

## Peru

### *Selected Statistics and Indicators on Child Labor<sup>3087</sup>*

Population, children, 6-14 years, 2000:	5,420,818
Working children, 6-14 years (%), 2000:	22.3
Working boys, 6-14 years (%), 2000:	24.0
Working girls, 6-14 years (%), 2000:	20.5
Working children by sector, 6-14 years (%), 2000:	
- Agriculture	73.2
- Manufacturing	2.7
- Services	23.9
- Other	0.2
Minimum age for work:	14
Compulsory education age:	14*
Free public education:	Yes**
Gross primary enrollment rate (%), 2006:	116.4
Net primary enrollment rate (%), 2006:	96.3
School attendance, children 5-14 years (%), 2000:	96.6
Survival rate to grade 5 (%), 2005:	89.5
ILO Convention 138:	11/13/2002
ILO Convention 182:	1/10/2002
CRC:	9/4/1990
CRCOPAC:	5/8/2002
CRCOPSC:	5/8/2002
Palermo:	1/23/2002
ILO-IPEC participating country:	Yes

\*Age is approximate, education is compulsory through secondary school

\*\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In rural areas of Peru, children work in agriculture, including in the production of coca, which the law permits to be grown in small amounts by licensed growers. Children also work in the production of gold and fireworks.<sup>3088</sup> Children, mainly girls, work in domestic service in third-party homes in both rural and urban areas.<sup>3089</sup> In urban areas, many children work as street vendors and street performers, beggars, bus assistants, shoe shiners, artisans, car washers, or scavengers in garbage dumps. Children are also found working in the brick-making industry in Lima and outlying areas.<sup>3090</sup>

According to a recent ILO study, girls who work in the mining industry are sexually exploited.<sup>3091</sup> Children in domestic service are also vulnerable to sexual abuse.<sup>3092</sup> Some Peruvian children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through false offers of employment.<sup>3093</sup> According to USDOS, some children are also trafficked internally for forced labor. Child sex tourism is prevalent in the Amazon region of the country.<sup>3094</sup> Peru's Ministry of Labor estimated that 5,000 children worked under forced labor conditions in the production of cocaine.<sup>3095</sup> Children, along with their families, are trafficked from Chile to Peru and Bolivia to work in agriculture.<sup>3096</sup>

### **Child Labor Laws and Enforcement**

Although the general minimum age for employment in Peru is 14 years, the following provisions place restrictions on the ability of children 14 years and above to work legally. The minimum age for employment in nonindustrial agricultural work is 15 years; for work in the industrial, commercial, and surface mining sectors is 16 years; and for work in the industrial fishing sector is 17 years.<sup>3097</sup> Children under 18 years must provide authorities with proof of their health and confirmation from the employer that the work does not limit the child's ability to attend school.<sup>3098</sup> All children under 18 years must register their work with the authorities and must be issued a permit from the Ministry of Labor.<sup>3099</sup> The Ministry of Labor's Office of Labor Protection for Minors has the authority to investigate reports of illegal child labor practices by conducting onsite inspections of worksites. During 2008, the Ministry of Labor issued 851 work permits to children above the minimum legal age.<sup>3100</sup> The Ministry of Labor employs 68 inspectors specializing in child labor. The Office of the Ombudsman for Children and Adolescents kept track of violations of child labor laws and operated a reporting and tracking system.<sup>3101</sup>

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. Children working nonpaid jobs for family members or in domestic service are entitled to a 12-hour rest period and must attend school.<sup>3102</sup> 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 of work a night.<sup>3103</sup> Underground work or work that involves heavy lifting, toxic substances, or responsibility for the safety of themselves and other workers is prohibited for children under 18 years.<sup>3104</sup> The Government has established a list of dangerous work for children, which includes work underground, using machinery or electrical equipment, with toxic chemicals, in brick production, at sea, selling alcohol, in sexually exploitive situations, with garbage, with animal remains, or lifting heavy weights.<sup>3105</sup>

Peruvian law prohibits forced and slave labor.<sup>3106</sup> The law prohibits promoting child prostitution, with a penalty of 5 to 12 years in prison if the victim is under 18 years.<sup>3107</sup> Peru's Penal Code also prohibits delivering a child to a third party for the purpose of prostitution; the penalty for this offense is 6 to 12 years in prison. The penalty for profiting economically from the prostitution of a minor 14 to 18 years of age is 6 to 10 years in prison, and increases to 8 to 12 years in prison if the victim is under 14 years of age.<sup>3108</sup> Statutes prohibit trafficking in persons and provide penalties of 12 to 20 years of imprisonment for those who move a person between 14 and 18 years, either within the country or to an area outside the country, for sexual exploitation or forced labor. The penalty increases to at least 25 years in prison if the victim is under 14 years.<sup>3109</sup> The Administrative Authority of Work has the authority to levy fines against employers who are guilty of trafficking minors.<sup>3110</sup> The penalty for promoting sexual tourism that exploits adolescents 14 to 18 years is 2 to 6 years in prison. The penalty is 6 to 8 years if the victim is under 14 years, and in cases of involvement by a public official or a child's guardian, the penalty is 8 to 10 years in prison.<sup>3111</sup> The penalty for possessing, promoting, producing, or selling child

pornography is 4 to 6 years' imprisonment and fines. If the victim is under 14 years, the penalty increases to 6 to 8 years in prison and fines.<sup>3112</sup> Military service is voluntary for adults 18 years and above.<sup>3113</sup>

The Peruvian National Police's Trafficking Investigation Unit investigated 30 cases of trafficking in persons, rescued 56 victims, and arrested 15 suspected traffickers during the reporting period.<sup>3114</sup> However, according to USDOS, Peru's efforts to prosecute offenders, identify victims, and provide proper protection need to be strengthened. In addition, a lack of cooperation across law enforcement agencies on local and national levels created barriers to investigation.<sup>3115</sup>

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

Through the National Committee to Prevent and Eradicate Child Labor, the Government of Peru works with NGOs, labor unions, and employer organizations within the country to implement the National Plan for the Prevention and Eradication of Child Labor. The Plan, established in accordance with the National Plan of Action for Children, focuses on three strategic goals: preventing and eradicating child labor among children under 14 years, preventing and eradicating the worst forms of child labor among children under 18 years and protecting the wellbeing of adolescent workers between 14 and 18 years.<sup>3116</sup>

The National Intersectoral Commission for the Eradication of Forced Labor managed a program during the reporting period in Huachipa targeting 150 children working in the brick-making sector. The National Police implemented a program called *Colibrí* (hummingbird) which integrates children who work as vendors in the street or in markets into educational programs.<sup>3117</sup>

Ministry of Women and Social Development (MIMDES) has a National Plan against Commercial Sexual Exploitation of Boys, Girls and Adolescents. The Plan has four strategic components: establish and strengthen institutions, increase awareness about commercial sexual

exploitation of children, establish a system to monitor and penalize perpetrators, and develop a system to support victims.<sup>3118</sup>

The Government of Peru continues to participate in a four-year USD 5 million USDOL-funded project to combat child labor implemented by the International Youth Foundation. This project targets 5,250 children for withdrawal and 5,250 children for prevention from exploitive work in the urban informal sector in Lima, Callao, Trujillo, and Iquitos.<sup>3119</sup> During the reporting period, the Government of Peru participated in a four-year ILO-IPEC Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>3120</sup> In cooperation with the Government, several NGOs implemented projects funded by USDOS to combat trafficking in persons totaling USD 300,000.<sup>3121</sup> The Government of Peru is participating in a USDOL-funded 4-year 1.6 million ILO-IPEC project to conduct data collection on child labor.<sup>3122</sup>

During the reporting period, the Ministry of Trade and Tourism led a campaign against child sex tourism and trafficking. The Ministry of Foreign Affairs provided training to consular officials on trafficking.<sup>3123</sup> MIMDES worked with the Belgian Government to combat trafficking in four regions of Peru.<sup>3124</sup> The Ministry of Foreign Affairs conducted an information campaign on trafficking, distributing materials to domestic passport offices and consular offices abroad.<sup>3125</sup>

The Government of Peru and other associates and member governments of MERCOSUR are carrying out the “Niño Sur” (“Southern Child”) initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>3126</sup> Peru’s Ministry of Trade and Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America. It was created in 2005 and includes

Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Suriname, Uruguay, and Venezuela.<sup>3127</sup>

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<sup>3087</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, 27571, (December 4, 2001); available from [http://www.mintra.gob.pe/contenidos/legislacion/diispositivos\\_legales/ley\\_27571.htm](http://www.mintra.gob.pe/contenidos/legislacion/diispositivos_legales/ley_27571.htm). See also Government of Peru, *Ley General de Educación*, 28044, (July 17, 2003), articles 4 and 12; available from [http://www.minedu.gob.pe/normatividad/leyes/ley\\_general\\_de\\_educacion2003.doc](http://www.minedu.gob.pe/normatividad/leyes/ley_general_de_educacion2003.doc).

<sup>3088</sup> Maria del Pilar Mejia Fritsch, *Niños en la producción de drogas: Debemos hacer algo ya!*, [online] September 2003 [cited January 31, 2009]; available from <http://white.oit.org.pe/ippec/boletin/noticia.php?notCodigo=391>. See also Ruth Arroyo Aguilar and Luis Yupanqui Godo, *Peligros, Riesgos y Daños a la Salud de los Niños y Niñas que Trabajan en la Minería Artesanal*, ILO, Lima, 2005; available from [http://www.ilo.org/public/libdoc/ilo/2005/105B09\\_643\\_span.pdf](http://www.ilo.org/public/libdoc/ilo/2005/105B09_643_span.pdf). See also ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, Lima, 2007, 26; available from [http://white.oit.org.pe/ippec/documentos/estudio\\_cap\\_pe.pdf](http://white.oit.org.pe/ippec/documentos/estudio_cap_pe.pdf). See also Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, Lima, September 30, 2005, 14-15; available from [http://www.mimdes.gob.pe/dgna/Plan\\_Nacional\\_Trabajo\\_Infantil.pdf](http://www.mimdes.gob.pe/dgna/Plan_Nacional_Trabajo_Infantil.pdf). See also British Broadcasting Corporation, “Peru’s president recommends coca”, BBC News, [online], 2006; available from <http://news.bbc.co.uk/2/hi/americas/6196287.stm>. See also U.S. Embassy- Lima, E-mail communication to USDOL official, July 16, 2009.

<sup>3089</sup> ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 28.

<sup>3090</sup> *Ibid.*, 26 and 27. See also International Youth Foundation, *Prepárate para la Vida*, Project Document, Washington, DC, March 28, 2007, 7. See also Macro International Inc., *Children Working in Informal Sector Marketplaces: Lima, Peru*, Calverton, MD, January 12, 2007, 42.

<sup>3091</sup> ILO-IPEC, *Girls in Mining, research findings from Ghana, Niger, Peru and United Republic of Tanzania*, Geneva, 2007, 6; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=5304>.

<sup>3092</sup> ILO-IPEC, *Perfil del Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004; available from

[http://white.oit.org.pe/ipecc/boletin/documentos/pe\\_rfil\\_de\\_trabajo\\_infantil\\_vol\\_1\\_material\\_de\\_trabajo\\_4\\_c\\_onte.pdf](http://white.oit.org.pe/ipecc/boletin/documentos/pe_rfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_c_onte.pdf).

<sup>3093</sup> U.S. Department of State, "Peru (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Peru," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119170.htm>.

<sup>3094</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Peru."

<sup>3095</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3096</sup> U.S. Embassy- Santiago, *reporting*, February 20, 2009.

<sup>3097</sup> Government of Peru, *Ley 27571 que Modifica el Artículo 51 de la Ley No. 27337*.

<sup>3098</sup> Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, 27337, (August 2, 2000), article 54; available from <http://www.acnur.org/biblioteca/pdf/01163.pdf>.

<sup>3099</sup> *Ibid.*, article 53. See also U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3100</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3101</sup> U.S. Embassy- Lima, *reporting*, February 11, 2009. See also U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3102</sup> Government of Peru, *Ley 27337 que Aprueba el Nuevo Código de los Niños y Adolescentes*, articles 56 and 63.

<sup>3103</sup> *Ibid.*, articles 61 and 57.

<sup>3104</sup> *Ibid.*, article 58.

<sup>3105</sup> Government of Peru, *Aprueban la "Relación de Trabajos y Actividades Peligrosas o Nocivas para la Salud Física o Moral de las y los Adolescentes"*, Decreto Supremo No. 007-2006-MIMDES, (July 25, 2006); available from [http://white.oit.org.pe/ipecc/documentos/decreto\\_tip\\_pe.pdf](http://white.oit.org.pe/ipecc/documentos/decreto_tip_pe.pdf).

<sup>3106</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3107</sup> Government of Peru, *Modificación del Código Penal 28251*, (June 7, 2004), article 179; available from [http://www.oit.org.pe/ipecc/documentos/ley\\_28251\\_esci\\_pe.pdf](http://www.oit.org.pe/ipecc/documentos/ley_28251_esci_pe.pdf).

<sup>3108</sup> *Ibid.*, articles 180 and 181.

<sup>3109</sup> Government of Peru, *Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes*, Law No. 28950, (January 16, 2007), articles 153 and 153-A; available from [http://white.oit.org.pe/ipecc/documentos/ley\\_trata\\_p\\_eru\\_06.pdf](http://white.oit.org.pe/ipecc/documentos/ley_trata_p_eru_06.pdf).

<sup>3110</sup> Embassy of Peru official, Fax communication to USDOL official, December 6, 2007, para 16.

<sup>3111</sup> Government of Peru, *Código Penal*, article 181-A.

<sup>3112</sup> *Ibid.*, article 183-A.

<sup>3113</sup> Government of Peru, *Ley del Servicio Militar*, 27178, (September 28, 1999), article 42; available from <http://www.resdal.org/Archivo/d0000281.htm>. See also Coalition to Stop the Use of Child Soldiers, "Peru," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3114</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 5.

<sup>3115</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Peru."

<sup>3116</sup> Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005, 58-60; available from [http://www.mimdes.gob.pe/dgna/dna/cpeti/Plan\\_CPETI.pdf](http://www.mimdes.gob.pe/dgna/dna/cpeti/Plan_CPETI.pdf).

<sup>3117</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d. See also Ministry of the Interior, *Niños trabajadores de la calle reciben educación gratuita con programa PNP "Colibrí" en Puno*, [online] May 5, 2007 [cited January 31, 2009]; available from [http://www.mininter.gob.pe/noticias/noticia.php?C\\_WC1Page=45&cat=1&sub=0&web=3874](http://www.mininter.gob.pe/noticias/noticia.php?C_WC1Page=45&cat=1&sub=0&web=3874).

<sup>3118</sup> Government of Peru, *Plan Nacional contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 2006; available from [http://www.mimdes.gob.pe/dgna/escnna/presentacion\\_plan.pdf](http://www.mimdes.gob.pe/dgna/escnna/presentacion_plan.pdf).

<sup>3119</sup> International Youth Foundation, *Prepárate para la Vida, Project Document*, 7, 13-14.

<sup>3120</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3121</sup> U.S. Embassy- Lima, E-mail communication, July 16, 2009.

<sup>3122</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

<sup>3123</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Peru."

<sup>3124</sup> Ministry of Women and Social Development, *MIMDES y Gobierno Belga ejecutarán proyecto para prevenir la violencia, el abuso y la explotación sexual comercial infantil*, [online] May 15, 2006 [cited January 31, 2009]; available from [http://www.mimdes.gob.pe/noticias/2006/not15may\\_1.htm](http://www.mimdes.gob.pe/noticias/2006/not15may_1.htm).

<sup>3125</sup> U.S. Department of State, "Country Reports- 2008: Peru."

<sup>3126</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [online] [cited April 7, 2009];

available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>3127</sup> Brazilian Ministry of Tourism, *Ecuador Assume Direção de Grupo Latino-Americano para a Proteção*

*Infanto-Juvenil*, November 26, 2008; available from <http://www.turismo.gov.br/>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

## Philippines

### *Selected Statistics and Indicators on Child Labor*<sup>3128</sup>

Population, children, 5-14 years, 2001:	19,874,678
Working children, 5-14 years (%), 2001:	11.0
Working boys, 5-14 years (%), 2001:	13.4
Working girls, 5-14 years (%), 2001:	8.4
Working children by sector, 5-14 years (%), 2001:	
- Agriculture	65.4
- Manufacturing	4.2
- Services	29.4
- Other	1.1
Minimum age for work:	15
Compulsory education age:	11
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	109.5
Net primary enrollment rate (%), 2006:	91.4
School attendance, children 5-14 years (%), 2001:	87.6
Survival rate to grade 5 (%), 2005:	74.0
ILO Convention 138:	6/4/1998
ILO Convention 182:	11/28/2000
CRC:	8/21/1990
CRCOPAC:	8/26/2003
CRCOPSC:	5/28/2002
Palermo:	5/28/2002
ILO-IPEC participating country:	Yes

### **Incidence and Nature of Child Labor**

Children in the Philippines work on sugarcane, tobacco, banana, coconut, corn, mango, rice, and rubber plantations.<sup>3129</sup> They also engage in garbage scavenging, pyrotechnics production,

deep-sea fishing, gold and iron ore mining, and quarrying.<sup>3130</sup> Children living on the streets often work in the informal labor economy in such activities as begging and scavenging.<sup>3131</sup> Children are involved in the production of fashion accessories.<sup>3132</sup> Children, primarily girls, are engaged in domestic service.<sup>3133</sup> Children are also involved in the commercial sex industry as prostitutes, are used in the production of pornography, and are exploited by sex tourists.<sup>3134</sup> Children living on the streets in urban centers are particularly vulnerable to prostitution and pornography.<sup>3135</sup> Children are also involved in the production and trafficking of drugs within the country.<sup>3136</sup>

Reportedly children are trafficked internally from rural areas to major cities for commercial sexual exploitation, work in factories, domestic service, and other activities in the informal sector.<sup>3137</sup> There are no reports of child soldiers in the Government's Armed Forces, but children under 18 years are recruited into terrorist organizations, including the Abu Sayyaf Group, the Moro Islamic Liberation Front (MILF), and the New People's Army.<sup>3138</sup> However, in December 2008, MILF agreed to an action plan with UN to stop the recruitment and use of children in their organization.<sup>3139</sup>

### **Child Labor Laws and Enforcement**

The law prohibits the employment of children less than 15 years, except when working directly with a parent, when working in public entertainment is "essential," or when the work does not endanger the child's life, safety, health, or morals, and does