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2019 Trafficking in Persons Report: Peru

PERU: Tier 2

The Government of Peru does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Peru remained on Tier 2. These efforts included convicting an increased number of traffickers, including the conviction and stringent sentencing of a foreign sex trafficker in a high-profile case. The government also increased the number of victims it identified and opened a new shelter for trafficking victims. In response to the continued influx of large numbers of Venezuelan migrants, many of whom were vulnerable to trafficking, authorities identified 102 Venezuelan trafficking victims and provided short-term protection services to all child victims and some adults. The government increased efforts to enforce laws against illegal mining—which fuels the demand for sex and labor trafficking in Peru—but it did not always apply victim-centered procedures in illegal mining operations. The government did not meet the minimum standards in several key areas. It decreased its anti-trafficking budget, and many ministries reported a lack of adequate funding to fulfill their anti-trafficking mandates, particularly victim protection. Poor interagency coordination continued to hinder victim identification and assistance, and most victims did not receive adequate care. Complicity of some government officials undermined efforts to combat trafficking, but the government did not report any new investigations of complicit officials.

PRIORITIZED RECOMMENDATIONS

Increase funding for, and access to, specialized, comprehensive services—to include legal, medical, psycho-social, shelter, case management, educational or vocational, and reintegration assistance—for all victims, including adults, LGBTI children, and labor trafficking victims. • Increase cooperation among criminal justice officials and between those officials and service providers and increase efforts to employ victim-centered, trauma-informed procedures in law enforcement operations, investigations, and criminal justice proceedings. • Increase efforts to make victim services available to victims immediately following law enforcement operations, and prioritize effective victim screening and prompt removal of victims to secure locations. • Investigate and prosecute trafficking-related corruption and official complicity, and convict and punish complicit officials for these crimes. • Increase efforts to prosecute both sex and labor trafficking offenses, convict and punish traffickers, and apply adequate sentences to convicted traffickers, which should include significant prison terms. • Develop, fully

implement, and train officials on government-wide protocols to guide proactive identification and referral of suspected sex and labor trafficking victims, including screening for indicators of trafficking among vulnerable groups and with a focus on de-conflicting trafficking from related crimes. • Cease holding victims in police stations, especially children. • Increase efforts to systematically screen for indicators of trafficking among Venezuelan migrants and continue to identify potential victims and provide them with protective services. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with penalties for other grave crimes. • Strengthen and institutionalize training on enforcing anti-trafficking laws and employing victim-centered procedures for police, prosecutors, and judges and enforce policies to slow turnover among specialized police. • Improve efforts to collect and report comprehensive, harmonized, disaggregated data on anti-trafficking efforts. • Dedicate adequate funding in ministry and regional government budgets to carry out anti-trafficking responsibilities and increase overall resources for fighting trafficking. • Enforce laws against crimes that facilitate trafficking, such as fraudulent job recruitment, illegal mining and logging, and counterfeit operations.

PROSECUTION

The government increased prosecution efforts. Article 153 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for offenses involving adult victims, 12 to 20 years' imprisonment for offenses involving victims between the ages of 14 and 18 years old, and a minimum of 25 years' imprisonment for offenses involving victims younger than the age of 14. These penalties were sufficiently stringent; however, with respect to sex trafficking, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include all forms of labor exploitation and illegal adoption or child selling without the purpose of exploitation. In 2017, Legislative Decree No.1232 amended the penal code to include separate offenses for “forced labor,” “sexual exploitation,” and “slavery and other forms of exploitation” that carried penalties of six to 12 years' imprisonment, 10 to 15 years' imprisonment, and 10 to 15 years' imprisonment, respectively. These articles criminalized certain forms of sex and labor trafficking and overlapped significantly with trafficking crimes prohibited in Article 153. The government continued to introduce the New Criminal Procedures Code, implementing it in 31 of 34 judicial districts. The new criminal code did not require victims of trafficking to submit a complaint in order for the government to prosecute a suspected trafficker.

Police conducted an increased number of operations that included anti-trafficking activities and arrested 423 suspected traffickers, compared with 410 suspected traffickers arrested in 2017. Prosecutors from the public ministry's anti-trafficking unit participated in 201 anti-trafficking operations, compared with 122 in 2017. The prosecutors also detained 142 suspects and opened 800 investigations; in 2017, they investigated 228 suspects. Several operations involved large, coordinated raids in remote locations. At times, law enforcement officials did not employ victim-centered procedures, particularly during raids on venues where commercial sex occurred. The government reported convicting 46 traffickers in 2018, an increase from 33 traffickers

convicted in 2017. The government did not report complete prosecution data or sentencing data for convicted traffickers in 2017 or 2018. In May 2018, police and prosecutors conducted a raid in the mining town of La Pampa in Madre de Dios that led to the arrest of seven suspected traffickers. In February 2019, the government launched a large-scale operation to expel illegal miners in La Pampa; among the more than 1,500 criminal justice sector officials were 20 police and 10 prosecutors from anti-trafficking units. Officials detained eight alleged traffickers during the operation. The government did not report progress in the 2017 prosecution of a case in which an industrial fire at an illegal counterfeiting workshop resulted in the deaths of two workers who employers had locked inside; one suspect remained in preventative prison detention and one was under house arrest awaiting trial. In March 2019, the government convicted and sentenced to 27 years in prison a U.S. citizen for running a sex trafficking operation that exploited Peruvian women and girls in sex tourism.

Although several ministries collected data to track their anti-trafficking law enforcement and victim protection efforts, the government lacked a coordinated data collection system, making it difficult for authorities to verify statistics, assess efforts, and respond to trends. With support from a foreign donor, the government developed a data collection system to monitor implementation of its national plan, but it had not begun using the system by the close of the reporting period. Peru’s overlapping legal framework further complicated data collection efforts, as authorities often charged trafficking cases as similar offenses such as sexual exploitation. Some officials applied a more narrow definition of trafficking than what was defined in Peruvian law, such as considering recruitment an essential element of a trafficking crime.

The government more than doubled the number of police in its anti-trafficking unit, totaling 398, and it maintained eight specialized anti-trafficking regional prosecutor offices with 35 prosecutors. However, it did not implement a ministerial resolution requiring anti-trafficking police to remain in their units for at least two years, and high police turnover undermined efforts to build this unit’s capacity to fight trafficking. Only cases charged under Article 153 of the penal code could be assigned to specialized prosecutors; trafficking cases charged under other statutes such as forced labor or sexual exploitation were referred to generalized prosecutors, and local observers reported such cases often did not advance. Judges did not receive adequate training on trafficking. Officials reported judges often reduced sex trafficking charges to lesser crimes; required proof of force, fraud, or coercion for child sex trafficking offenses; or disregarded victims’ ages and failed to apply relevant penalty provisions applicable in child trafficking cases. NGOs and government officials reported that poor communication and mistrust between police and prosecutors at both the national and regional level severely hampered anti-trafficking law enforcement efforts. The public ministry provided more than 25 training sessions to prosecutors and police, and the government partnered with NGOs and international organizations to provide training for additional officials on trafficking. The government reported cooperating with the Government of Brazil on a trafficking investigation. Peru signed a new bilateral agreement for combatting trafficking with Spain and maintained similar agreements with Bolivia, Colombia, Ecuador, Chile, and Argentina.

NGOs and government officials reported official complicity in trafficking crimes and widespread corruption in Peruvian law enforcement and judicial systems severely hampered anti-trafficking law enforcement efforts. Some judges and prosecutors may have accepted bribes to downgrade trafficking charges to lesser crimes. Some officials' involvement in the mining industry posed a conflict of interest that impeded law enforcement action against trafficking in mining areas. Government officials and NGOs reported some police officers, including members of the specialized anti-trafficking units, accepted bribes from traffickers to prevent raids, close investigations, or reduce charges. In November 2018, authorities arrested a former police general for suspected trafficking crimes related to an illegal adoption ring; it was unclear whether these crimes amounted to trafficking under international law. The government did not report any other investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Authorities appeared to have dropped an investigation from a previous year of a former member of congress for allegedly operating a hotel where child sex trafficking occurred.

PROTECTION

The government increased efforts to identify and protect trafficking victims, but overall victim protection remained weak. Peruvian law required the ministries of education, health, women and vulnerable populations, transport and communications, and labor to proactively identify and appropriately refer suspected victims from among the high-risk populations they served. However, the government did not report complete data on the number of victims these ministries identified and referred during the reporting period. Police reported identifying 1,600 suspected victims in 2018—including 287 children and 1,313 adults—compared with 1,229 suspected victims identified in 2017. The public ministry reported 882 suspected victims in 2018; of these, 738 were female and 144 were male, and at least 374 were children. It was unclear to what extent police and prosecutors' statistics overlapped. Authorities identified 235 foreign victims, an increase from 59 in 2017; almost all were female and approximately half, 102, were Venezuelan. Police and prosecutors identified 96 suspected trafficking victims in La Pampa during the May 2018 raid and the government reported identifying 51 trafficking victims in La Pampa in February 2019, though some reports disputed this claim. Labor inspectors coordinated on operations with police and, additionally, identified eight suspected domestic servitude victims, and the transportation ministry participated in joint operations with law enforcement that resulted in the identification of 95 female victims. The government lacked standardized procedures for officials to screen for indicators of trafficking among the vulnerable populations they assisted and refer suspected victims to services. Local observers reported some officials were reluctant to identify and refer suspected trafficking victims due to fears of retaliation by traffickers. Police and prosecutors had difficulty identifying indicators of trafficking among women in prostitution, and officials had difficulty distinguishing between trafficking and similar crimes, including sexual exploitation and forced labor.

The anti-trafficking law (Law 28950) required the government to protect victims by providing temporary lodging, transportation, medical and psychological care, legal assistance, and reintegration assistance; but the government did not wholly fulfill this

mandate. Authorities had both inter- and intra-ministerial protocols for providing protection to trafficking victims but implemented them unevenly due to insufficient resources and poor interagency coordination. The Ministry of Women and Vulnerable Populations (MIMP) was responsible for coordinating and providing services to victims in partnership with regional governments, although confusion over whether the national or regional government was ultimately responsible for service provision at times hampered victim assistance. The government began implementing provisions from a 2017 decree that established new MIMP units responsible for the protection of vulnerable children including trafficking victims, and it developed a protocol to guide these units in providing protection to child trafficking victims.

MIMP provided services to 128 child trafficking victims, including 112 girls and 16 boys. The public ministry's program for victims and witnesses provided short-term services immediately following law enforcement operations to 684 trafficking victims in 2018, an increase from 521 victims assisted in 2017. The government continued to operate two shelters exclusively for trafficking victims and expanded the capacity of one of these shelters; these facilities served 71 victims in 2018. In February 2019, the government opened a third trafficking-specific shelter for girl victims, in a property seized from a convicted money launderer during a previous reporting period, and refurbished this facility with support from a foreign donor. Together, the three shelters could comfortably accommodate 60 trafficking victims at a time, though they were often filled beyond their capacity. The government operated 48 residential centers for children that assisted an unknown number of child trafficking victims during the year; staff lacked the expertise and resources to provide adequate protection services to trafficking victims. MIMP operated 295 emergency centers for women victims of domestic violence and sexual abuse, an increase from 222 in 2017; these non-residential centers provided drop-in legal, psychological, and social services to an unknown number of female sex trafficking victims. Many civil society organizations operated shelters or provided other services for victims without government support, although few offered trafficking-specific services. MIMP classified children based on the charges filed in their legal cases; because MIMP labeled many child sex trafficking victims as sexual exploitation victims, they could not access specialized trafficking victim services. There were limited shelter facilities for adult women and labor trafficking victims and no facilities that could accommodate adult male victims. There were no specialized services for LGBTI victims; transgender victims, in particular, did not receive adequate care. Authorities provided minimal, if any, services to reintegrate victims into communities. The government drafted guidelines for providing victims individual reintegration plans, but it did not finalize or implement them before the close of the reporting period. The Ministry of Interior held 15 workshops to more than 500 service providers on victim care and protection protocols.

Criminal justice officials often did not employ a victim-centered approach and at times they conducted anti-trafficking operations without adequate resources, such as safe places to screen potential victims and provide immediate care. Local observers reported MIMP did not participate in the February 2019 operation in La Pampa, and law enforcement officials failed to transfer victims to a secure location. Coordination problems between ministries often meant services for victims were unavailable immediately following law enforcement operations. Some prosecutors temporarily

accommodated child trafficking victims in makeshift shelter spaces inside their office buildings. Lack of incentives to participate in investigations and prosecutions and limited access to specialized services, such as livelihood support, led many adult victims to decline government services. Officials cited the lack of adequate protective services as a key impediment to their ability to effectively combat trafficking in Peru; most victims did not receive sufficient protective services, leaving them at high risk of re-trafficking.

The law required the government to provide legal representation to victims, to safeguard their legal rights and guide them through the legal system. The Ministry of Justice reported providing legal assistance to 361 trafficking victims in 2018, a decrease from 394 victims in 2017. The government did not report whether any victims received restitution in 2018. Foreign victims were eligible for temporary and permanent residency status under Peruvian refugee law, but the government did not report what services it provided foreign victims during the year. It reported coordination with NGOs to repatriate some foreign victims exploited in Peru, but did not specify its contributions or the number of victims; nor did the government report assisting in the repatriation of any Peruvian victims exploited abroad. Inadequate victim identification procedures may have led authorities to arrest, detain, or otherwise penalize trafficking victims for unlawful acts traffickers compelled them to commit. At times, authorities placed child victims in police stations among children apprehended for crimes, where victims faced conditions similar to detention while waiting for referral to shelter.

PREVENTION

The government maintained prevention efforts. The interagency commission, which also included NGOs, met regularly and coordinated implementation of the national plan against trafficking in persons, in effect through 2021. Unlike past years, the government did not produce a required annual report to congress on the government's anti-trafficking efforts. The national government provided training and technical assistance to Peru's twenty-four regional governments, all of which maintained working groups that varied in capacity and effectiveness to address trafficking at the local level. Eight regional governments approved new or strengthened regional anti-trafficking plans. The government dedicated approximately eight million soles (\$2.37 million) to anti-trafficking activities in 2018, a decrease from 11 million soles (\$3.26 million) in 2017, though it could not quantify its total expenditures as many victims received assistance that was not specialized for trafficking and several ministries that conducted anti-trafficking activities did not have a line-item budget for trafficking. Officials noted a lack of adequate funding hindered ministries' and regional governments' ability to implement their duties as outlined in the national plan, especially victim protection efforts. The government had a separate commission, inter-ministerial protocol, and plan for combating forced labor and child labor. The government implemented a plan to increase protection for domestic workers, which included strengthened oversight of employment agencies and improved responses to suspected forced or child labor, and labor inspectors referred eight suspected cases of domestic servitude to the police during the year. The government opened two new regional labor inspection offices in 2018, increased the number of labor inspectors across the country from 480 to 636, and

created 11-member inspection units in each regional office that are specialized in forced and child labor. In response to the influx of more than 700,000 Venezuelan migrants arriving in Peru since 2016, the government continued to issue permanent resident permits that allowed them to work legally in the country, reducing their vulnerability to trafficking; it issued approximately 300,000 permits during the year. The government launched a radio drama in Quechua to warn indigenous populations about risks of trafficking. Various ministries conducted additional awareness-raising efforts, often in partnership with international organizations and NGOs and with foreign donor funding. Some of these efforts focused on preventing child sex tourism and providing information for reporting suspected abuses. The government increased efforts to enforce laws against illegal mining, which fuels the demand for sex and labor trafficking. The government did not report efforts to reduce the demand for commercial sex acts. The government made efforts to reduce the demand for forced labor; in February 2019, it arrested two labor recruiters for fraudulent recruitment that facilitated the trafficking of Peruvian victims in Brazil.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Peru, and traffickers exploit victims from Peru abroad. Indigenous Peruvians are particularly vulnerable to trafficking. Traffickers exploit Peruvian and foreign women and girls, and to a lesser extent boys, in sex trafficking within the country; traffickers often recruit victims through false employment offers and, increasingly, on social media platforms. Traffickers exploit Peruvian women and children in sex trafficking in other countries, particularly within South America, and they exploit women and girls from neighboring countries in Peru. LGBTI Peruvians, especially transgender women and girls, are vulnerable to sex trafficking. Communities located near illegal mining operations are often isolated and lack a permanent government presence, increasing the likelihood of illicit activity, including sex and labor trafficking. The high demand for commercial sex in these towns increases incentives for traffickers to bring in women and girls from various regions in Peru, including Venezuelan migrants, or Bolivia. Women and girls exploited in sex trafficking near mining communities are often indebted due to the cost of transportation and unable to leave due to the remoteness of camps and complicity of miners in their exploitation. Tourists from the United States and Europe purchase sex from child trafficking victims in areas such as Cuzco, Lima, and the Peruvian Amazon. In the Loreto region, criminal groups facilitate transportation of foreign tourists by boat to remote locations where traffickers exploit women and children in sex trafficking in venues on the Amazon River.

Traffickers exploit Peruvian and foreign men, women, and children in forced labor in the country, principally in illegal and legal gold mining and related services, logging, agriculture, brick-making, unregistered factories, counterfeit operations, organized street begging, and domestic service. Traffickers subject Peruvians to forced labor in artisanal gold mines and nearby makeshift camps that provide services to miners; traffickers compel victims through deceptive recruitment, debt-based coercion, restricted freedom of movement, withholding of or non-payment of wages, and threats and use of physical violence. Traffickers subject children to forced labor in begging,

street vending, domestic service, cocaine production and transportation, and other criminal activities. The narco-terrorist organization Shining Path recruits children using force and coercion to serve as combatants or guards, and it uses force and coercion to subject children and adults to forced labor in agriculture, cultivating or transporting illicit narcotics, and domestic servitude, as well as to carry out its terrorist activities. Traffickers subject Peruvian men, women, and children to forced labor in other South American countries, the United States, and other countries. Since 2016, more than 700,000 Venezuelans fleeing the humanitarian crisis in their country have entered Peru; traffickers subject Venezuelan adults and children to sex and labor trafficking en route to or after arrival in Peru. Migrants along Peru’s southern border with Chile were reportedly vulnerable to sex and labor trafficking. NGOs and government officials reported official complicity in trafficking crimes continued to occur and widespread corruption in Peruvian law enforcement and judicial systems continued to hamper anti-trafficking efforts.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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