November, the Government participated in the XVIII Inter-American Conference of Ministers of Labor to foster continued dialogue and cooperation on labor issues throughout the Americas. The joint declaration of the Conference promotes social dialogue to address child labor and reaffirms country participants’ commitment to work with civil society organizations to advance efforts toward the eradication of child labor.(46)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Peru funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Seed Project (<i>Proyecto Semilla</i>)	\$13 million USDOL-funded, 4-year project implemented by the NGO <i>Desarrollo y Autogestión</i> to combat rural child labor. Supports the national and regional governments in developing child labor policies, carries out awareness raising campaigns, and aims to provide 6,500 children and 3,000 families with education and livelihood services to reduce the incidence of child labor.(8, 47) As of October 2013, has assisted 3,318 children and 2,264 families.(48)
Global Research on Child Labor Measurement and Policy Development (MAP)†	USDOL-funded research project implemented by the ILO in 10 countries, including Peru, to increase the knowledge base around child labor by collecting new data, analyzing existing data, and building capacity to conduct research in this area.(49)
Carabayllo Project‡	2-year pilot project implemented by the Government that provides scholarships, education assistance, psychological help, and other services to 1,000 families and 1,500 children with the aim of reducing urban child labor, especially in garbage dumps.(1, 2, 36)
Huánuco Project‡	2-year pilot project implemented by the Government that seeks to improve school retention and attendance rates among child laborers in rural areas. In conjunction with the Together Program, assists approximately 4,000 children and 3,200 families by providing them with cash transfers, education, and livelihood services.(1, 2, 36)
Together Program (<i>Juntos</i>)‡	Ministry of Social Development program to provide cash transfers to approximately 650,000 low-income households in 14 of the country’s 25 departments.(50, 51)
Peru Works (<i>Trabaja Perú</i>)‡	MTPE program that offers temporary work and technical training to low-income households. Requires beneficiaries to ensure their children attend school and do not engage in child labor.(33, 38)
Youth to Work (<i>Jóvenes a la Obra</i>)‡*	MTPE program to provide youth ages 16 to 24 with free job training, including on-the-job training in companies.(13)

Table 8. Social Programs to Address Child Labor (cont)

Program	Description
Go Peru (<i>Vamos Perú</i>)‡ *	MTPE program to provide job training and assistance to entrepreneurs, and job placement services to the unemployed, including youth.(13)
Street Educators (<i>Educadores de Calle</i>)‡	MIMP program to provide counseling and training to children engaged in begging and street work in 20 cities throughout Peru.(52) Connects working children and their families to educational and social services with the goal of withdrawing them from exploitative work and improving family welfare.(37, 52)
Regional Action Group for the Americas (<i>Grupo de Acción Regional para las Américas</i>)	Conducts prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America. Members include Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, Suriname, Uruguay, and Venezuela.(53, 54)
Education and Monitoring Program for the Eradication of Child Labor	\$1.3 million Government of Spain-funded, 2-year project implemented by ILO-IPEC that aims to strengthen public policies and government capacity to combat child labor in 19 countries in the Americas, including Peru. Includes the objective of developing information systems on the worst forms of child labor.(55)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Peru.

Although Peru has programs that reach children who work in agriculture in rural areas, the scope of these programs is still insufficient to fully address the large numbers of children engaged in hazardous occupations in agriculture. Peru also lacks targeted programs to assist children who are subjected to forced labor, commercial sexual exploitation, and child soldiering, as well as children who work in mining, logging, and domestic work.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Peru (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Adopt the Ministry of Labor's legislative proposal to explicitly criminalize all forms of forced labor.	2013
Enforcement	Increase the level of funding allocated to the MTPE, SUNAFIL, and Regional Labor Inspectorates to help ensure effective enforcement of child labor laws, particularly in regions with high rates of child labor.	2009 – 2013
	Increase information that is publicly available about child labor law enforcement efforts, particularly at the regional level, including: the number of child labor violations found, the number of fines imposed and collected for child labor violations, the number of child laborers assisted as a result of inspections, the number of children engaged in the worst forms of child labor that were rescued or provided services, and the number of criminal cases involving the worst forms of child labor that were investigated or prosecuted.	2012 – 2013
	Ensure that perpetrators of crimes related to the trafficking of minors are sentenced with a punishment that complies with the minimum sentence required by law.	2013
Coordination	Ensure that Regional CPETI commissions develop action plans to combat child labor, and allocate sufficient funding to implement these plans.	2010 – 2013
	Strengthen coordination and information-sharing mechanisms among government agencies dealing with child labor issues.	2012 – 2013
Government Policies	Allocate sufficient funding to fully implement the Second National Plan to Combat Forced Labor.	2013

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Social Programs	Assess the impact that existing social programs, such as the Juntos conditional cash transfer program, may have on addressing child labor.	2013
	Expand social programs to reach a greater number of children working in hazardous occupations in agriculture, and initiate social programs to address forced child labor, child commercial sexual exploitation, child soldiering, child labor in mining, child labor in logging, and child domestic service.	2009 – 2013

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