

Peru

Incidence and Nature of Child Labor

An estimated 16.5 percent of children ages 6 to 14 were counted as working in Peru in 1994. Approximately 18.7 percent of all boys 6 to 14 were working compared to 14.4 percent of girls in the same age group.³⁷⁴¹ Children are employed in the agricultural sector, mining and brickmaking.³⁷⁴² In urban areas, children work as domestics and often sell goods and services in the streets and in markets.³⁷⁴³ Child labor is one of many problems associated with poverty. In 2000, 18.1 percent of the population in Peru were living on less than USD 1 a day.³⁷⁴⁴

Many children, particularly girls, move from rural to urban areas to work as domestic servants in third-party homes.³⁷⁴⁵ Boys and girls are also exploited in prostitution.³⁷⁴⁶ Demand for child prostitutes is most prevalent along commercial routes and in tourist locations, such as beaches, markets, cinemas, theaters, and restaurants.³⁷⁴⁷ Children are trafficked internally for commercial sexual exploitation and domestic service in Peru.³⁷⁴⁸ There is little information available on the incidence of external trafficking of children.³⁷⁴⁹ However, Peruvian children may be among the victims trafficked internationally for commercial sexual exploitation to the United States, Europe and Japan.³⁷⁵⁰

The General Education Law establishes free and compulsory public education through secondary school.³⁷⁵¹ Despite the legal guarantee for free education, some primary school fees continue to be charged.³⁷⁵² In 2002, the gross primary enrollment rate was 118 percent and the net primary enrollment

³⁷⁴¹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

³⁷⁴² U.S. Department of State, *Country Reports on Human Rights Practices 2005*, section 6d.

³⁷⁴³ Dirección Técnica de Demografía e Indicadores Sociales, *Visión del Trabajo Infantil y Adolescente en el Perú, 2001*, Institución Nacional de Estadística e Informática, Lima, October 2002, 39; available from http://www.oit.org.pe/ipecc/tid/docs/la_ninez_en_el_peru.pdf.

³⁷⁴⁴ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

³⁷⁴⁵ U.S. Department of State, *Country Reports on Human Rights Practices*, section 6d.

³⁷⁴⁶ ECPAT International, *Peru*, [database online] [cited July 1, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, *Country Reports on Human Rights Practices*, Section 5.

³⁷⁴⁷ ECPAT International, *Peru*, Child Prostitution.

³⁷⁴⁸ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2004>.

³⁷⁴⁹ ECPAT International, *Peru*, Trafficking.

³⁷⁵⁰ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2004>. See also U.S. Embassy- Lima, *reporting*, 2005.

³⁷⁵¹ El Presidente de la República, *Ley General de Educación*, 28044, Lima, July 17, 2003, articles 4 and 12. The General Education Law was passed on July 17, 2003 and includes articles on bilingual, intercultural, and vocational education, as well as on regular and alternative basic education for working children and adolescents. See El Presidente de la República, *Ley General de Educación*, articles 20, 36 and 37.

³⁷⁵² UNESCO, *Education for All Global Monitoring Report 2006*, 2006; available from http://portal.unesco.org/education/en/file_download.php/8c9181640dbf683c9cd900051897900f4accessprimaryeducation.pdf.

was 100 percent.³⁷⁵³ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1994, 93.6 percent of children ages 5 to 14 years were attending school.³⁷⁵⁴ As of 2001, 84 percent of children who started primary school were likely to reach grade five.³⁷⁵⁵ Girls attend school at a lower rate than boys, and school attendance is lower in rural than in urban areas.³⁷⁵⁶ Indigenous children and those from rural areas lack access to the education system.³⁷⁵⁷ Therefore, the average total number of years of schooling and student performance are also sharply lower in rural areas than in urban areas.³⁷⁵⁸ The Child and Adolescent Code does, however, provide for special arrangements and school timetables so that working children and adolescents can attend school regularly.³⁷⁵⁹

Child Labor Laws and Enforcement

According to the legislation modifying Article 51 of the Child and Adolescent Code, the minimum age for employment is 15 years in non-industrial agricultural work, 16 years for work in the industrial, commercial, and surface mining sectors; and 17 years for work in the industrial fishing sector.³⁷⁶⁰ Children ages 12 to 14 may perform certain jobs, subject to restrictions, only if they obtain legal permission from the Ministry of Labor and can certify that they are attending school.³⁷⁶¹ Children aged 12 to 14 years are prohibited from working more than 4 hours a day, or over 24 hours a week, and adolescents between 15 and 17 years may not work more than 6 hours a day, or over 36 hours a week.³⁷⁶² In January 2005, the Ministry of Labor created the Office of Labor Protection for Minors to oversee the Ministry's practice of issuing permits to children under 18 years of age to work legally.³⁷⁶³ Work that might harm a child's physical or mental health and development, including underground work or work that involves heavy lifting, night work, or work that might serve as an obstacle to continued school attendance, is prohibited for children under 18 years of age.³⁷⁶⁴ Working children must be paid at the same rate as adult workers in

³⁷⁵³ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁷⁵⁴ SIMPOC, MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁷⁵⁵ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

³⁷⁵⁶ International Confederation of Free Trade Unions, *Peru: Report on Core Labour Standards for the WTO: ICFTU Report for the WTO General Council Review of the Trade Policies of Peru*, Geneva, May 30-31, 2000; available from <http://www.icftu.org>.

³⁷⁵⁷ *Ibid.*

³⁷⁵⁸ World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21/000094946_01122104030511/Rendered/PDF/multi0page.pdf.

³⁷⁵⁹ ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [cited July 1, 2005]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

³⁷⁶⁰ Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/27571.htm>.

³⁷⁶¹ U.S. Department of State, *Country Reports on Human Rights Practices*, section 6d. See also *Ley que Modifica el Artículo 51*. Working adolescents are not required to register with the Ministry of Labor if they are performing unpaid family work; however, the head of the household for which they work must register them in the municipal labor records. See also Government of Peru, Comisión Andina de los Juristas, Red de Información Judicial Andina, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html>.

³⁷⁶² *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*.

³⁷⁶³ U.S. Embassy- Lima, *reporting*, 2005.

³⁷⁶⁴ U.S. Embassy-Lima, *reporting*, August 15, 2003. See also Inter-American Development Bank, *Peru: Stage Three of the National Program to Support Operations of the Compensation and Social Development Fund (FONCODES III)*, PE-0193, The Inter-American Development Bank, September 11, 2002; available from <http://www.iadb.org/exr/doc98/apr/pe1421e.pdf>.

similar jobs.³⁷⁶⁵ Regulations require that underage children working in domestic service must have access to education.³⁷⁶⁶

Various statutes prohibit the worst forms of child labor in Peru. The Child and Adolescent Code prohibits forced and slave labor, economically exploitative labor, prostitution, and trafficking.³⁷⁶⁷ In 2004, Peru's Congress enacted legislation that increased punishments against clients and others who benefit economically from the prostitution of minors.³⁷⁶⁸ Updated statutes prohibit trafficking in persons and provide penalties for those who move a person, either within the country or to an area outside the country, for the purposes of sexual exploitation (including prostitution, sexual slavery, and pornography) from 5 to 10 years' imprisonment.³⁷⁶⁹ If the trafficking victim is under 18 years of age, the punishment is 10 to 15 years' imprisonment.³⁷⁷⁰ Military service is voluntary and prohibited for children under the age of 18. The Law on Military Service prohibits forced recruitment.³⁷⁷¹ Since 1999, the Government of Peru has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.³⁷⁷²

The Ministry of Labor is responsible for enforcing child labor laws and its inspectors have legal authority to investigate reports of illegal child labor practices. In 2005, the Ministry had 236 labor inspectors, a 30 percent increase from previous years.³⁷⁷³ The National Police and local prosecutors have law enforcement authority over child labor violations,³⁷⁷⁴ and the National Police operate a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.³⁷⁷⁵ The Municipal Child and Adolescent Defender Centers work with local governments to supervise investigations, apply punishments, and monitor compliance of child labor laws.³⁷⁷⁶ Although more than one-half of the economically active population in Peru works in the informal sector, inspections are conducted primarily in the formal sector.³⁷⁷⁷

The Ministry of the Interior and the National Police are the entities responsible for addressing domestic trafficking, while the Foreign Ministry and Immigration authorities work on international trafficking issues.³⁷⁷⁸ The U.S. Department of State reports that the National Police undertook various raids in 2005, but few perpetrators have been prosecuted. In addition, the government lacks a statistical system to track trafficking cases at the national level.³⁷⁷⁹

³⁷⁶⁵ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337.*

³⁷⁶⁶ U.S. Embassy-Lima, *reporting*, August 2004.

³⁷⁶⁷ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337.*

³⁷⁶⁸ Perpetrators are punished with 4-8 years of imprisonment. The statute also made internet pornography illegal. U.S. Department of State, *Country Reports on Human Rights Practices*, section 5.

³⁷⁶⁹ U.S. Department of State, *Country Reports- 2004: Peru*, section 5.

³⁷⁷⁰ *Ibid.*

³⁷⁷¹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004-Peru*, electronic, 2004; available from http://www.child-soldiers.org/resources/global-reports?root_id=159&category_id=165.

³⁷⁷² ILO-IPEC official, email communication to USDOL official, November 14, 2005.

³⁷⁷³ U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Section 6d.

³⁷⁷⁴ U.S. Embassy- Lima, *reporting*, October 7, 2002.

³⁷⁷⁵ Estudio Torres y Torres Lara, *Directiva No. 19-95-DIVIPOLNA Sobre Atención y Intervención Policial con Niños y Adolescentes (25 de abril de 1995)*, [cited July 1, 2005]; available from <http://www.asesor.com.pe/teleley/direc-19-95.htm>.

³⁷⁷⁶ U.S. Embassy-Lima, *reporting*, August 25, 2004. See also Inter-American Development Bank, *FONCODES III*, Artículo 70. See also Ministry of Women and Social Development, *Defensoría del Niño y del Adolescente*, [online] [cited July 1, 2005]; available from <http://www.mimdes.gob.pe/dgna/dna/>.

³⁷⁷⁷ U.S. Embassy-Lima, *reporting*, August 25, 2004.

³⁷⁷⁸ U.S. Department of State, *Country Reports on Human Rights Practices*, section 5.

³⁷⁷⁹ *Ibid.*

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of Labor and Employment Promotion heads the National Committee to Prevent and Eradicate Child Labor, an organization composed of representatives from various ministries, NGOs, labor unions, and employers' organizations³⁷⁸⁰ that aims to address child labor issues and fulfill Peru's international commitments to fight child labor.³⁷⁸¹ In October 2005, the Committee launched its National Plan for the Prevention and Eradication of Child Labor. The Plan proposes the following actions: raise awareness; develop a judicial framework to combat the commercial exploitation of children and protect the adolescent worker; generate credible statistics; develop social policy on children's rights; and strengthen institutional capacities.³⁷⁸² The Ministry of Women and Social Development (MIMDES) has a National Action Plan for Children and Adolescents 2002 – 2010. The plan focuses on providing quality, intercultural basic education, eliminating the worst forms of child labor for children ages 6 to 11 years, and improving working conditions for adolescents at or above the legal working age as part of its strategic objectives.³⁷⁸³ The Ministries of Labor and Employment Promotion; Health; Energy and Mines; and Education operate a system that will allow the government to monitor and verify progress in the elimination of child labor in small-scale mining for a 10-year period (2002-2012).³⁷⁸⁴

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/13/2002	✓
Ratified Convention 182	1/10/2002	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

The Government of Peru supports and contributes to a USD 5.5 million regional USDOL-funded ILO-IPEC program to eliminate exploitative child labor in the domestic service and commercial sex sectors.³⁷⁸⁵ The government participated in a USD 1.6 million regional ILO-IPEC project to eliminate child labor in small-scale mining in the Andean region, which ended in February 2005,³⁷⁸⁶ and continued to participate in a USD 1.5 million 4-year project to improve access to and quality of basic education for children engaged in mining in Peru.³⁷⁸⁷

With technical assistance from the ILO, MIMDES is implementing a 10-year plan to eliminate child sexual exploitation called Network Now Against Child Sexual Exploitation.³⁷⁸⁸ The plan includes coordinating

³⁷⁸⁰ U.S. Embassy-Lima, *reporting*, August 25, 2004.

³⁷⁸¹ *Ibid.*

³⁷⁸² ILO-IPEC, "Perú presentó Plan Nacional contra el trabajo infantil," *Boletín Encuentros* (October 2005); available from http://www.oit.org.pe/ippec/boletin/noticia_imprimir.php?notCodigo=748. See also Comité Directivo Nacional para la Prevención y Erradicación del Trabajo Infantil (CPETI), *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005.

³⁷⁸³ Government of Perú, *Plan Nacional de Acción para la Infancia y la Adolescencia 2002 - 2010: Construyendo un Perú Mejor para la Niñas, Niños y Adolescentes*, 2002, 12-13, [previously online]; available from <http://www.minmimdes.gob.pe/indiceorg.htm> [hard copy on file].

³⁷⁸⁴ U.S. Embassy-Lima, *reporting*, August 15, 2003.

³⁷⁸⁵ See also U.S. Department of Labor - International Child Labor Program, *Prevention and Elimination of Child Domestic Labor (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Chile, Colombia, Paraguay and Peru, Project Summary*, Project Summary, 2004.

³⁷⁸⁶ The project included Bolivia, Ecuador and Peru. Phase I of this project, funded at USD 2.9 million, began in 2000. See ILO-IPEC, *Phase I: Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, (ILO) LAR/00/05/050, Geneva, April 1, 2000. See also ILO-IPEC, *Phase II: Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America*, project document, RLA/02/P50/USA, Geneva, September 3, 2002.

³⁷⁸⁷ See also World Learning Inc., *EduFuturo: Educating Artisanal Mining Children in Peru for a Dignified Future*, project document, SB 501-000, September 16, 2002.

³⁷⁸⁸ U.S. Embassy-Lima, *reporting*, August 25, 2004.

with various NGOs to combat commercial sexual exploitation of minors in Iquitos, a popular tourist spot where child prostitution occurs.³⁷⁸⁹ MIMDES supports an urban program called Street Educators, which provides education and services to children in the streets and markets. MIMDES also supports a Working Group on Children at Risk of HIV/AIDS and tuberculosis, with assistance from UNICEF and Save the Children.³⁷⁹⁰ In addition, MIMDES is raising awareness on legislation regarding the commercial sexual exploitation of minors through radio broadcasts and other means.³⁷⁹¹ The Ministries of Foreign Affairs, Commerce and Tourism has initiated anti-trafficking campaigns.³⁷⁹² The government supported NGOs that provided services to sexually exploited and trafficked minors.³⁷⁹³ The Ministry of the Interior is working with its counterparts in the Chilean Government to develop a joint policy on the prevention and protection of children and adolescents in the border regions between the two countries.³⁷⁹⁴ The Government of Peru, with support from the U.S. Government, receives specialized training in trafficking in persons, including providing aid to victims, collecting credible statistical data on trafficking cases, and aiding government officials outside of the capital in recognizing cases.³⁷⁹⁵

The National Institute of Family Well-Being has a program that provides a variety of services to working youth, including school support, school reinsertion, reintegration into the family, and vocational training.³⁷⁹⁶

The Ministry of Education implements a basic education program that aims to improve the quality of education throughout the country by strengthening teachers' skills and providing them with free educational materials, especially in rural areas.³⁷⁹⁷ The Ministry also operates a tutoring program for children formerly excluded from the public system, including working children.³⁷⁹⁸ In addition, the Ministry has established night classes and lengthened matriculation periods for youth employed as domestic servants in third-party homes.³⁷⁹⁹ Finally, the Ministry oversees *Proyecto Materiales Educativos* (Teaching Materials Project), which strengthens national capacity to develop innovative teaching materials.³⁸⁰⁰

The Government of Peru, in collaboration with other public and private institutions, has a National Plan for Education for All that is being executed from 2004-2015. The Plan aims to improve rural girls' access to a quality bilingual education with a gender focus.³⁸⁰¹ USAID, in collaboration with the Ministry of Education, is expanding a girls' education initiative to provide technical assistance, develop models of

³⁷⁸⁹ U.S. Embassy- Lima, *reporting*, 2005.

³⁷⁹⁰ MIMDES official, "interview" with USDOL official, September 9, 2005.

³⁷⁹¹ U.S. Embassy-Lima, *reporting*, August 25, 2004.

³⁷⁹² U.S. Department of State, *Country Reports on Human Rights Practices*, section 5.

³⁷⁹³ Centers offered self-esteem workshops, medical attention and job training. *Ibid.*

³⁷⁹⁴ ILO-IPEC, "Perú-Chile: dialogo fronterizo para enfrentar el tráfico de niñas, niños y adolescentes," *Boletín Encuentros* (April 2005); available from <http://www.oit.org.pe/ipec/boletin/noticia.php?notCodigo=677>.

³⁷⁹⁵ U. S. Department of State, *reporting*, January 27, 2005.

³⁷⁹⁶ National Institute of Family Welfare, *Educadores de calle*, [online] [cited July 1, 2005]; available from <http://www.inabif.gob.pe/web/>.

³⁷⁹⁷ This project includes public schools in marginal urban, rural, border and emergency zones at the pre-school, primary and secondary levels. See Ministry of Education, *Programa de educación básica para todos*, [online] [cited July 1, 2005]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.htm.

³⁷⁹⁸ U.S. Embassy-Lima, *reporting*, August 25, 2004.

³⁷⁹⁹ U.S. Embassy-Lima, *reporting*, August 15, 2003.

³⁸⁰⁰ Ministry of Education, *Proyecto Materiales Educativos*, [formerly online] [cited May 26, 2004]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/materiales_educa.htm [hard copy on file].

³⁸⁰¹ The National Forum on Education for All was formed in October 2002 within the Ministry of Education, with support from UNESCO, UNICEF, UNFPA, UNDP and other public institutions. Ministry of Education, *Plan Nacional de Educación para Todos*, San Borja, April 7, 2003, 1, 88; available from http://www.minedu.gob.pe/educacionparatodos/plan_nacional/dir.php?obj=dbase.htm.

educational decentralization, and strengthen local educational capacity.³⁸⁰² The Government's National Nutrition Assistance Program provides nutritious school snacks to children and adolescents in areas with high malnutrition rates.³⁸⁰³

The IDB is providing a social development loan to the Government of Peru that includes an infrastructure component for kindergarten and primary schools in rural areas.³⁸⁰⁴ The IDB is also providing a loan to the Ministry of Labor and Employment Promotion to develop training activities and facilitate work opportunities and labor market access to youth between the ages of 16 and 24 years. The IDB provided a new loan in May 2005 to the Ministry of Economy and Finance which aims to provide support to social sector reforms in education, labor and other areas.³⁸⁰⁵ With financing from the World Bank, the Ministry implements a project to extend access to rural basic education, improve teacher quality and motivation in rural areas, and strengthen education management.³⁸⁰⁶

³⁸⁰² USAID, *Peru: Program Data Sheet 527-006*, USAID, [online] 2002 [cited October 14, 2005]; available from <http://www.usaid.gov/pubs/cbj2003/lac/pe/527-006.html>.

³⁸⁰³ This program includes children and adolescents who work and go to school as target beneficiaries. MIMDES-Programa Nacional de Asistencia Alimentaria, *Programas Ejecutados por el Programa Nacional de Asistencia Alimentaria*, [online] 2005 [cited July 1, 2005]; available from http://www.pronaa.gob.pe/pronaa/programas_pronaa.htm.

³⁸⁰⁴ Inter-American Development Bank, *FONCODES III*, 11.

³⁸⁰⁵ Inter-American Development Bank, *PE-L1009: Support to Social Sector Reforms*, [online] July 1, 2005 [cited July 1, 2005]; available from <http://www.iadb.org/projects/Project.cfm?project=PE-L1009&Language=English>. See also Inter-American Development Bank, *PE0241: Youth Training Program*, [online] July 1, 2005 [cited July 1, 2005]; available from <http://www.iadb.org/projects/Project.cfm?project=PE0241&Language=English>.

³⁸⁰⁶ The project will be active through 2007. World Bank, *Peru-Rural Education, project information document*. Among other approaches, the project promotes non-formal education at the initial and pre-school levels, including family and community participation, and cost-effective, distance secondary education. In addition, the project supports the rehabilitation of classrooms, rural teacher professional development, and the distribution of multi-grade and bilingual instruction materials. See World Bank, *Peru-Rural Education Project*, [online] 2003 [cited October 17, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P055232>.