

# PERU

## 1. Child Labor

In 1999, the International Labor Organization (ILO) estimated that 5.5 percent (100,634) of children between the ages of 10 and 14 in Peru were working.<sup>1</sup> Slightly less than half of these working children were boys (46,921), while girls accounted for just more than half of working children in this age group (53,712).<sup>2</sup> In 1999, approximately 44 percent (804,700) of children between the ages of 15 and 19 were economically active.<sup>3</sup>

Some children and adolescents work either in formally established enterprises or as unpaid workers at home.<sup>4</sup> The majority of working children are active in the country's informal economy, which accounts for nearly 50 percent of the country's economic output.<sup>5</sup> The informal sector escapes government oversight of wages and working conditions, and government supervision of children and adolescents in this sector is scarce to nonexistent.<sup>6</sup>

In 1995, the National Home Survey of the National Institute of Statistics (INEI) indicated that 55 percent of all working minors between the ages of 6 and 17 lived in rural areas.<sup>7</sup> Child laborers work long hours in the agricultural sector. Others work in fireworks factories and stone quarries. Children also load and unload produce in markets, and collect garbage to earn a living.<sup>8</sup> Child labor is also prevalent in the brick-making sector of Huachipa, where working children help their parents to meet daily quotas starting as early as 3 years old.<sup>9</sup>

In the small-scale traditional gold-mining sector, young children are commonly found participating in mining activities and performing all aspects of the work to help boost the family's income. Children also work inside the mines. They carry heavy loads of ore, often on their backs. They crush and manually grind ore. They also participate in amalgamating the ore with mercury, a process that exposes them to hazardous fumes.<sup>10</sup>

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<sup>1</sup> *Yearbook of Labour Statistics* (Geneva: ILO, 2000), Table 1A.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> U.S. Department of State Human Rights Report for 1999, Section 6d ([www.state.gov/www/global/uman\\_rights/1999\\_hrp\\_report](http://www.state.gov/www/global/uman_rights/1999_hrp_report)) [hereinafter *Human Rights Report*].

<sup>5</sup> U.S. Embassy-Lima, unclassified telegram no. 003672, June 22, 2000.

<sup>6</sup> *Human Rights Report* at Section 6d ([www.state.gov/www/global/uman\\_rights/1999\\_hrp\\_report](http://www.state.gov/www/global/uman_rights/1999_hrp_report)).

<sup>7</sup> *Asociacion Pro-Derechos Humanos, Trabajo Infantil en Debate: Entrevistas de Cecilia Alvarez*, 1999, 1, at <http://ekeko.rcp.net.pe/aprodeh/public/iadesc98/desc9806.htm>.

<sup>8</sup> *Country Reports on Human Rights Practices for 1999* ([www.state.gov/www/global/uman\\_rights/1999\\_hrp\\_report](http://www.state.gov/www/global/uman_rights/1999_hrp_report)), Section 6d [hereinafter *Country Reports 1999—Peru*].

<sup>9</sup> AIDECA Peru, *Eliminating Child Labor in the Brickworks of Huachipa, Peru: Changing the Economic Equation* [document on file].

<sup>10</sup> ILO-IPEC, *Children Working in Small-Scale Traditional Gold Mining in Peru: National Baseline Study for the Project for Prevention and Progressive Elimination of Child Labor in Small-Scale Traditional Gold Mining in South America*, Maria del Carmen Piazza, March 2001, 80-83.

Children are involved in prostitution in both Lima and in Peru's provinces.<sup>11</sup> A 1999 study revealed that trafficking of girls and boys for the purpose of commercial sexual exploitation occurs within Peru.<sup>12</sup>

## 2. Law and Enforcement

The Child and Adolescent Code stipulates that the legal minimum age for work is 12 years. Legislation passed in August 2000, however, changed the legal minimum age for employment in Peru to 14 years.<sup>13</sup> Children between the ages of 12 and 14 may work if they obtain special permission from the Ministry of Labor and certify that they are attending school.<sup>14</sup>

In more hazardous industrial, commercial or mining sectors, Peru's legal minimum age is 15.<sup>15</sup> Work that might harm a child's physical and emotional health, including underground work or work that involves heavy lifting and carrying, is prohibited.<sup>16</sup>

There are statutory limits to the number of hours that children may work.<sup>17</sup> Working adolescents are required to obtain authorization from 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.<sup>18</sup>

Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others. Prostitution or pornography involving children is illegal.<sup>19</sup> Laws prohibiting kidnapping, the sexual abuse of minors, and illegal employment are enforced and can be used to sanction individuals who traffic children for exploitative labor.<sup>20</sup>

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<sup>11</sup> Accion por los niños: Save the Children, "Campana contra la prostitucion infantil: !La vida y la dignidad ni tienen precio ni se alquilan!" April 2000 ([www.accionporlosninos.org.pe/foro/pagina.htm](http://www.accionporlosninos.org.pe/foro/pagina.htm)).

<sup>12</sup> Ibid.

<sup>13</sup> U.S. Embassy-Lima, unclassified telegram no. 005240, September 21, 2001 [hereinafter unclassified telegram 005240].

<sup>14</sup> Unclassified telegram 005240.

<sup>15</sup> Ministerio de Trabajo y Promoción Social, *Resolución Ministerial No. 033-2000-TR. 9: Requisitos y formalidades para la contratacion laboral de adolescente: Edades minimas para el trabajo* ([www.mtps.gob.pe/normas/033-2000-tr.htm](http://www.mtps.gob.pe/normas/033-2000-tr.htm)).

<sup>16</sup> Ministerio de Trabajo y Promoción Social, *Resolución Ministerial No. 033-2000-TR. 9: Requisitos y formalidades para la contratacion laboral de adolescente: Trabajos prohibidos y facilidades y beneficios* ([www.mtps.gob.pe/normas/033-2000-tr.htm](http://www.mtps.gob.pe/normas/033-2000-tr.htm)).

<sup>17</sup> Ministerio de Trabajo y Promoción Social, *Síntesis Legal: 7.1.3. jornadas especiales de trabajo adolescentes* ([www.mtps.gob.pe/sintesis.htm](http://www.mtps.gob.pe/sintesis.htm)).

<sup>18</sup> Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. Capitulo IV. *Regimen Para el Adolescente Trabajador*. Artículo 50 ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

<sup>19</sup> Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Libro Primero: Derechos y Libertade: Derechos Civiles*. Capitulo I, Artículo IV ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

<sup>20</sup> *Country Reports 1999—Peru* ([www.state.gov/www/global/uman\\_rights/1999\\_hrp\\_report](http://www.state.gov/www/global/uman_rights/1999_hrp_report)) at Section 6f [hereinafter *Country Reports 1999—Peru*].

Peru's Child and Adolescent Code of August 2000 prescribes the framework for child and adolescent labor practices.<sup>21</sup> The code protects the rights of children and adolescents from extreme forms of child labor, such as forced and bonded labor, economically exploitative labor, prostitution and trafficking.<sup>22</sup> In practice, government standards are often violated and are rarely enforced in the informal sector, where many child workers are found.<sup>23</sup>

In August 2000, the Peruvian Congress passed legislation to create a new office within the Ministry of Women's Advancement and Human Development (PROMUDEH). This office, the Directorate of Children and Adolescent Affairs, is charged with protecting the rights of children and adolescents.<sup>24</sup> Also responsible for protecting children are the Municipal Child and Adolescent Defender Centers (DEMUNAs), which report to PROMUDEH. Together with local governments, DEMUNAs supervise and apply sanctions in their jurisdiction when the rights of children and adolescents are threatened or violated.<sup>25</sup> The Public Ministry, by way of the Special Prosecutor and the Prosecutor of Crime Prevention, supervises the enforcement of the Child and Adolescent Code.<sup>26</sup>

The Government of Peru ratified International Labor Organization Convention (ILO) No. 182 on the Worst Forms of Child Labor on January 10, 2002.<sup>27</sup>

### 3. Education

In 1996, the gross primary attendance rate was 114.3 percent, and the net primary attendance rate was 88.3 percent.<sup>28</sup> For that same year, the gross primary enrollment rate was 123.2 percent, and the net primary enrollment rate was 93 percent.<sup>29</sup> Between 1993 and 1997, net primary enrollment increased from 87.2 to 93.8 percent.<sup>30</sup> For girls, this rate increased from 85.9 percent in 1993 to 93.3 in 1997, while for boys, the rate increased from 88.4 percent in 1993 to 94.2 in 1997.<sup>31</sup> Gross primary enrollment also increased over the same time period, from 117.7 percent in 1993 to 122.8 percent in

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<sup>21</sup> *Country Reports 1999 – Peru*, Section 6d.

<sup>22</sup> Comisión Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Libro Primero: Derechos y Libertades: Derechos Civiles*, Capítulo I, Artículo IV ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

<sup>23</sup> *Country Reports 1999—Peru* at Section 6d.

<sup>24</sup> *Ibid.*

<sup>25</sup> Comisión Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Contravenciones y Sanciones. Libro Segundo*. Capítulo V, Artículo 70 ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

<sup>26</sup> *Ibid.* at Artículo 71.

<sup>27</sup> For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, see Appendix C.

<sup>28</sup> USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

<sup>29</sup> *World Development Indicators 2000*.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

1997.<sup>32</sup> The population of unenrolled children of primary school age decreased from 426,630 (12.8 percent of primary-age children) in 1993 to 211,630 (6.2 percent) in 1997.<sup>33</sup>

Although Peru has been working toward achieving universal access to education, the UN Committee on the Rights of the Child reported that indigenous children and those from rural areas lack universal access to the education system.<sup>34</sup> School attendance is poorest in rural and jungle areas, and girls benefit less than boys.<sup>35</sup>

#### **4. Approaches to Eliminating Child Labor**

##### **a. Child Labor Initiatives**

In July 1996, the Government of Peru signed a Memorandum of Understanding with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC).<sup>36</sup> ILO-IPEC's presence has increased awareness within Peruvian society of the hazards of harmful child labor.<sup>37</sup> ILO-IPEC programs in Peru include a regional program, funded by the U.S. Department of Labor (USDOL), designed to eliminate child labor in the small-scale, traditional mining sectors of Bolivia, Ecuador and Peru. Another regional ILO-IPEC program funded by USDOL aims to eliminate child domestic work in Brazil, Paraguay, Colombia and Peru.<sup>38</sup>

In 1997, Peru put in place a National Plan of Action for Children and Adolescents. This plan aims to promote and ensure the complete application of children's rights.<sup>39</sup> In August 1997, PROMUDEH created the National Steering Committee on the Eradication of Child and Adolescent Labor to carry out the strategies and goals stated in the National Plan.<sup>40</sup>

Peru is home to many networks of nongovernmental organizations (NGOs), civil society groups, community members, workers organizations, employers' organizations and government agencies. The National Initiative on the Rights of the Child (GIN) and the Network for a Future without Child Labor coordinate child labor elimination

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> International Confederation of Trade Unions (ICFTU) website, *Internationally Recognized Core Labour Standards in Peru: ICFTU Report for the WTO General Council Review of the Trade Policies of Peru*, Geneva, May 30-31, 2000 ([www.icftu.org](http://www.icftu.org)), 3.

<sup>35</sup> U.S. Department of State, *Human Rights Report for 1999* ([www.state.gov/www/global/human\\_rights/1999\\_hrp\\_report](http://www.state.gov/www/global/human_rights/1999_hrp_report)), Section 5.

<sup>36</sup> ILO-IPEC Countries at <http://www.ilo.org/public/english/standards/ipecc/about/countries/t-country.htm>.

<sup>37</sup> Interview with Eliseo Cuadrao, director of IPEC, South America regional office, by U.S. Department of Labor official (November 13, 2000) [hereinafter Cuadrao interview].

<sup>38</sup> ILO-IPEC project document, *Prevention and Elimination of Child Domestic Labour in South America: Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America* (Geneva: ILO-IPEC) [document on file].

<sup>39</sup> Comision Interamericana de Derechos Humanos, *Derechos del Nino*, Capitulo VIII, OAS ([www.cidh.org/countryrep/Peru2000sp/capitulo8.htm](http://www.cidh.org/countryrep/Peru2000sp/capitulo8.htm)).

<sup>40</sup> U.S Embassy-Lima, unclassified telegram no. 003383, June 3, 1999.

efforts.<sup>41, 42</sup> The Global March Against Child Labor and its local NGO affiliates form networks to raise local and provincial awareness on the importance of education.<sup>43</sup> PROMUDEH, in coordination with other groups, periodically establishes a list of jobs and activities that are dangerous to the physical or moral health of adolescents.<sup>44</sup>

The *Instituto Nacional de Bienestar Familiar* (INABIF) has developed a program for working children which offers services such as school support, housing, reinsertion into the government school system and vocational training.<sup>45</sup>

Innovative methods have been used by NGOs to address child labor in Peru. For example, the NGO AIDECA has introduced affordable technologies in the brick making industry of Huachipa to help eliminate the need for child labor, while at the same time, increasing productivity.<sup>46</sup>

In 2000, Peru began a child labor survey with support from the ILO's Statistical Information and Monitoring Program on Child Labor (SIMPOC). The Ministry of Labor, the INEI, and PROMUDEH have participated in preliminary aspects of the survey.<sup>47</sup>

#### **b. Educational Alternatives**

According to Peru's constitution, basic education is free and compulsory through secondary school.<sup>48</sup> In 2001, basic education consisted of two years at the pre-primary level, six years at the primary level, and four years at the secondary level.<sup>49</sup> Children and adolescents have the right to education, and the state guarantees education, free of charge, for those in economic need.<sup>50</sup>

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<sup>41</sup> *Country Reports 1999—Peru* at Section 5.

<sup>42</sup> Cuadrao interview.

<sup>43</sup> Ibid.

<sup>44</sup> Comision Andina de los Juristas, Red de información Judicial Andina, Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Art. 58, ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

<sup>45</sup> Instituto Nacional de Bienestar Familiar, INABIF, *Nuestros Servicios* ([www.inabif.gov.pe/servicio/servicio2.htm](http://www.inabif.gov.pe/servicio/servicio2.htm)); cited October 16, 2001.

<sup>46</sup> AIDECA Peru, Programa para la Erradicacion Progresiva del Trabajo Infantil en las Ladrilleras de Nieveria. [document on file].

<sup>47</sup> Cuadrao interview.

<sup>48</sup> Constitución de la Republica de Peru, Capitulo II, Articulo 17 ([www.cajpe.org.pe/RIJ/bases/legisla/peru/consper.htm#3](http://www.cajpe.org.pe/RIJ/bases/legisla/peru/consper.htm#3)); cited October 16, 2001.

<sup>49</sup> As part of the Education for All initiative in 1999, Peru began to experiment by uniting the secondary level with the primary level to form a basic education requirement of 10 years. The reform will add an additional year of pre-primary to the basic education requirement until it reaches 13 years in 2002. Children will be required to start school at the age of 3. At the beginning of the 1990s, basic education was only required for a six-year period. See United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, *Education for All: Year 2000 Assessment*, Country Report, Peru (Paris, 2000). *Peru: Informe: Primera Parte: Seccion Descriptiva* ([www2.unesco.org/wef/countryreports/peru/rapport\\_1.html](http://www2.unesco.org/wef/countryreports/peru/rapport_1.html)) [hereinafter *Education for All: Year 2000 Assessment—Peru*], 10.

<sup>50</sup> Comision Andina de los Juristas. Red de información Judicial Andina, Ley no 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, *Derechos Economicos, Sociales y Cuturales y Sociales*, Capitulo II, Articulo 14 ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

Peru's Child and Adolescent Code guarantees special school schedules that allow children and adolescents who work to attend school classes regularly. The code also calls for the state to promote the use of resources and physical spaces for the development of cultural, sport, and recreational programs for children and adolescents.<sup>51</sup>

Within the framework of the United Nations Educational, Scientific, and Cultural Organization (UNESCO)'s Education for All initiative, Peru has committed resources throughout the 1990s aimed at educational reform. The goals of this effort included: universal access to basic education; reduction of illiteracy and gender disparity; and making curricula more relevant to children.<sup>52</sup>

The Education Ministry seeks to address child labor through a project that provides children with alternatives to working in the streets.<sup>53</sup> Radda Barnen (Save the Children) is implementing the Ministry's Work, Education and Health Program (TES), the goal of which is to make school lessons more pertinent to the lives of working children.<sup>54</sup>

The Ministry of Education also sponsors the Integrated Protection Program, which is designed to promote good school performance and prevent the early insertion of children into the work force. It is a multi-sectoral program which provides nutritious meals to children age 6 and younger and involves parents and the greater community.<sup>55</sup> The Ministry of Education has also designed the Basic Education Program for All to improve the quality and infrastructure of education in rural, marginal urban, and border areas of the country with an intensive teacher training program and free distribution of educational materials at the pre-primary, primary and secondary levels.<sup>56</sup> Plan Huascarán (2000-2004) is another Ministry of Education program that looks to achieve equality of access to education in the rural and border zones of extreme poverty.<sup>57</sup>

Peru's Ministry of Health has created a School Insurance program. This program is a child and adolescent health initiative that was developed to decrease school desertion numbers by encouraging the continuity of education. In exchange for proof from teachers that students are continuously attending classes, children and adolescents

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<sup>51</sup> Comision Andina de los Juristas, Red de información Judicial Andina "Codigo de los Ninos y Adolescentes," ([www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html](http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html)).

<sup>52</sup> *Education for All: Year 200 Assessment—Peru*.

<sup>53</sup> Ministerio de Educacion. Todos los Proyectos del MED por Oficina. Oficina de Prevencion Integral. *El Programa de Asistencia al Menor con Ocupacion Temprana* ([www.minedu.gob.pe/proyectos/dir.php?obj=proyectos.htm](http://www.minedu.gob.pe/proyectos/dir.php?obj=proyectos.htm)).

<sup>54</sup> Interview with Dra. Ballardo, employee from the Ministry of Education, Lima, Peru, by U.S. Department of Labor official, November 15, 2000.

<sup>55</sup> Ibid.

<sup>56</sup> Ministerio de Educacion, *Programa de Educacion Basica para Todos* ([www.minedu.gob.pe/web/el\\_ministerio/el\\_ministerio/Administr/poryect/educ\\_basic.html](http://www.minedu.gob.pe/web/el_ministerio/el_ministerio/Administr/poryect/educ_basic.html)); cited October 16, 2001.

<sup>57</sup> Ministerio de Educacion, Plan Juascarán: Moderna tecnologia para escuelas rurales, 1700 Colegios los Primeros Beneficiarios, 5 Mil Estaran Enlazados el 2004 ([www.minedu.gov.pe/prensa\\_comunica/notas/octubre-2001/dir.php?obj=13-10-2001\\_02.htm](http://www.minedu.gov.pe/prensa_comunica/notas/octubre-2001/dir.php?obj=13-10-2001_02.htm)).

between the ages of 3 and 17 can receive universal medical coverage.<sup>58</sup> Coverage under the program includes transportation, lab work, diagnostics, prescription medicine and surgery costs.<sup>59</sup>

Labor unions have also begun to participate in the fight against child labor. El Sindicato Unico de Trabajadores Educadores Peruanos (SUTEP), a union of school teachers, has developed programs to raise awareness on child labor issues. The General Confederation of Peruvian Workers (CGTP), consisting of 1300 affiliates, has launched a national awareness-raising campaign on child workers and has made an effort to encourage unions to incorporate the child labor issue into their agendas. CONFIEP, a network of 24 employers organizations, has made efforts to raise awareness amongst employers on the worst forms of child labor.<sup>60</sup>

Other initiatives are also being undertaken at the local level. Through its Children and Adolescent Rights Program, for example, the Center for Social Studies and Publications (CESIP) promotes education and a reduction of child labor using awareness raising pamphlets and publications.<sup>61</sup>

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<sup>58</sup> Interview with Dr. Cecilia Costa, director, People's Health, Ministry of Health, Lima, Peru, by U.S. Department of Labor official, November 15, 2000.

<sup>59</sup> Ibid.

<sup>60</sup> Cuadrao interview.

<sup>61</sup> See "Mas Educacion Menos Trabajo Infantil," *Centro de Estudios Sociales y Publicaciones, Programa: Derechos de niños, niñas, y adolescentes* [document on file].