

Peru

Incidence and Nature of Child Labor

The ILO estimated that 1.7 percent of children ages 10 to 14 years in Peru were working in 2002.³¹⁹⁷ Children are employed in the agricultural sector (including in 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 gold mining sites.³¹⁹⁸ In urban areas, children often sell in the streets and in markets.³¹⁹⁹

Many children, most of whom are girls, move from rural areas to urban areas where they live with families and perform domestic work.³²⁰⁰ In 2003, there were reports of children serving in the army in the Department of Loreto.³²⁰¹ Boys and girls are also victims of commercial sexual exploitation.³²⁰² There is internal trafficking of children for commercial sexual exploitation and domestic service in Peru.³²⁰³

The General Education Law establishes free and compulsory public education through secondary school.³²⁰⁴ In 2000, the gross primary enrollment rate was 121.3 percent and the net primary enrollment was 99.9 percent.³²⁰⁵ 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 2000, the gross primary

³¹⁹⁷ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. 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 engaged in the worst forms of child labor.

³¹⁹⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Peru*, U.S. Department of State, Washington D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27916.htm>.

³¹⁹⁹ 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/ipec/tid/docs/la_ninez_en_el_peru.pdf.

³²⁰⁰ U.S. Department of State, *Country Reports - 2003: Peru*, Section 6d.

³²⁰¹ U.S. Embassy- Lima, *unclassified telegram no. 1123*, March 4, 2003. The lack of precise documentation of many citizens, particularly in the countryside and in remote, poor, rural areas, may lead to the admission of underage soldiers in the military. U.S. Embassy Official-Quito, e-mail communication to, Department of Labor Official, May 25, 2005.

³²⁰² ECPAT International, *Peru*, in ECPAT International, [database online] [cited May 25, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³²⁰³ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report, 2004*; available from <http://www.state.gov/g/tip/rls/tiprpt/2004>.

³²⁰⁴ 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.

³²⁰⁵ World Bank, *World Development Indicators 2004*. 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.

attendance rate was 110.5 percent and the net primary attendance rate was 75.6 percent.³²⁰⁶ School attendance is lower in rural and jungle areas, and girls attend at a lower rate than boys.³²⁰⁷ Indigenous children and those from rural areas lack access to the education system.³²⁰⁸ The average total number of years of schooling and student performance is also sharply lower in rural areas than in urban areas.³²⁰⁹ The Child and Adolescent Code provides for special arrangements and school timetables so that working children and adolescents can attend school regularly.³²¹⁰

Child Labor Laws and Enforcement

Children ages 12 to 14 may perform certain jobs if they obtain legal permission from the Ministry of Labor and can certify that they are attending school.³²¹¹ According to the legislation modifying Article 51 of the Child and Adolescent Code, the minimum age for employment in non-industrial agricultural work is 15 years, 16 years for work in the industrial, commercial, and mining sectors, and 17 years for work in the industrial fishing sector.³²¹² 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.³²¹³ Working children must be paid at the same rate as adult workers in similar jobs.³²¹⁴

The Child and Adolescent Code prohibits forced and slave labor, economically exploitative labor, prostitution, and trafficking.³²¹⁵ 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

³²⁰⁶ USAID Development Indicators Service, *Global Education Database*, [online] [cited October 13, 2004]; available from <http://quesdb.cdie.org/ged/index.html>.

³²⁰⁷ World Bank, *World Development Indicators 2004*.

³²⁰⁸ 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 May 24, 2004]; available from <http://www.icftu.org>.

³²⁰⁹ World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002, 1; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21//000094946_01122104030511/Rendered/PDF/multi0page.pdf.

³²¹⁰ ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [cited May 26, 2004]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

³²¹¹ U.S. Department of State, *Country Reports - 2003: Peru*, Section 6d. See also *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>. 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 *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>.

³²¹² *Ley que Modifica el Artículo 51*.

³²¹³ U.S. Embassy-Lima, *unclassified telegram no. 3996*, August 15, 2003. See also *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*. 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.

³²¹⁴ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Artículo 59.

³²¹⁵ *Ibid.*, Artículo 4.

labor.³²¹⁶ New regulations require that underage children working in domestic service must have access to education.³²¹⁷

In 2004, new laws were enacted by the Government to protect children from exploitation by adults, including trafficking in persons and sexual exploitation.³²¹⁸ The Ministry of Women and Social Development (MIMDES) is raising awareness on the new legislation through radio and other means.³²¹⁹ Also in 2004, the Government of Peru elevated the penalties against perpetrators of child pornography and prostitution.³²²⁰

Investigators employed by the Ministry of Labor have authority to investigate violations of child labor laws. As of August 2004, the Ministry had 200 labor inspectors, over two-thirds of whom work in Lima. Inspections are primarily conducted in the formal sector,³²²¹ and enforcement remedies are generally adequate to punish and deter violations.³²²² However, many children work in the informal economy where government labor law enforcement is limited.³²²³

The national police and local prosecutors have law enforcement authority over child labor violations,³²²⁴ and the national police operate a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.³²²⁵ The Directorate of Children and Adolescent Affairs, an office within MIMDES, is charged with developing and coordinating national policy on youth, especially for children and adolescents exposed to violence, extreme poverty, discrimination and social exclusion.³²²⁶ A federal level multi-agency working group coordinates state action on the elimination of trafficking in persons and the Ministry of the Interior's anti-trafficking unit conducts raids on brothels and rescues victims.³²²⁷ The Office of Child Protection, Safety and Health in the Workplace within the Ministry of Labor and Social Promotion protects the rights of minors in the workplace.³²²⁸ The Municipal Child and

³²¹⁶ U.S. Department of State, *Country Reports - 2003: Peru*, Section 6f.

³²¹⁷ U.S. Embassy-Lima, *unclassified telegram no. 4110*, August 2004.

³²¹⁸ *Ibid.*

³²¹⁹ *Ibid.*

³²²⁰ *Ibid.*

³²²¹ *Ibid.*

³²²² U.S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

³²²³ U.S. Department of State, *Country Reports - 2003: Peru*, Section 6d.

³²²⁴ U.S. Embassy- Lima, *unclassified telegram no. 5249*.

³²²⁵ 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>.

³²²⁶ Ministry of Women and Social Development, *Gerenta de Promoción de la Niñez y la Adolescencia*, [online] [cited May 26, 2004]; available from <http://www.mimdes.gob.pe/dgna/dgnaaweb1.htm>. See also U.S. Embassy- Lima, *unclassified telegram no. 5249*.

³²²⁷ U.S. Department of State, *Trafficking in Persons Report*.

³²²⁸ Nestor Popolizio, *Cuestionario sobre Trabajo Infantil*, Fax to DOL Official, Embassy of Peru, September 5, 2002, 4.

Adolescent Defender Centers work with local governments to supervise investigations, apply punishments, and monitor compliance of child labor laws.³²²⁹

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

The Government of Peru supports and contributes to USDOL-funded programs to eliminate exploitive child labor in the small-scale traditional mining and domestic service sectors.³²³⁰

The Government of Peru heads the National Committee to Prevent and Eradicate Child Labor, a permanent organization composed of representatives from various ministries, NGOs, labor unions and employers' organizations.³²³¹ The Committee is responsible for addressing social and economic issues related to child labor and fulfilling Peru's international commitments to fight child labor.³²³² MIMDES has a National Action Plan for Children and Adolescents 2002 – 2010. The plan focuses on improving health for children 5 years and below, providing quality, intercultural basic education and the elimination of the worst forms of child labor for children ages 6 to 11 years, and promoting control over working conditions for adolescents at or above the legal working age as part of its strategic objectives.³²³³ The Ministries of Labor and Social Promotion, Health, Energy and Mines, and Education operate 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).³²³⁴

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)		✓

below, providing quality, intercultural basic education and the elimination of the worst forms of child labor for children ages 6 to 11 years, and promoting control over working conditions for adolescents at or above the legal working age as part of its strategic objectives.³²³³ The Ministries of Labor and Social Promotion, Health, Energy and Mines, and Education operate 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).³²³⁴

With technical assistance from the ILO, MIMDES is implementing a 10-year plan to attack child sexual exploitation called *Network Now Against Child Sexual Exploitation*.³²³⁵

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.³²³⁶ The Ministry of Health's School and Adolescent Health Program provides medical services to

³²²⁹ U.S. Embassy-Lima, *unclassified telegram no. 4110*. See also *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337, Artículo 70*.

³²³⁰ Both ILO-IPEC regional projects are in their second phases. Other regional countries in the mining program are Bolivia and Ecuador. See 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.

³²³¹ U.S. Embassy-Lima, *unclassified telegram no. 4110*.

³²³² *Ibid.*

³²³³ 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].

³²³⁴ U.S. Embassy-Lima, *unclassified telegram no. 3996*.

³²³⁵ U.S. Embassy-Lima, *unclassified telegram no. 4110*.

³²³⁶ National Institute of Family Welfare, *Educadores de calle*, [online] [cited May 26, 2004]; available from <http://www.inabif.gob.pe/lineas/educadores.htm>.

children throughout the country beginning at age 5, with the aim of promoting healthy behavior.³²³⁷ The Ministry of Education implements a basic education program that improves the quality of education throughout the country by strengthening teachers' skills and providing them with free educational materials, especially in rural areas.³²³⁸ The Ministry also operates a tutoring program for children formerly excluded from the public system, including working children,³²³⁹ and is establishing night classes and lengthening matriculation periods for youth employed as domestics in private homes.³²⁴⁰ In addition, The Ministry of Education oversees *Proyecto Materiales Educativos* (Teaching Materials Project), which strengthens national capacity to develop innovative teaching materials.³²⁴¹ With funds from the OAS, the Ministry has a program to educate young children in rural areas through radio learning.³²⁴²

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 educational coverage and access, equalize opportunities for bilingual, rural, and female children, and improves the quality, pertinence, and efficiency of education.³²⁴³ USAID, in collaboration with the Ministry of Education, is expanding a girls' education initiative to provide technical assistance, develop models of educational decentralization, and strengthen local educational capacity.³²⁴⁴

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.³²⁴⁵ The IDB is also providing a loan to the Ministry of Labor and Social Promotion to expand the vocational training services offered through the ministries' *ProJoven* program and to strengthen the link between training institutions and the private

³²³⁷ Ministry of Health, *Programa Salud Escolar y Adolescente*, Bureau of the Woman, Child and Adolescent, [online] [cited May 26, 2004]; available from <http://www.minsa.gob.pe/psea/index.htm>.

³²³⁸ 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 May 26, 2004]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.htm.

³²³⁹ U.S. Embassy-Lima, *unclassified telegram no. 4110*.

³²⁴⁰ U.S. Embassy-Lima, *unclassified telegram no. 3996*.

³²⁴¹ Ministry of Education, *Proyecto Materiales Educativos*, [online] [cited May 26, 2004]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/materiales_educa.htm.

³²⁴² Ministry of Education, *Descripción de la estrategia prioritaria para el período 2004-2005: Campaña de lectura, escritura, y matemática*, [online] [cited October 21, 2004]; available from <http://www.mineduc.cl/basica/p900/N2003091216395329578.html>.

³²⁴³ 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.

³²⁴⁴ USAID, *Peru: Program Data Sheet 527-006*, USAID, [online] 2002 [cited May 26, 2004]; available from <http://www.usaid.gov/pubs/cbj2003/lac/pe/527-006.html>.

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

sector.³²⁴⁶ With financing from the World Bank, the Ministry of Education implements a project to extend access to rural basic education, improve teaching quality and motivation in rural areas, and strengthen education management.³²⁴⁷

³²⁴⁶ Inter-American Development Bank, *Peru: Youth Labor Training Program*, PE-0241, 2004, 1; available from <http://www.iadb.org/exr/english/projects/pe1534e.pdf>. See also Inter-American Development Bank, *List of Recently Approved Projects*, [online] 2004 [cited September 22, 2004]; available from <http://www.iadb.org/exr/english/projects/ltnew.htm>.

³²⁴⁷ World Bank, *Peru-Rural Education*, project information document.