



**July 2006**

## **Information on Peru**

### **Compliance with ILO Convention No.182 on the Worst Forms of Child Labour (ratified in 2002)**

#### **Child domestic workers and child miners**

##### **Child domestic workers**

The concept of child rights is still relatively new in Peru and child domestic work is socially acceptable. Parents often send their children to work as domestic workers in the city in the hope of receiving money in the future, either as a one-off payment or regular income from the child. The child usually does not receive any benefits except for food and accommodation. However, there is an expectation that the child will go to school. The reality is that for most employers education is not a priority and children usually do not attend school for very long, if at all.

Most child domestic workers live with their employers and have little or no contact with their families. They have to cook, clean, wash clothes, look after other children and shop in the market. An ILO rapid assessment of child domestic workers in Peru<sup>1</sup> found high levels of abuse and exploitation. Many children worked all day without any time off, had no days off or vacation time, were prohibited from attending school and suffered physical and other forms of abuse.

The ILO rapid assessment found that children under 14 were treated worse than children over 14. They were made to do much more of the arduous chores, such as washing clothes and ironing, because they are less likely to complain. All children were expected to work at least 12 hours a day, whilst being available to their employer 24 hours a day.<sup>2</sup>

According to Peruvian law, every domestic worker is entitled to one day off a week and guaranteed vacation time. The ILO's rapid assessment found that 40 per cent of children said they didn't get a regular weekly day off, with 21 per cent saying that they had never had a day off. 76 per cent of children said they had never had a vacation.<sup>3</sup>

Without holidays or days off it is very difficult for children to maintain contact with their parents: 40 per cent of mothers said they did not know where their children

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<sup>1</sup> ILO-IPEC Sudamérica, *Perfil del Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú: Contexto, Estudio y Resultados*, ILO, Lima, 2004.

<sup>2</sup> ILO-IPEC Sudamérica, *op.cit.*, page 72.

<sup>3</sup> ILO-IPEC Sudamérica, *op.cit.*, page 83.

worked.<sup>4</sup> Without any contact or support from parents and no supervision of employers or working conditions children are vulnerable to exploitation and abuse.

The most common form of abuse was verbal (52 per cent of children reported it), followed by physical punishment and being made to work when ill. Although the figures reported for sexual abuse were low (8 per cent), it is likely to be an underestimation given the stigma and shame attached to admitting this form of abuse.<sup>5</sup>

According to an active domestic workers' NGO, domestic workers are extremely vulnerable to sexual abuse from male members of the family. Until recently it was not uncommon for young men to have their first sexual experiences with the domestic workers in their home. Although this is less socially acceptable now, sexual abuse is still present and girls are threatened in order to keep them quiet. Not only do the domestic workers risk catching sexually transmitted diseases<sup>6</sup> but they also risk destitution, for if they become pregnant they will be evicted from their employer's house, who will not want to have anything more to do with them. With no support network and faced with supporting themselves on the streets, many domestic workers turn to prostitution to survive.

In interviews with Anti-Slavery International, ILO-IPEC highlighted the link between child domestic workers and commercial sexual exploitation. Young domestic workers, when outside employers' homes, are vulnerable to the advances of men wishing to exploit them. The men are aware that the girls are inexperienced and live without parental support or supervision. They approach the girls with offers of friendship, love and better lives which many of the young girls desperately want to believe.

ILO-IPEC has identified night schools as places where girls are particularly vulnerable. Some of the girls are as young as ten years old, attending the schools from 6pm-10pm. Late at night, and with no guards at the school gate to protect them, it is very easy for the men to approach the girls and befriend them. Over time they become the girls' "boyfriends" and are able to convince them to leave their employer and live with them. Once the girl is with him, he forces her to prostitute herself. Girls are also recruited into commercial sexual exploitation by other students. ILO-IPEC reported that one study found that 70 per cent of girls who ended up prostituting themselves were introduced to it by a night school pupil or a man they met at the gates.

Although the law states that children must be at least 15 to attend night school, the pressure to fill classes means teachers accept much younger students. And if children are offered the opportunity to study they will take it, no matter what the risks.

One case which illustrates this is that of Maria Felicitas whose parents died when she was seven. She was taken to Puno, a town in southern Peru, to work for a family friend, where she was treated badly. She was prohibited from attending school and was frequently beaten, for matters as trivial as burning the rice.

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<sup>4</sup> ILO-IPEC Sudamérica, *op.cit.*, page 90.

<sup>5</sup> ILO-IPEC Sudamérica, *op.cit.*, page 87.

<sup>6</sup> Including HIV, which is rising fastest in heterosexual men and women in Peru.

At the age of 10, she was sent to Lima to work for a new family. Her daily routine was to wake up at 4am to feed the chickens, ducks and dogs. Between 5am and 8am she would be in the kitchen making breakfast for the family and preparing lunch. She would then clean the house and carry out other chores. At 6pm she was allowed to attend night school, which finished at 10pm. She would still be expected to wash clothes before she went to bed. Maria tried to escape on a number of occasions. The employer would go looking for her and every time the police found her they would return her to the employer as she was a minor.

When she was 13 years old the employer's husband began to take an interest in her. He would enter her bedroom late at night and make sexual advances. In order to protect herself from being raped Maria moved bedrooms to sleep on the floor of his daughter's bedroom. The employer, aware of her husband's advances, beat Maria for flirting with her husband and accused her of trying to seduce him. Finally, she was thrown out of the house and sent back to Puno. Once in Puno, Maria wanted to report her abuse and mistreatment to the police but was dissuaded from doing so by her sisters who were afraid of the police. Finally Maria had no choice but to return to Lima to work again as a domestic worker.<sup>7</sup>

### **Institutional and government response**

The Domestic Workers Act 2003 (*La Ley de los Trabajadores del Hogar*) recognises certain rights and benefits for adult domestic workers, such as eight hour working day, days off on all public holidays, 15 days paid vacation a year and a salary bonus in July and December. The law remains largely dormant, with very few domestic workers aware of their rights and few employers concerned about their responsibilities to their workers under the law.

In the case of children, labour legislation identifies domestic work as a special form of dependent work because the employer provides them with food and accommodation. However, there are discrepancies between the Code for Children and Adolescents (*Código de Niños y Adolescentes*) and the National Plan of Action for Child Labour and Protection of the Adolescent Worker 1996-2000 (*Plan Nacional de Atención al Trabajo Infantil y de Protección al Adolescente Trabajador*), in aspects such as minimum age for starting work and the classifications and risk attached to domestic work.

The institutions working with children tend to focus on public instances of child labour, such as street children, and therefore exclude child domestic workers. Two new initiatives have been created to look at the issue of child labour, but neither focuses on child domestic workers.<sup>8</sup>

There are currently no state programmes for delivering services or support to domestic workers. The National Programme against Domestic Violence and Sexual

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<sup>7</sup>Asociación Grupo de Trabajadores Redes (AGTR), *Las Ciudadanas Más Marginadas*, AGTR, Lima, July 2005, pages 69-70.

<sup>8</sup>New measures by the Government include the creation of the "Inter-institutional Roundtable on Child Labour" (*Mesa Interinstitucional sobre Trabajo Infantil*) and the Council Services for Children and Adolescents (*Servicio de Defensorías del Niño y el Adolescente*).

Abuse (*Programa Nacional contra la Violencia Familiar y Sexual*) is the only state support available to child domestic workers even though it does not actually consider them as one of its focus groups.

In terms of protection, the judiciary in Peru have the power to remove children from homes where they are employed as domestics and place them in care of an institution dedicated to child protection. The National Institute of Family Wellbeing (*Instituto Nacional de Bienestar Familiar*) has 33 homes in the country, but all of them are full to capacity and lack qualified staff.

The Commission for the Eradication of Forced Labour has recognised domestic work as a forced labour practice that merits further investigation. They have agreed to investigate the issue with research findings and recommendations to be published by the end of 2006.

## **Conclusions**

Domestic workers, living and working in the homes of third parties, are a largely invisible and powerless sector of society and therefore vulnerable to exploitation and mistreatment by abusive employers. The majority of domestic workers are girls. Their age, gender, and inexperience of city life make them particularly vulnerable to forced labour and other forms of abuse by their employers.

The Government's recognition of domestic work as a forced labour issue is very positive. However, the Government must take immediate action to protect and assist child domestic workers. The Government needs to create institutions responsible for providing support services to child domestic workers, such as refuge homes for short term relief, education and retraining specifically designed for domestic workers, as well as financial support and counselling services.

The Government must include child domestic workers as a specific group within its National Plan for the Eradication of Child Labour. Night schools need to be properly monitored and controlled to protect children from the associated risks of attending night school. The Government also needs to train and strengthen state and local institutions such as the police, judiciary and local governments in understanding and implementing the law and the minimum ages for child workers needs to be rigorously enforced by the authorities.

## **Children working in mines**

Globally, Peru is the second largest producer of silver and sixth largest producer of gold. However, the mines that are used by *artesanal* miners are usually mines abandoned by the industrial producers.<sup>9</sup> *Artesanal* mining is the most basic kind of mining, it is literally mining "by hand". The mines are owned by the workers through co-operatives, and for this reason there is very little capital investment in the mines or

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<sup>9</sup> ILO, *Luces y Huellas para Salir del Socavón: Minería Artesanal, Desarrollo Sostenible y Eliminación del Trabajo Infantil*, ILO-IPEC, Lima, 2005, page 24. Gold is found in alluvial deposits, in the Department of Madre de Dios and the Ananea-Puno zone or in underground mines in the Departments of Ica, Arequipa, Ayacucho, La Libertad and Puno. According to the Ministry of Energy and Mining the largest *artesanal* mining area is Madre de Dios.

the tools they use. Therefore productivity remains low and the use of manual labour is high. The lack of available labour in mining areas means that the workers involve all members of the family, including young children. Given the “low-tech” nature of the work, children can do many of the tasks.

It is estimated that 50,000 children work in hazardous conditions in the mining industry.<sup>10</sup> Activities range from extracting rocks containing gold deposits from rubble and entering subterranean mines to washing gold in rivers and using mercury to extract gold from rocks. The mines are extremely isolated and children expose themselves to great injury and harm without access to medical services nearby. The Mining is concentrated in the districts of Madre de Dios, Puno, Ayacucho, Arequipa and to a lesser extent, La Libertad.

### **Dangerous and hazardous working conditions**

Most young children work with their families, although some older children may sometimes be sent to work for other miners. Children start as young as five years old, helping their mothers pick rocks containing gold deposits on the periphery of the mine and clean them in rivers. When older, the boys begin to work with their fathers in the mines. They dig and carry the minerals out of underground mines, carry heavy loads of stone and rocks on their backs out of surface mines, dive into flooded shafts to retrieve stones and, in the case of gold, they use mercury to extract the gold from the rocks. The older girls continue to help their mothers collect the rocks, as well as take food to their fathers and carry out other domestic chores.

One documented case describes a boy who began work in the mine by helping his mother pick small gold-bearing rocks from the rubble around the mine. By the age of seven he had become an expert. He went to school in the afternoons and after school he went down the mine with his father, helping him by carrying a carbon torch. They returned home around midnight.

The boy’s other responsibilities included removing the rubble from the entrance of the mine and helping his father blow up parts of the mine using dynamite. He then helped his father to extract the gold from the rocks using mercury. By the age of 12 he had already begun to suffer back ache and other ailments.<sup>11</sup>

Accidents are common and can be fatal. Moreover, the children’s health is damaged by the environment they live in. They are exposed to polluted air as well as soil and water contaminated with heavy metals and chemicals. They damage their backs by carrying heavy loads. Given the location’s isolation, medical attention and health services are difficult to access.<sup>12</sup>

In the extraction phase children risk accidents and inhale dust and toxic gases. Transporting heavy loads of rocks on their backs is beyond the physical capacity of children and they suffer from back and other physical injuries. They have to spend hours grinding the rocks with a chemical mix including mercury and cyanide. The list of possible health problems is alarming: chemical poisoning, torn and damaged

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<sup>10</sup> ILO, *op.cit.*, page 26.

<sup>11</sup> César Mosquera Leyva, *Los Niños de las Minas*, ILO website, June 2005

<sup>12</sup> ILO, *op.cit.*, page 28.

muscles, cuts, bruises, fractures, excessive fatigue (further risking serious injury), damaged hearing from the explosions, skin lesions that increase their risk of cancer, and the high risk of accidents and injury from operating machinery. Many of the children also suffer from malnutrition, leaving them more susceptible to injuries and illness.

There have also been cases of alcohol and drug abuse by children in mining areas and prostitution of young women and girls. The mining areas have high incidence of domestic violence and abuse.

Often families who work in the mines live in disused parts of the mine, in precarious constructions made of wood and rush mats. They keep explosive, mercury and other chemicals inside their homes. There is no running water or toilets with electricity provided by a generator for a couple of hours a day.

## **Conclusions**

The Government needs to consider the issue of child labour in mining at the national level. Currently, the National Plan for the Eradication of Child Labour does not include any concrete policies on how to eradicate child labour in mines. The Committee for the Eradication of Child Labour needs to be supported by the Ministries of Employment and Energy and Mining in order to formulate a joint programme of work, with a dedicated budget and realistic timeline for action.

Given that most of the children mining are doing so with their families, the family needs to be the focus of Government action. Work needs to be done with local families in mining zones to challenge their acceptance of child labour as beneficial, as well as to highlight the risks and dangers that children are exposed to by mining.

Access to education needs to be improved at all levels. The Government must prioritise providing secondary schooling and vocational training which is often absent in mining regions. Children and parents need to be able to value schooling and skills training above the perceived benefits of children working.

Economic alternatives need to be provided to mining families, to give them other options to earn a living, and not have to rely on the labour intensive but unproductive activity of mining by hand. Alongside the provision of economic alternatives, there should be investment in mines to transform them from unproductive, labour intensive industries with low standards of safety into places which can provide a stable income for the family, solely based on the labour of adults. The introduction of machinery to replace child labour would help facilitate this.