



Asociación Grupo de Trabajo Redes



anti-slavery

today's fight for tomorrow's freedom

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Information on Peru

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

Child domestic workers in Peru

Child domestic workers in Peru, the majority of whom are girls, work in private homes, hidden from public view, performing work such as cooking, cleaning, washing, and caring for young children and the elderly. In many cases, they are deprived of opportunities for education, isolated from their families and opportunities to make friends, and under the total control of their employers. While many regard domestic work as a 'safe' form of employment, in reality, physical, verbal and sexual abuse could accompany this type of work. Child domestic workers also work long hours, often without any rest days, for little or no pay. Children from rural areas are trafficked into this labour.

There are many factors which push and pull children into domestic labour. The belief that it will enable them to pursue an education and the need to sustain themselves financially and provide some support to their family are key factors. Also, in Andean culture, parents believe that domestic work is formative for children and that it will give them access to a better future. Family problems can also act as the catalyst for children to begin work, including family break-ups or a death within the family or abuse at home.

Scale of child domestic work in Peru

According to the 2001 Census of Households, done by the National Institute of Statistics and Information (INEI), nearly 2 million children between the ages of six and 17 work. Of these 111,141 are child domestic workers.¹ However, it is likely that these figures heavily underestimate the true number.

In September 2007 the first national survey about child work was done in Peru.² In a conference about the preliminary results the number of working children seemed to have increased from 33 per cent to 42 per cent. It is therefore likely that the number of child domestic workers is higher now than it was in 2001.

¹ <http://white.oti.org.pe/ipecc/documentos/fichaperu.pdf>

² Encuesta Nacional sobre Trabajo Infantil, realizada por el Instituto Nacional de Estadística e Información, Lima – Perú. 2007.

Child domestic work as one of the worst forms of child labour

In 2008 the findings of a study was published in which Anti-Slavery International and its local partners undertook consultations with more than 400 current and former child domestic workers in over 20 locations in Africa, Asia and Latin America. In the many individual interviews and group discussions which took place, child domestic workers provided an unparalleled insight into their situations, as well as presenting their views about the kinds of help and support they need most.³

In Peru, where the partner agency was Asociación Grupo de Trabajo Redes (AGTR), 152 child domestic workers and former child domestic workers were consulted. This included 48 in Cajamarca, comprising 23 females and 25 males; 50 in the capital city of Lima, comprising 25 females and 25 males; and 54 in Pucallpa, comprising 29 females and 25 males. The average age of entry into domestic service was 11 years old and the age at which the youngest participant entered domestic service was 8 years old. A ‘step-migration’ pattern was evident, with children starting their working lives in places closer to home, usually outside the capital, and then progressing towards larger urban areas and capital cities as their ages increased.

Much child domestic work falls under the worst forms of child labour as set out in ILO Convention 182 for the reasons outlined below:

Exposure to harmful and hazardous working conditions

Child domestic workers may have to use electrical equipment, machinery, chemicals and other hazardous materials, often without training or protection. They are expected to perform skilled tasks such as childcare or caring for the elderly with minimum training and are severely punished for their mistakes. Child domestic workers struggle with constant demands and responsibilities.

Child domestic work is characterised by long working hours and a lack of rest days or vacation time. In Peru, an average working day of 9 – 10 hours was reported, although a work day of more than 12 hours was typical for girls working in Lima.⁴ Such long working hours are often connected with childcare responsibilities. Child domestic workers who live-in with their employers, usually those who have usually migrated from rural areas to take up work in the cities, can be “on call” for 24 hours a day. They may be awakened during the middle of the night to tend to the needs of their employers.

“I wake up at six in the morning, I prepare breakfast for the couple and their children, then I wash the dishes, I sweep, I mop, wash clothes, feed the dogs, and I finish cleaning the rest of the house. When the children come back from school, I get them lunch or something to eat.”⁵

Male child domestic worker, 10, Lima

³ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, Anti-Slavery International, London, 2008

⁴ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p14

⁵ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p12

According to Peruvian law, every domestic worker is entitled to one day off a week and guaranteed 15 days vacation time per year. However throughout the study, child domestic workers, particularly those who lived with their employers, reported that their time off was very limited, if they were given any at all. Those who lived with their employers were often not allowed to leave the house, often to ensure the domestic worker remained ‘on call’.

“My worst experience was the employer not letting me go out, not even to play sport for a bit, nothing.”⁶

Male child domestic worker, 14, Lima

There was a wide variation in the levels of contact child domestic workers had with families and friends. While some child domestic workers were allowed visitors, there was a tendency amongst employers to discourage people visiting the house. For instance, a number of live-in child domestic workers in Lima reported that their employers tried to control and isolate them from their families by limiting their opportunities for communication(s) and visits.⁷

“My mum comes from time to time to see if I am alright, she asks the lady if I am working well, but she doesn’t come very often, she says the lady will get annoyed.”

Male child domestic worker, 10, Cajamarca⁸

Child domestic workers are extremely isolated. Employers control the child domestic worker’s ability to stay in contact with family or friends and in many cases reduce opportunities for contact and discourage communication. Without any contact or support from parents and no supervision of employers or working conditions, children are extremely dependent on their employers and highly vulnerable to forced labour and abuse. Isolation is used by employers as a means to control children.

During the consultations by Anti-Slavery International and AGTR, a strong desire was expressed by child domestic workers to reduce their isolation in their employer’s household and to stay in contact with their families and be given the opportunity to socialise with other children of their own age.

Living conditions for those child domestic workers who live with their employers can be poor. While most live-in child domestic who participated in Anti-Slavery International and AGTR’s study had their own bed and room, some reported that they had to sleep in their employer’s room or in store cupboards or on mattresses in the kitchen. In the majority of cases, employers made some kind of effort to assist the children in times of ill-health, including providing medicines, giving some rest time and maybe covering their medical expenses. However, some reported that they received no help if they fell ill or were injured during the course of their work.⁹

Work contracts and payment

The law in Peru requires either a verbal or written contract between an employer and

⁶ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p24

⁷ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, pp15-16

⁸ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p15

⁹ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, pp18-19

a domestic worker. In the vast majority of cases, verbal contracts are the norm. When agreements are verbal, domestic workers find it hard to seek redress when abuses occur. For adolescent child domestic workers, agreements regarding pay and conditions may be frequently negotiated directly with the employer, but this is often not the case for younger children, who will then have limited – if any - knowledge of the agreement made between the employer and their parents.

Low pay or no pay is reported to be the norm. Despite doing broadly the same work, younger child domestic workers were routinely paid less than their adolescent counterparts - and in many cases were paid only in-kind. In many cases payment for the work done by the child was passed directly to the child's parents.

“I have not got a contract with the lady, she just said to my mum she would take me in, and so I went, my mum has not said a thing about payment.”¹⁰

Female child domestic worker, Pucallpa

Salary deductions are regularly made by employers for broken or lost household items.

“If I break something they take that off my wages. And if something is missing they do the same thing.”¹¹

Male child domestic worker, 17, Pucallpa

Exposure to physical, psychological and sexual abuse

Child domestic workers report being subjected to physical forms of violence such as being hit or slapped by their employers, and to psychological forms of violence such as shouting, scolding, insults and denial of contact with family.

“When I don't pay attention or don't do my work I get the belt, but not if there is no reason, only when I don't listen.”¹²

Female child domestic worker, 13, Lima

Child domestic workers are also vulnerable to sexual abuse, particularly those that live with their employers.

“...Oh yes, the man wanted to take advantage. I lived in and had a room; he must have known that I was on my own. The lady had gone out, he arrived and he just came into my room. I was asleep, I had a gown on and the sheet but my chest was bare; I could feel somebody touching me. I got up and just then his mother-in-law came into the room and beat him with a broomstick...I left after that, I was scared and that's why I left.”¹³

Female former child domestic worker, 19, Pucallpa

¹⁰ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p16

¹¹ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p17

¹² J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p21

¹³ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p 23

The verbal and physical abuse to which child domestic workers are subjected does not only come at the hands of employers, but some child domestic workers also report that children of their employers taunt, ridicule and sometimes hit them.

“[the employer’s] daughters get cross with me about nothing, just because I don’t do their things properly, but I do everything for them. One of them did slap me once because she was angry with me.”¹⁴

Female child domestic worker, 11, Pucallpa

Lack of opportunities for education

Education is usually a key factor behind a child domestic worker’s entry into domestic service. Many children see being a domestic worker as a way of continuing their studies and parents send their children away to work with an expectation that they will go to school. However the reality is that for most employers education is not a priority and children usually do not attend school for several years.

“I was going to study this year but my employer said it wasn’t possible; we couldn’t leave the children alone. Both he and his wife go out to work.”¹⁵

Male child domestic worker, 16, Lima

The long working hours and requirements of a child domestic worker’s job make it very difficult for them to continue their education even when their employers do not prevent it. In Lima, some child domestic workers persevered with night schools (from 6-10pm) but reported that they had little time for homework and were often tired at school, which had made it difficult to progress.

Vulnerability to trafficking

Typically, the way in which many children entered into domestic service fits the definition of trafficking. Many children are easy targets for trafficking because of the common belief among parents that child domestic work is the safest work for children and that it is formative for them. Many girls in particular reported that it was their mothers who played a key role in their entry into domestic work. In Peru, the child’s first job is usually in the house of a relative, neighbour or “godmother” and children then migrate to larger urban areas and capital cities as their ages increase. In Lima, many child domestic workers have migrated from rural areas but many are also from Lima and are working in the homes of wealthier neighbours or relatives. Many participants in Anti-Slavery International and AGTR’s study talked about the false promises they and their parents were fed about their working conditions and about what life would be like for them.¹⁶

The legal framework and government response

Peru has ratified ILO Conventions No. 29 on Forced Labour; No. 138 on the Minimum Age; and No. 182 on the Worst Forms of Child Labour.

¹⁴ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p23

¹⁵ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, p18

¹⁶ J. Blagbrough, *They respect their animals more. Voices of child domestic workers*, op. cit, pp11-12

Law 27986, the Domestic Workers' Act 2003, (*Ley 27986, Ley de los Trabajadores del Hogar*) recognises certain rights and benefits for domestic workers such as an eight hour working day, days off on all public holidays, 15 days paid vacation a year and a half-monthly wage salary bonus in July and December. The law also states that there must be either a verbal or a written contract between employer and domestic worker.

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.

The Domestic Workers' Act 2003 specifies that minimum age provisions pertaining to domestic work are those contained in the Code of Childhood and Adolescence (*el Código del Niño y el Adolescente*), Law 25571.

The Code of Childhood and Adolescence provides that working hours for children between the ages of 15 and 17 must be no more than six hours daily and must be under 36 hours per week, and working hours for children who are 14 years old must be no more than 4 hours daily and must be under 24 hours per week. The minimum age for child domestic workers is 14 years old, but exceptionally 12 years old.¹⁷

The government has put in place an action plan to tackle child labour. The National Plan for the Prevention and the Eradication of Child Labour 2005-2010 was established by the Committee for the Prevention and Eradication of Child Labour (CPETI) following consultations. The National Action Plan aims to prevent and eradicate child work for those under the age of 14 and the worst forms of child labour for those under 18.

Regional Committees of the CPETI have been created to ensure the Plan's implementation. A Technical Secretariat was created to co-ordinate efforts with local government and the various sectors and to monitor its implementation. CPETI has also put in place a Strategic Plan 2008 – 2010 in order to assist the implementation of the National Action Plan.

The government has also taken measures to address forced labour in Peru, to which many adult and child domestic workers are subjected to. The National Commission for the Eradication of Forced Labour was created. According to information supplied by the Government to the ILO Committee of Experts on the Application of Conventions and Recommendations, in 2007, a Presidential Decree approved the National Plan to Combat Forced Labour.¹⁸

¹⁷ Children ages 12 to 14 may perform certain jobs, subject to restrictions, only if they obtain legal permission from the Ministry of Labour and Employment Promotion (Ministerio de Trabajo y Promoción del Empleo, MTPE) and can certify that they are attending school. U.S. Department of State, "Peru," in *Country Reports on Human Rights Practices- 2004*, Section 6d, Washington, D.C., February 28, 2005; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41771.htm>.

¹⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (no. 29) Peru (ratification: 1960), Published 2009

The government has also sought to address the particular education needs of children who are combining work with study. The Alternative Basic Education programme (*Educación Básica Alternativa – EBA*) is run by the Ministry of Education. It has two programmes separating the students by age; the first for children and adolescents, and the second for young people and adults (The *Programa de Educación Alternativa para Niños y Adolescentes* and the *Programa de Educación Alternativa para Jóvenes y Adultos*). The programme usually involves night classes, which run from 6pm to 10pm. In a 2007 survey, 83 per cent of the students in the programme were between 14 and 25 years old, and the second most common occupation of those attending was domestic work. Two thirds of those attending were working more than eight hours per day.¹⁹ Some children who work also study in the Regular Basic Education programme (*Educación Básica Regular*) during the day, attending classes in either the morning or in the afternoon.

However, the quality of education provided in the Alternative Basic Education programme is said to be very poor and it is very difficult for those who study under this programme to pursue further education after secondary school, either in a technical institute or in a university. Students in this programme do not have access to the same facilities as other students, for example, they are not allowed to use the library or the computer room. Their teachers do not receive the same training that teachers of the Regular Basic Education programme usually receive.

It is also difficult in practice for child domestic workers to benefit from the Alternative Basic Education programme. Either because their employers prevent them from attending, or because their long hours and work responsibilities leave them tired during classes and with little time for homework, making it difficult to progress.

All workers in Peru must be registered by their employers for the national health insurance scheme. However, many employers of domestic workers do not do this. Also, as domestic workers often do not receive the minimum wage but would have to pay a level of contribution to the national health insurance scheme as if they were receiving the minimum wage, many do not want to be registered for the scheme because of the prohibitive costs involved.

Child domestic workers also find it difficult to access health services in practice as they are not open on Sundays (except emergencies), which, for those that get one, is their only day off a week.

Conclusions and recommendations

Despite efforts by the Government towards tackling child domestic labour, many child domestic workers in Peru continue to work under conditions which meet the definition of the worst forms of child labour. Child domestic workers are subjected to work which is hazardous and harmful to their health, safety and development, and which prevents their right to a quality education. Many are in situations of forced labour and many have been trafficked under international definitions.

¹⁹ http://dineba.minedu.gob.pe/docu_investiga.php

There are weaknesses in law and practice that need to be resolved. Law 27986, the Domestic Workers' Act (*Ley 27986, Ley de los Trabajadores del Hogar*) 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.

While education programmes have been put in place to meet the needs of children who work, such as child domestic workers, the quality and facilities are poor, and many are unable to access it in practice due to their employer's refusal or because of difficulties caused by their long hours of work.

Similarly, child domestic workers struggle to access health services and other services run by the government because these are not open on Sunday, which is their only day off (for those that get one) a week. Anti-Slavery International and AGTR's research has also shown that child domestic workers in Peru have little knowledge of any institutions that work with child domestic workers and could provide them with assistance.

Therefore, the Government of Peru is urged to:

- Take immediate action to protect and assist child domestic workers. The Government must identify child domestic workers who are in situations of abuse, exploitation and forced labour, remove them from harm, and ensure that they receive appropriate rehabilitation and reintegration assistance.
- Ensure the effective implementation of Law 27986, the Domestic Workers' Act, and the Code of Childhood and Adolescence. Minimum ages for child workers also need to be rigorously enforced by the authorities. The Government must fully implement the National Action Plan for the Prevention and Eradication of Child Labour.
- Allocate the resources necessary to implement national legislation relevant to domestic workers and child workers and the National Action Plan, and ensure proper co-ordination between the institutions and agencies involved in delivering these.
- Train and strengthen state and local institutions such as the police, judiciary and local governments in understanding and implementing the law in order to protect domestic workers
- Ensure the provision of specialised services to child domestic workers, including support services such as refuge homes for short term relief, and financial support and counselling services.
- Ensure that child domestic workers have access to quality health care through the national health system.
- Raise awareness amongst child domestic workers about their rights under national law, the support services available to them, and the institutions that they can receive assistance from.
- Raise awareness in the communities of origin, particularly in rural areas from which many children migrate, about the risks associated with child domestic work.

The Government should also put in place measures to address other root causes of child domestic work, such as poverty alleviation programmes.

- Raise awareness about the situation of child domestic workers amongst the general public, the media, local authorities, teachers, and other relevant stakeholders.