

Peru

Selected Statistics and Indicators on Child Labor

Percent of children 6-14 estimated as working in 2000:	22.3% ³⁴³³
Minimum age for admission to work:	14 ³⁴³⁴
Age to which education is compulsory:	
Free public education:	Yes ³⁴³⁶
Gross primary enrollment rate in 2004:	114% ³⁴³⁷
Net primary enrollment rate in 2004:	97% ³⁴³⁸
Percent of children 5-14 attending school in 2000:	96.6% ³⁴³⁹
As of 2003, percent of primary school entrants likely to reach grade 5:	90% ³⁴⁴⁰
Ratified Convention 138:	11/13/2002 ³⁴⁴¹
Ratified Convention 182:	1/10/2002 ³⁴⁴²
ILO-IPEC participating country:	Yes ³⁴⁴³

Incidence and Nature of Child Labor

In 2000, approximately 24 percent of boys and 20.5 percent of girls ages 6 to 14 were working in Peru. The majority of working children were found in the agricultural sector (73.2 percent), followed by services (23.9 percent), manufacturing (2.7 percent), and other sectors (0.2 percent).³⁴⁴⁴ Children work with their families in agriculture and artisanal mining or as domestics. In the cities, children often sell goods and services in the streets, and work in garbage dumps. In the outskirts of Lima, children work in the brick making industry.³⁴⁴⁵ Children and

³⁴³³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, December 20, 2006.

³⁴³⁴ 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>.

³⁴³⁵ UNESCO, *Education for All - EFA Global Monitoring Report 2007*, 2007; available from <http://unesdoc.unesco.org/images/0014/001477/147794E.pdf>.

³⁴³⁶ El Presidente de la República, *Ley General de Educación*, 28044, Lima, July 17, 2003.

³⁴³⁷ UNESCO Institute for Statistics, *Gross and Net Enrolment Ratios, Primary*; accessed December 2005; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51>.

³⁴³⁸ UNESCO Institute for Statistics, *Net Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

³⁴³⁹ SIMPOC, MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁴⁴⁰ UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

³⁴⁴¹ ILO, *Ratifications of the Fundamental Human Rights Convention by country*, [database online] 2006 [cited December 29, 2006]; available from <http://www.ilo.org/ilolex/english/docs/declworld.htm>.

³⁴⁴² Ibid.

³⁴⁴³ ILO, *Ficha País: Peru*, [cited December 29, 2006]; available from <http://www.oit.org.pe/ipecc/documentos/fichaperu.pdf>.

³⁴⁴⁴ SIMPOC, MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁴⁴⁵ U.S. Department of State, "Peru," in *Country Reports on Human Rights Practices - 2006*, Washington, DC, March 6, 2007; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78902.htm>. See also CRC - Committee on the Rights of the Child, March 14, 2006; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b67fbbfa8f470bdfc125715600319d7e/\\$FILE/G0640887.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b67fbbfa8f470bdfc125715600319d7e/$FILE/G0640887.doc), para 62.

their families are reportedly held captive in remote areas as they work in food and coca crops for narco-traffickers and terrorists.³⁴⁴⁶

Peru is a source country for children trafficked internally for commercial sexual exploitation and forced domestic labor. Most victims are girls moved from rural to urban areas or from city to city to work in prostitution at nightclubs, bars, and brothels. Children are also exploited in prostitution.³⁴⁴⁷ The UN Committee on the Rights of the Child reports that there are 500,000 child victims of sexual exploitation and violence in the country.³⁴⁴⁸

Child Labor Laws and Enforcement

The minimum age for employment in non-industrial agricultural work is 15 years; for work in the industrial, commercial, and surface mining sectors it is 16 years; and for work in the industrial fishing sector it is 17 years. Although the general minimum age for employment in Peru is 14 years, the provisions subsequently described in this paragraph restrict the ability of children of that age or younger to work legally.³⁴⁵⁰ Children 12 to 14 may perform certain jobs, subject to restrictions, only if they obtain legal permission from the corresponding government authorities, can certify that the job is not hazardous, and is not limiting their ability to attend school or training.³⁴⁵¹ The Ministry of Labor's Office of Labor Protection for Minors (PMT) issues permits for children between 12 to 17 to work legally.³⁴⁵² Children 12 to 14 years are prohibited from working more than 4 hours a day, or more than 24 hours a week; adolescents 15 to 17 years may not work more than 6 hours a day, or more than 36 hours a week.³⁴⁵³ Children working non-paid jobs for family members or in domestic service are entitled to a 12-hour rest period and must have access to education.³⁴⁵⁴ Regulations require that adolescents working in paid or unpaid domestic service must have access to education.³⁴⁵⁵ Night work is prohibited for children under 18 years, but a special permit can be issued for adolescents between 15 to 17 years for a maximum of 4 hours' work a night.³⁴⁵⁶ Underground work or work that involves heavy lifting, toxic substances, or responsibility for the safety of one's self and other workers is prohibited for children under 18 years.³⁴⁵⁷ In July 2006, a Hazardous Occupations for Children

³⁴⁴⁶ U.S. Department of State, "Country Reports- 2006: Peru." Section 6d.

³⁴⁴⁷ 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- 2006: Peru*, Section 5.

³⁴⁴⁸ CRC - Committee on the Rights of the Child, *CRC - Committee on the Rights of the Child.*, para 67.

³⁴⁵⁰ Government of Peru, *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>.

³⁴⁵¹ Government of Peru, *Ley que Modifica el Artículo 51*. See also U.S. Department of State, "Country Reports- 2006: Peru."

³⁴⁵² U.S. Department of State, "Country Reports- 2006: Peru." Section 6d.

³⁴⁵³ Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*. Book 1, Chapter 1, Article 56.

³⁴⁵⁴ *Ibid.*, Article 63. See also U.S. Embassy-Lima, *unclassified telegram no. 4110*, August 25, 2004.

³⁴⁵⁵ Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337.*, Articles 61 and 63.

³⁴⁵⁶ *Ibid.*, Article 57.

³⁴⁵⁷ *Ibid.*, Article 58.

list was approved. The list includes activities linked to commercial sexual exploitation and domestic work.³⁴⁵⁸ Working adolescents must be paid at the same rate as adult workers in similar jobs.³⁴⁵⁹

Peruvian law prohibits forced and slave labor, economically exploitive labor, and prostitution.³⁴⁶² The law prohibits the promotion of prostitution, with a penalty of 2 to 5 years imprisonment. The penalty increases to four to 12 years' imprisonment if the victim is under 14 years of age or if the perpetrator abuses a position of authority or uses violence, deceit, or any means of intimidation.³⁴⁶³ Peru's Penal Code also prohibits pimping. The penalty for this offense is 6 to 12 years if the victim is under age 18 or if violent threats, abuse of a position of authority, or other means of coercion are used.³⁴⁶⁴ Statutes prohibit trafficking in persons and provide penalties of 10 to 15 years of imprisonment for those who move a person under 8 years, either within the country or to an area outside the country, for sexual exploitation (including prostitution, sexual slavery, and pornography).³⁴⁶⁵ The penalty for trafficking or promoting sexual tourism exploiting adolescents ages 14 to 18 is 2 to 6 years in prison. The penalty is 6 to 8 years if the victim is under 14, and, in case of involvement by a government officials or child's guardian, the penalty is 8 to 10 years in prison.³⁴⁶⁶ Military service is voluntary and prohibited for children under 18.³⁴⁶⁷

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. During 2006, the PMT issued 1,326 work permits for children 12 to 17, the majority of which (1,086) were issued for children between 16 and 17.³⁴⁶⁸ Also in 2006, the Ministry had 236 labor inspectors, with 150 of them working in Lima and focusing on the formal sector of the economy.³⁴⁶⁹ The National Police and local prosecutors have law enforcement authority over child labor violations, and the Prevention Centers for Children and Adolescents (DEMUNA) investigate all violations of the Child and Adolescent Code.³⁴⁷⁰ More than 1,000 DEMUNA offices operate throughout the country.³⁴⁷¹

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

³⁴⁵⁸ ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour and CSEC in South America*, technical progress report, September 2006.

³⁴⁵⁹ Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, Ley no. 27337., Article 59.

³⁴⁶² Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, Ley no. 27337., Article 4.

³⁴⁶³ *Ibid.*, Article 179.

³⁴⁶⁴ *Ibid.*, Article 181.

³⁴⁶⁵ U.S. Department of State, "Country Reports- 2006: Peru." Section 5.

³⁴⁶⁶ U.S. Embassy- Lima, *reporting*, Lima, March 8, 2007.

³⁴⁶⁷ 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.

³⁴⁶⁸ *Ibid.*, Section 6d.

³⁴⁶⁹ U.S. Department of State, "Country Reports- 2006: Peru." Section 6d.

³⁴⁷⁰ 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>.

³⁴⁷¹ U.S. Department of State, "Country Reports- 2006: Peru." Section 6d.

international trafficking issues.³⁴⁷² During 2006, 2,901 police operations were conducted to combat trafficking in persons, procurement, and child prostitution.³⁴⁷³ During the year, prosecutors were processing six trafficking cases from 2005, and as of July, the police passed four additional cases regarding trafficking crimes to prosecutors for further investigation. A total of 23 persons were arrested for trafficking children; charges were brought against seven of the accused.³⁴⁷⁴ The U.S. Department of State reports that the Government of Peru has not increased trafficking prosecutions and convictions since 2005.³⁴⁷⁵ There was only one trial and conviction reported in 2006.³⁴⁷⁶

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

Through the National Committee to Prevent and Eradicate Child Labor (CPETI), the government of Peru works with NGOs, labor unions, and employers' organizations within the country to implement the National Plan for the Prevention and Eradication of Child Labor.³⁴⁷⁷ The plan focuses on strategic areas such as raising awareness, strengthening judicial and legislative frameworks, generating credible statistics and research, developing social policies based on children's rights, and strengthening institutional capacities.³⁴⁷⁸

In 2006, CPETI approved the National Plan against Commercial Sexual Exploitation of Boys, Girls and Adolescents.³⁴⁷⁹ The Ministry of Women and Social Development (MIMDES) implements the 2002-2010 National Action Plan for Children and Adolescents. The plan focuses on, among other goals, eliminating the worst forms of child labor for children 6 to 11 years and improving working conditions for adolescents at or above the legal working age.³⁴⁸⁰

The Government of Peru supports and contributes to a USD 5.5 million regional USDOL-funded ILO-IPEC program to eliminate exploitive child labor in the domestic service and commercial sex sectors.³⁴⁸¹ The Peru component of this project aims to withdraw 130 children from commercial sex and 120 children from exploitive domestic work, and to prevent 999 children from becoming engaged in such activities.³⁴⁸² The government also participated in a USD 1.5 million 4-year project to combat child labor through education that ended in 2006. The project withdrew 108 children and prevented 544 children from small-scale traditional

³⁴⁷² U.S. Department of State, *Country Reports- 2004: Peru*, Section 5.

³⁴⁷³ U.S. Embassy- Lima, *reporting*, April 24, 2007.

³⁴⁷⁴ U.S. Department of State, *Country Reports –2006: Peru*, Section 5.

³⁴⁷⁵ U.S. Department of State, *Trafficking in Persons Interim Assessment*, January 19, 2007.

³⁴⁷⁶ U.S. Department of State, *Country Reports –2006: Peru*, Section 5.

³⁴⁷⁷ Ministry of Labor and Employment Promotion, *CPETI*, [cited October 19, 2006]; available from http://www.mintra.gob.pe/sst_dpm_cpeti.php.

³⁴⁷⁸ Comité Directivo Nacional para la Prevención y Erradicación del Trabajo Infantil (CPETI), *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005.

³⁴⁷⁹ ILO-IPEC, *The Prevention and Elimination of CDL and CSEC, technical progress report.*, September 2006, p 11.

³⁴⁸⁰ 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; available from <http://www.minmimdes.gob.pe/indiceorg.htm> [hard copy on file].

³⁴⁸¹ 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.

³⁴⁸² ILO-IPEC, *The Prevention and Elimination of CDL and CSEC, technical progress report.*

mining.³⁴⁸³ Starting in 2006, the Government of Peru began participating in a new USD 5 million USDOL-funded project to combat child labor through education. This project targets 5,250 children 11-15 for withdrawal and 5,250 children for prevention from exploitive work in the urban informal sector in the poorest districts of Lima, Callao, Trujillo, and Iquitos.³⁴⁸⁴ A 2006 IDB technical cooperation project supports community groups in implementing actions to reduce child labor in mining, and provide alternative income-generation activities.³⁴⁸⁵

The Government of Peru coordinates anti-trafficking activities with NGOs, supporting programs that provide shelters for victims, medical attention, job training, and self-esteem workshops. The Ministry of Interior established a toll-free number to report trafficking crimes, which has received an average of 1,000 calls per month since March. Approximately 15 percent of the calls were found to be related to trafficking crimes. National Police officers have been trained to operate a computerized tracking system for trafficking cases designed and installed by a national NGO.³⁴⁸⁶

The Government of Peru, with support from the U.S. Government, receives specialized training on issues related to 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.

³⁴⁸³ U. S. Department of Labor, *EduFuturo: Educating Artisanal Mining Children in Peru for a Dignified Future*, project summary, September 16, 2002.

³⁴⁸⁴ U.S. Department of Labor - International Child Labor Program, *Preparándonos para la vida, Project Summary*, Project Summary, 2006.

³⁴⁸⁵ Inter-American Development Bank, *Reduce Child Labor in Artisanal Gold-mining Communities in Puno*, 2006 [cited October 19, 2006]; available from

<http://www.iadb.org/templates/global/print.cfm?language=English&page=/projects/include>.

³⁴⁸⁶ U.S. Department of State, "Country Reports- 2006: Peru," Section 5.