

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

The Government of Peru has been a member of ILO-IPEC since 1996.³⁴⁵⁸ ILO-IPEC programs in Peru include the first and second phase of a USDOL-funded regional program to eliminate child labor in small-scale traditional mining sectors, and a USDOL-funded regional program to eliminate child domestic labor.³⁴⁵⁹ In addition, 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 2002.³⁴⁶⁰ ILO-IPEC also provides support to remove children from dangerous work in stone quarries.³⁴⁶¹

In 2003, the Ministry of Education issued a directive to establish night classes and lengthen matriculation periods for youth employed as domestics in private homes.³⁴⁶² In 2002, the Ministry of Women and Social Development³⁴⁶³ produced the National Action Plan for Children and Adolescents 2002 – 2010. The plan focuses on the elimination of the worst forms of child labor for children aged 6 to 11 years, and promotes control over working conditions for adolescents at or above the legal working age as part of its strategic objectives.³⁴⁶⁴ Also in 2002, the Ministries of Labor, Health, Energy and Mines, and Education created a system that allows the government to monitor and verify progress in the elimination of child labor in small-scale mining for a 10-year period (2002–2012).³⁴⁶⁵

The Ministry of Labor and Employment Promotion offers a program to underprivileged youth aged 16 to 24 years that provides them with vocational training and access to apprenticeships and employment opportunities in the private sector.³⁴⁶⁶ 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.³⁴⁶⁷ The National Institute of Family Well-Being has a program that provides a variety of services to working

³⁴⁵⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [cited August 27, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³⁴⁵⁹ Other regional countries in the mining program are Bolivia and Ecuador. See 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. Other regional countries in the domestic labor program include Brazil, Colombia, and Paraguay. See ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000.

³⁴⁶⁰ The Letter of Agreement for this USD 1.5 million project was signed by the Peruvian Minister of Education and a USDOL official on September 24, 2002. See Ministry of Education, *Ministro de Educación Firma Convenio para Financiar Proyecto Orientado a Combatir Trabajo Infantil*, September 24, 2002, [cited September 30, 2002]; available from http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=24-09-2002_02.htm. See also World Learning Inc., *EduFuturo: Educating Artisanal Mining Children in Peru for a Dignified Future*, SB 501-000, September 16, 2002.

³⁴⁶¹ USAID, *Education to Combat Abusive Child Labor: Child Labor Country Briefs- Peru*, [previously online]; available from <http://209.135.227.32/childlaborbriefs/DashBoard2/default.asp> [hard copy on file].

³⁴⁶² U.S. Embassy- Lima, *unclassified telegram no. 3996*, August 15, 2003.

³⁴⁶³ In July 2002, with the reorganization of the executive branch of government, PROMUDEH was renamed the Ministerio de la Mujer y Desarrollo Social (MIMDES) by law No. 27779. See Ministry of Women and Social Development, *Antecedentes*, [cited October 10, 2003]; available from http://www.congreso.gob.pe/out_of_domain.asp?URL=http%3A//www.mimdes.gob.pe. See also *Decreto Supremo*, No. 008-2002-MIMDES, (August 26 2002); available from <http://www.mimdes.gob.pe>.

³⁴⁶⁴ 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, [previously online]; available from <http://www.minmimdes.gob.pe/indiceorg.htm> [hard copy on file].

³⁴⁶⁵ U.S. Embassy- Lima, *unclassified telegram no. 3996*.

³⁴⁶⁶ Ministry of Labor and Employment Promotion, *Acerca de ProJoven: Objetivos*, Ministerio de Trabajo y Promoción de Empleo, [online] [cited July 3, 2003]; available from <http://www.mintra.gob.pe/projoven/objetivo> and <http://www.mintra.gob.pe/projoven/jovenes>.

³⁴⁶⁷ Nestor Popolizio, *Cuestionario sobre Trabajo Infantil*, Fax to DOL Official, Embassy of Peru, September 5, 2002, 4.

youth, including school support, housing, reintegration into the public school system, reintegration into the family, and vocational training.³⁴⁶⁸ The Ministry of Health's School and Adolescent Health Program provides free medical coverage to children throughout the country beginning at age 5 with the aim of promoting healthy behavior.³⁴⁶⁹ Since 1995, the National Police has been operating a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.³⁴⁷⁰

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.³⁴⁷¹ The Ministry is also implementing a distance-learning program using computer technology to provide children with access to school throughout the country.³⁴⁷² Since 2002, USAID, in collaboration with the Ministry of Education, has expanded a girls education initiative to provide technical assistance, develop models of education decentralization, and strengthen local capacity for quality education programs.³⁴⁷³ With funds from the OAS, 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.³⁴⁷⁴ 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.³⁴⁷⁵ In 2002, the IDB approved a social development loan that includes an infrastructure component for kindergarten and primary schools in rural areas.³⁴⁷⁶ With financing from the World Bank, the Ministry began implementation of a project in May 2003 to extend access to rural pre- and secondary school education, improve teaching quality and motivation in rural areas, and strengthen education management.³⁴⁷⁷ The World Food Programme is extending the

³⁴⁶⁸ National Institute of Family Welfare (INABIF), *Nuestros Servicios*, [previously online]; available from <http://www.inabif.gov.pe/servicio/servicio2.htm> [hard copy on file]. As of June 2003, MIMDES had 120 educators that provided services to 8,310 children and adolescent workers in 47 centers throughout the country. See Ministry of Women and Social Development, *MIMDES Celebra "Día Internacional Contra el Trabajo Infantil"*, Ministerio de la Mujer y Desarrollo Social, [online] 2003 [cited July 3, 2003]; available from <http://www.mimdes.gob.pe/actmin.htm>.

³⁴⁶⁹ 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 August 28, 2003]; available from <http://www.minsa.gob.pe/psea/index.htm>.

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 August 28, 2003]; available from <http://www.asesor.com.pe/teleley/direc-19-95.htm>.

³⁴⁷¹ 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*, [cited August 28, 2003]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.html.

³⁴⁷² 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. See Ministry of Education, *Ministro de Educación Presenta Líneas de Acción del Programa Estratégico Huascarán*, September 23, 2002, [cited August 28, 2003]; available from http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=23-09-2002_01.htm.

³⁴⁷³ USAID, *PERU: Program Data Sheet 527-006*, 527-006, USAID, 2003; available from <http://www.usaid.gov/pubs/cbj2003/lac/pe/527-006.html>.

³⁴⁷⁴ 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 August 28, 2003]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/dir.php?obj=materiales_educa.htm.

³⁴⁷⁵ IDB, *Program to Improve the Quality of Secondary Education: Executive Summary*, approved January 2000, [cited August 27, 2003]; available from <http://www.iadb.org/exr/doc98/apr/pe1237e.pdf>.

³⁴⁷⁶ IDB, *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, 11; available from <http://www.iadb.org/exr/doc98/apr/pe1421e.pdf>.

³⁴⁷⁷ 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.

government's school feeding program in three departments in the highlands and promoting gender equity in educational access.³⁴⁷⁸

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 1.7 percent of children ages 10 to 14 years in Peru were working.³⁴⁷⁹ A large number of children, however, are working in the country's informal economy in activities that are not well captured by child labor surveys.³⁴⁸⁰ Data from the National Household Survey indicate that the working population from 14 to 17 years tripled between 1997 and 2001.³⁴⁸¹ Children are employed in the agricultural sector (including coca cultivation), 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.³⁴⁸² In urban areas, children often work shining shoes³⁴⁸³ and perform domestic work.³⁴⁸⁴ 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".³⁴⁸⁵ These forced recruits often come from border areas or rural areas of the interior.³⁴⁸⁶ In 2003, there were reports of children serving in the army in the department of Loreto.³⁴⁸⁷ Children also engage in prostitution.³⁴⁸⁸ The commercial sex trade flourishes in Cuzco due to high unemployment and high tourism levels in which children are reportedly involved.³⁴⁸⁹

³⁴⁷⁸ WFP, *WFP-assisted Projects*, [online] 2003 [cited July 6, 2003]; available from <http://www.wfp.org/index.asp?section=5>.

³⁴⁷⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. As noted in the "Data Sources" chapter of 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.

³⁴⁸⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Peru*, U.S. Department of State, Washington D.C., March 31, 2003, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18342.htm>.

³⁴⁸¹ 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.

³⁴⁸² U.S. Department of State, *Country Reports - 2002: Peru*, Section 6d.

³⁴⁸³ Jesus V. Astete and Isabel R. Baufume, *Trabajando en las calles de mi ciudad* (Cuzco, Peru: Asociación Qosqo Maki, 1998), 28.

³⁴⁸⁴ ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour, project document*.

³⁴⁸⁵ "Leva" means "levy" or "conscription." *The American Heritage Spanish Dictionary*, ed. Françoise Dubois-Charlier (Boston: Houghton Mifflin Company, 1986), 317. See also Coalition to Stop the Use of Child Soldiers, *The Use of Children as Soldiers in Latin America: A Country Analysis*, May 1999, [previously online] [cited October 1, 2002]; available from <http://globalmarch.org/virtuallibrary/radda-barnen-child-soldiers/database/peru-armed-forces.htm> [hard copy on file]. See also Radda Barnen, "Peru Armed Forces," (1999); available from <http://globalmarch.org/virtuallibrary/radda-barnen-child-soldiers/database/peru-armed-forces.htm>.

³⁴⁸⁶ 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>.

³⁴⁸⁷ U.S. Embassy- Lima, *unclassified telegram no. 1123*, March 4, 2003.

³⁴⁸⁸ ECPAT International, *Peru*, in ECPAT International, [database online] [cited August 28, 2003], "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 - 2002: Peru*, Section 5.

³⁴⁸⁹ ECPAT International, *Peru*, "Child Prostitution".

The General Education Law establishes free and compulsory public education through secondary school.³⁴⁹⁰ In 1999, the gross primary enrollment rate was 127.6 percent and the net primary enrollment was 104.5 percent.³⁴⁹¹ School attendance is lower in rural and jungle areas, and girls attend at a lower rate than boys.³⁴⁹² 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.³⁴⁹³ Indigenous children and those from rural areas lack access to the education system.³⁴⁹⁴ The average number of years of schooling and student performance are also sharply lower in rural areas than in urban areas.³⁴⁹⁵ The Child and Adolescent Code provides for special arrangements and school timetables so that working children and adolescents can attend school regularly.³⁴⁹⁶

Child Labor Laws and Enforcement

Within the Ministry of Women and Social Development, the Directorate of Children and Adolescent Affairs is responsible for developing and coordinating national policy on youth, particularly those policies affecting children exposed to violence, extreme poverty, discrimination and social exclusion.³⁴⁹⁷ 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.³⁴⁹⁸ However, children aged 12 to 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.³⁴⁹⁹ According to the Code, the minimum age for employment in the hazardous industrial, commercial or mining sectors is 15 years, while in the industrial fishing sector it is 16.³⁵⁰⁰ Work that might harm a child's physical, mental and emotional health and development, including underground work or work that involves heavy lifting and car-

³⁴⁹⁰ Pre-school, primary and secondary education are compulsory. El Presidente de la República, *Ley General de Educación*, 28044, Lima, July 17, 2003, articles 4, 8 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. 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.

³⁴⁹¹ World Bank, *World Development Indicators 2003*. Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data. 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.

³⁴⁹² U.S. Department of State, *Country Reports - 2002: Peru*, Section 5.

³⁴⁹³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁴⁹⁴ 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 August 28, 2003]; available from <http://www.icftu.org>.

³⁴⁹⁵ World Bank, *Peru-Rural Education, project information document*.

³⁴⁹⁶ ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [August 28, 2003]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

³⁴⁹⁷ Gerenta de Promoción de la Niñez y la Adolescencia, *¿Qué Somos?*, Ministerio de la Mujer y Desarrollo Social, [online] [cited August 28, 2003]; available from <http://www.miimdes.gob.pe/dgna/dggnaweb1.htm>.

³⁴⁹⁸ Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, [cited September 4, 2003]; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/27571.htm>.

³⁴⁹⁹ Popolizio, *Cuestionario sobre Trabajo Infantil*, 3,15. 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 *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>.

³⁵⁰⁰ *Requisitos y formalidades para la contratación laboral de adolescente*, [previously online]; available from <http://www.mtps.gob.pe/normas/033-2000-tr.htm>. [hard copy on file].

rying, or work that might serve as an obstacle to continued school attendance, is prohibited for youth under the age of 18.³⁵⁰¹ 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.³⁵⁰² Working children must be paid at the same rate as adult workers in similar jobs.³⁵⁰³

The Child and Adolescent Code prohibits hazardous forms of child labor such as forced and bonded labor, economically exploitative labor, prostitution, and trafficking.³⁵⁰⁴ Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others.³⁵⁰⁵ 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.³⁵⁰⁶ 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.³⁵⁰⁷

The Ministry of Labor and Employment Promotion is responsible for enforcing labor laws. As of August 2003, the Ministry had 200 labor inspectors, over two-thirds of whom work in Lima. Inspections are primarily conducted in the formal sector³⁵⁰⁸, and enforcement remedies are generally adequate to punish and deter violations.³⁵⁰⁹ However, many children work in the informal economy where the government does not supervise wages or working conditions.³⁵¹⁰ The national police and local prosecutors have law enforcement authority over child labor violations.³⁵¹¹ The Directorate of Children and Adolescent Affairs, an office within, is charged with protecting the rights of children and adolescents.³⁵¹² At the municipal level, the Municipal Child and Adolescent Defender Centers work with local governments to supervise investigations, apply punishments,³⁵¹³ and monitor compliance of child labor laws.³⁵¹⁴

The Government of Peru ratified ILO Convention 138 on November 13, 2002 and ILO Convention 182 on January 10, 2002.³⁵¹⁵

³⁵⁰¹ *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>.

³⁵⁰² *Síntesis Legal. 7.1.3. Jornadas especiales de trabajo adolescentes*, [previously online] [cited October 1, 2002]; available from <http://www.mtps.gob.pe/sintesis.htm> [hard copy on file].

³⁵⁰³ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Capítulo IV, Régimen para el adolescente trabajador, Artículo 59.

³⁵⁰⁴ *Ibid.*, Libro primero: Derechos y libertades, Capítulo I: Derechos Civiles, Artículo 4.

³⁵⁰⁵ U.S. Department of State, *Country Reports - 2002: Peru*, Section 5.

³⁵⁰⁶ *Ibid.*, Section 6f.

³⁵⁰⁷ Penalties for sexual assaults against children were lowered to compensate for overcrowded prisons. See ECPAT International, *Peru*, "CSE Overview".

³⁵⁰⁸ U.S. Embassy- Lima, *unclassified telegram no. 3996*.

³⁵⁰⁹ U. S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

³⁵¹⁰ U.S. Department of State, *Country Reports - 2002: Peru*, Section 6d.

³⁵¹¹ U.S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

³⁵¹² Ministry of Women and Social Development, *Gerenta de Promoción de la Niñez y la Adolescencia*, [cited August 28, 2003]; available from <http://www.mimdes.gob.pe/dgna/dgnnaweb1.htm>. See also U.S. Embassy- Lima, *unclassified telegram no. 5249*.

³⁵¹³ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Capítulo V, Contravenciones y Sanciones, Artículo 70.

³⁵¹⁴ U. S. Embassy- Lima, *unclassified telegram no. 5249*.

³⁵¹⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 23, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.