

## Peru

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

The Government of Peru has been a member of ILO-IPEC since 1996.<sup>2839</sup> ILO-IPEC programs in Peru include the first and second phase of a USDOL-funded regional program to eliminate child labor in the small-scale, traditional mining sectors of Bolivia, Ecuador and Peru, and a USDOL-funded regional program to eliminate child domestic labor in Brazil, Colombia, Paraguay, and Peru.<sup>2840</sup> ILO-IPEC also provides support to remove children from dangerous work in stone quarries.<sup>2841</sup>

In 2002, the Ministry of Women and Social Development (MIMDES)<sup>2842</sup> produced the National Action Plan for Children and Adolescents 2002 – 2010, which focuses on the elimination of the worst forms of child labor for children between the ages of 6 and 11 and promotes control over working conditions for adolescents at or above the legal working age as two of its strategic objectives.<sup>2843</sup> The National Institute of Family Well-Being has a program that provides a variety of services to working youth, including school support, housing, reintegration into the public school system, reinsertion into the family, and vocational training.<sup>2844</sup> The Ministry of Health's School and Adolescent Health Program provides free medical coverage to children throughout the country

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<sup>2839</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [cited October 8, 2002]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>2840</sup> ILO-IPEC, *Program To Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document, P.260.03.202.050, Geneva, May 2000, cover page. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, RLA/02/P50/USA, Geneva, September 2002, cover page. See also ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000.

<sup>2841</sup> USAID: Basic Education and Policy Support Activity, *Education to Combat Abusive Child Labor: Child Labor Country Briefs- Peru*, [cited September 5, 2002]; available from <http://209.135.227.32/childlaborbriefs/DashBoard2/default.asp>.

<sup>2842</sup> In July 2002, with the reorganization of the executive branch of government, PROMUDEH was re-named the Ministerio de la Mujer y Desarrollo Social (MIMDES) by law No. 27779. Ministry of Women and Social Development, *Antecedentes*, [cited September 30, 2002]; available from <http://www.promudeh.gob.pe/indiceorg.htm>.

<sup>2843</sup> Government of Peru, *Plan Nacional de Acción para la Infancia y la Adolescencia 2002 - 2010: Construyendo un Perú Mejor para la Niñas, Niños y Adolescentes*, [cited November 12, 2002]; available from <http://www.minmimdes.gob.pe/indiceorg.htm>.

<sup>2844</sup> National Institute of Family Welfare (INABIF), *Nuestros Servicios*, [cited September 5, 2002]; available from <http://www.inabif.gob.pe/servicio/servicio2.htm>. During the first 3 months of 2002, the program provided services to approximately 5,410 working children and adolescents in 17 provinces. National Institute of Family Welfare (INABIF): Oficina de Planeamiento y Desarrollo: Area de Estadística, *INABIF en Cifras I y II Trimestres 2001, Boletín I Trimestres 2002*, 10, [cited on September 5, 2002]; available from <http://www.inabif.gob.pe/publica/encifras/2002/uno/contenido.pdf>.

beginning at age 5 with the aim of promoting healthy behavior.<sup>2845</sup> In 1995, the National Police created the Division of the National Police for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.<sup>2846</sup>

The Ministry of Education is implementing a basic education program that aims to improve the quality and infrastructure of education throughout the country and strengthen teacher's skills and technological innovation, especially in rural areas.<sup>2847</sup> The Ministry is also implementing a distance-learning program using computer technology to provide children with access to school throughout the country.<sup>2848</sup> With funds from the Organization of American States, the Ministry of Education's National Office on Pre-primary and Primary Education has developed a program to improve the quality and equity of basic education in rural areas through radio learning.<sup>2849</sup> The Ministry also began a three-year program in 2000 with assistance from the IDB to improve the quality of secondary education and to increase the educational system's relevance and linkage to the labor market.<sup>2850</sup> With financing from the World Bank, the ministry began implementation of a project in 2002 to extend access to basic education, improve teaching quality and motivation in rural areas, and strengthen education management.<sup>2851</sup> A USDOL-funded project to promote access to quality basic education in the small-scale mining zones of the department of Puno was launched in September 2002.<sup>2852</sup>

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<sup>2845</sup> Government of Peru, *Programa Salud Escolar y Adolescente*, Ministry of Health: General Bureau of Health of Persons: Bureau of the Woman, Child and Adolescent, [cited October 1, 2002]; available from <http://www.minsa.gob.pe/psea/index.htm>.

<sup>2846</sup> Estudio Torres y Torres Lara, *Directiva No. 19-95-DIVIPOLNA Sobre Atención y y Intervención Policial con Niños y Adolescentes (25 de abril de 1995)*, [cited September 5, 2002]; available from <http://www.asesor.com.pe/teleley/direc-19-95.htm>.

<sup>2847</sup> This project includes public schools in marginal urban, rural, border and emergency zones at the pre-school, primary and secondary levels. Ministry of Education, *Programa de educación básica para todos*, [cited September 30, 2002]; available from [http://www.minedu.gob.pe/secretaria\\_general/of\\_administracion/proyectos/educ\\_basic.html](http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.html).

<sup>2848</sup> The program also includes permanent teacher training. By the end of 2002, 1,233,684 students and 1,500 schools will have benefited from the program. Ministry of Education, *Ministro de Educación Presenta Líneas de Acción del Programa Estratégico Huascarán*, [cited September 30, 2002]; available from [http://www.minedu.gob.pe/prensa\\_comunica/notas/setiembre-2002/dir.php?obj=23-09-2002\\_01.htm](http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=23-09-2002_01.htm).

<sup>2849</sup> Ministry of Education: National Bureau of Initial and Primary Education, *La Radio Nos Une*, [cited September 30, 2002]; available from <http://www.minedu.gob.pe/proyectos/dir.php?obj=proyectos.htm>. The same office has also supported a program, *Proyecto Materiales Educativos* (Project Teaching Materials), that strengthens national capacity to develop innovative teaching materials. See Ministry of Education, *Proyecto Materiales Educativos*, [online] [cited September 30, 2002]; available from [http://www.minedu.gob.pe/gestion\\_pedagogica/dir\\_edu\\_inicial\\_primaria/proyectos/materiales\\_edu/dir.php?obj=materiales\\_educa.htm](http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/dir.php?obj=materiales_educa.htm).

<sup>2850</sup> Inter-American Development Bank, *Program to Improve the Quality of Secondary Education: Executive Summary*, approved January 2000, [cited September 5, 2002]; available from <http://www.iadb.org/exr/doc98/apr/pe1237e.pdf>.

<sup>2851</sup> World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002, [cited September 30, 2002]; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21/000094946\\_01122104030511/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21/000094946_01122104030511/Rendered/PDF/multi0page.pdf).

<sup>2852</sup> Ministry of Education, *Ministro de Educación Firma Convenio para Financiar Proyecto Orientado a Combatir Trabajo Infantil*, [cited September 30, 2002]; available from [http://www.minedu.gob.pe/prensa\\_comunica/notas/setiembre-2002/dir.php?obj=24-09-2002\\_02.htm](http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=24-09-2002_02.htm).

## Incidence and Nature of Child Labor

In 2000, the ILO estimated that 1.9 percent of children ages 10 to 14 years in Peru were working.<sup>2853</sup> A large number of children are working in the country's informal economy.<sup>2854</sup> Data from the National Household Survey indicate that the working population ages 14 to 17 tripled between 1997 and 2001.<sup>2855</sup> Children are employed in the agricultural sector, fireworks factories, stone quarries, and the brick-making sector. Children are also found loading and unloading produce in markets, collecting garbage and working in informal mining sites.<sup>2856</sup> In urban areas, children often work shining shoes<sup>2857</sup> and perform unpaid domestic work.<sup>2858</sup> It is reported that some children under the age of 15 years are forced to join the military through a system of recruitment called *leva*.<sup>2859</sup> These forced recruits often come from border areas or rural areas of the interior.<sup>2860</sup> Children also engage in prostitution.<sup>2861</sup> The commercial sex trade flourishes in Cuzco due to high unemployment and high tourism levels, and children are reportedly involved.<sup>2862</sup>

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<sup>2853</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. As noted in the appendix to this report, estimates on the number of working children are likely to be underestimates because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, particularly children in the worst forms of child labor.

<sup>2854</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Peru*, Washington, D.C., March 4, 2002, 3024-27, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8263.htm>.

<sup>2855</sup> From 339,000 in 1997 to 970,000 in 2001. ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Part II: Compilation of Annual Reports by the International Labour Office: Peru*, Geneva, March 2002.

<sup>2856</sup> U.S. Department of State, *Country Reports- 2001: Peru*, 3024-27, Section 6d.

<sup>2857</sup> Jesus V. Astete and Isabel R. Baufume, *Trabajando en las calles de mi ciudad* (Cuzco, Peru: Asociación Qosqo Maki, 1998), 28.

<sup>2858</sup> ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour*, project document.

<sup>2859</sup> Coalition to Stop the Use of Child Soldiers, *The Use of Children as Soldiers in Latin America: A Country Analysis*, May 1999, [cited October 1, 2002]; available from <http://globalmarch.org/virtuallibrary/radda-barnen-child-soldiers/database/peru-armed-forces.htm>.

<sup>2860</sup> Coalition to Stop the Use of Child Soldiers, "Peru," in *Global Report 2001*, [cited August 27, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/e6f83a2ff10d3d8180256b1e00566960?OpenDocument>.

<sup>2861</sup> ECPAT International, *Peru*, in ECPAT International, [database online] [cited August 30, 2002], at "Child Prostitution"; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). See also U.S. Department of State, *Country Reports- 2001: Peru*, 3020-24, Section 5.

<sup>2862</sup> ECPAT International, *Peru*, at "Child Prostitution".

The Constitution establishes free and compulsory public education through secondary school.<sup>2863</sup> In 1998, the gross primary enrollment rate was 126.4 percent and the net primary enrollment was 103.1 percent.<sup>2864</sup> School attendance is lower in rural and jungle areas, and girls attend at a lower rate than boys.<sup>2865</sup> Attendance rates are not available for Peru. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>2866</sup> Indigenous children and those from rural areas lack access to the education system.<sup>2867</sup> Average numbers of years of schooling and student performance are also sharply lower in rural areas than in urban areas.<sup>2868</sup> The Child and Adolescent Code provides for special arrangements and school timetables so that working children and adolescents can attend school regularly.<sup>2869</sup>

## Child Labor Laws and Enforcement

In July 2002, the Office of Child Protection, Safety and Health in the Workplace was created within the Ministry of Labor and Employment Promotion to protect the rights of minors in the workplace.<sup>2870</sup> In 2001, new legislation was passed that modified the Child and Adolescent's Code of 2000 and raised the legal minimum age for employment from 12 to 14 years.<sup>2871</sup> However, children between the ages of 12 and 14 may perform certain jobs if they obtain legal permission from the Ministry of Labor and Employment Promotion and can certify that they are attending school. In August 2002, the Ministry reported that it approved 839 of these requests in the first eight months of the year.<sup>2872</sup>

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<sup>2863</sup> Preschool, primary and secondary education are compulsory. *Constitución Política del Perú de 1993, actualizada hasta reformas introducidas por la Ley 27365, del 02.11.2000*, Article 17, [cited November 12, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Peru/per93.html>. At the beginning of the 1990s, basic education was only required for a 6-year period. See UNESCO, *Education for All 2000 Assessment: Country Reports- Peru*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, [cited September 5, 2002]; available from [http://www2.unesco.org/wef/countryreports/peru/rapport\\_1.htm](http://www2.unesco.org/wef/countryreports/peru/rapport_1.htm).

<sup>2864</sup> World Bank, *World Development Indicators 2002*. Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data.

<sup>2865</sup> U.S. Department of State, *Country Reports- 2001: Peru*, 3020-24, Section 5.

<sup>2866</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>2867</sup> 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, [cited October 1, 2002]; available from <http://www.icftu.org>.

<sup>2868</sup> World Bank, *Peru-Rural Education, project information document*.

<sup>2869</sup> ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [cited September 5, 2002]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

<sup>2870</sup> Nestor Popolizio, *Cuestionario sobre Trabajo Infantil*, Embassy of Peru, September 5, 2002, 5.

<sup>2871</sup> Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, [cited September 5, 2002]; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/27571.htm>.

<sup>2872</sup> Popolizio, *Cuestionario sobre Trabajo Infantil*, 3, 15.

According to the Code, the minimum age for the hazardous industrial, commercial or mining sectors is 15 years, while in the fishing sector, it is 16.<sup>2873</sup> Work that might harm a child's physical, mental and emotional health and development, including underground work or work that involves heavy lifting and carrying, or work that might serve as an obstacle to continued school attendance, is prohibited for youth under the age of 18.<sup>2874</sup> Children between the ages of 12 and 14 years are prohibited from working more than four hours a day, or over 24 hours a week, and adolescents between 15 and 17 years may not work more than six hours a day, or over 36 hours a week.<sup>2875</sup> Working children must be paid at the same rate as adult workers.<sup>2876</sup>

The Child and Adolescent Code prohibits extreme forms of child labor such as forced and bonded labor, economically exploitative labor, prostitution, and trafficking.<sup>2877</sup> Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others.<sup>2878</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>2879</sup> In 2001, amendments to the Penal Code strengthened existing penalties by criminalizing the production, possession and distribution of child pornography. In contrast, other amendments weakened existing penalties for sexual assaults against children.<sup>2880</sup>

The Ministry of Labor and Employment Promotion is responsible for enforcing labor laws. As of October 2002, the Ministry had 170 labor inspectors, over a third of whom work in Lima. Inspections are primarily conducted in the formal sector, and enforcement remedies are generally adequate to punish and deter violations.<sup>2881</sup> Many children work in the informal economy,

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<sup>2873</sup> Ministry of Labor and Employment Promotion (formerly the Ministry of Labor and Social Welfare), *Requisitos y formalidades para la contratación laboral de adolescente*, Resolución Ministerial No 033-2000-TR.9; available from <http://www.mtps.gob.pe/normas/033-2000-tr.htm>.

<sup>2874</sup> Ibid.

<sup>2875</sup> Ministry of Labor and Employment Promotion (formerly the Ministry of Labor and Social Welfare), *Síntesis Legal. 7.1.3, Jornadas especiales de trabajo adolescentes*, [cited October 1, 2002]; available from <http://www.mtps.gob.pe/sintesis.htm>. The Code further stipulates that all apprenticed adolescents must be registered by the company and authorized by the Ministry of Labor and Social Promotion. Ministerio de Trabajo y Promoción Social, *Síntesis Legal: 7.3.1, Formación laboral juvenil*, [cited October 1, 2002]; available from <http://www.mtps.gob.pe/sintesis.htm>. Working adolescents are not required to register with the Ministry of Labor if they are performing domestic or unpaid family work; however, the head of the household for which they work must register them in the municipal labor records. See 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, Capítulo IV, Régimen para el adolescente trabajador, Artículo 50*; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html>. Adolescent domestic work also requires authorization from local authorities, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337, Capítulo IV, Régimen para el adolescente trabajador, Artículo 48*.

<sup>2876</sup> *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337, Capítulo IV, Régimen para el adolescente trabajador, Artículo 59*.

<sup>2877</sup> Ibid., Libro primero: Derechos y libertades, Capítulo I: Derechos Civiles, Artículo 4.

<sup>2878</sup> U.S. Department of State, *Country Reports- 2001: Peru*, 3020-24, Section 5.

<sup>2879</sup> Ibid., 3024-27, Section 6f.

<sup>2880</sup> ECPAT International, *Peru*, at "CSE Overview".

<sup>2881</sup> U. S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

however, where the government does not supervise wages or working conditions.<sup>2882</sup> The Directorate of Children and Adolescent Affairs, an office within MIMDES, is charged with protecting the rights of children and adolescents.<sup>2883</sup> At the municipal level, the Municipal Child and Adolescent Defender Centers (DEMUNAs) work with local governments to supervise investigations, apply punishments,<sup>2884</sup> and monitor compliance of child labor laws.<sup>2885</sup> Reportedly, police often treat prostituted children as offenders and grant impunity to their clients. In addition, corruption among law enforcement officials makes implementation of children's rights and the protection of children more difficult.<sup>2886</sup>

The Government of Peru ratified ILO Convention 138 on November 13, 2002 and ILO Convention 182 on January 10, 2002.<sup>2887</sup>

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<sup>2882</sup> U.S. Department of State, *Country Reports- 2001: Peru*, 3024-27, Section 6d.

<sup>2883</sup> Ministry of Women and Social Development, *Gerencia de Promoción de la Niñez y la Adolescencia*, [cited October 1, 2001]; available from [http://www.promudeh.gob.pe/i\\_gpna.htm](http://www.promudeh.gob.pe/i_gpna.htm). See also U.S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

<sup>2884</sup> *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Capítulo V, Contravenciones y Sanciones, Artículo 70.

<sup>2885</sup> U. S. Embassy- Lima, *unclassified telegram no. 5249*.

<sup>2886</sup> ECPAT International, *Peru*, at "Prevention". The Peruvian judiciary is subject to corruption and outside influence. See U.S. Department of State, *Country Reports- 2001: Peru*, 3003-14, Section 1e. See also UN International Covenant on Civil and Political Rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant : Concluding Observations by the Human Rights Committee: Peru*, CCPR/CO/70/PER, United Nations, Geneva, November 15, 2000, para. 10 [cited December 16, 2002]; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/64d36352915d29dec12569ae003d95fe?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/64d36352915d29dec12569ae003d95fe?Opendocument).

<sup>2887</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 4, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.