

ECPAT



COUNTRY OVERVIEW

*A report on the scale, scope and context
of the sexual exploitation of children*

NOVEMBER, 2021



PERU

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PREFACE

Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015.

ECPAT Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC.

ECPAT Country Overviews also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

During the process, drafts are shared with ECPAT members, relevant local organisations, and experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.

AT A GLANCE

Peru is a Latin American country which covers a part of the Amazon rainforest, and shares borders with Ecuador, Colombia, Brazil, Chile and Bolivia. Its population of 32.9 million people included 9.6 million children in 2020. While the country has been one of the fast-growing economies in Latin America, in recent years, Peru has experienced political and institutional instability - with a total of five presidents in office since 2016. In addition, economic hardship is affecting a large share of the population, with 20% of Peruvians living below the international poverty line according to the most recent data. Socio-economic inequalities continue to shape children's vulnerabilities to sexual exploitation in Peru. Indeed, children living in poverty who are in search of means of survival and to ease their family's economic burden, are targeted by exploiters who lure them through fake employment offers, especially online, or other promises of money or goods. Such economic vulnerability can be exacerbated by other risk factors like school drop-out and child labour. June 2021 data indicated that 86.9% of school-age children attended secondary education, and school dropout was closely linked to economic hardship. Moreover, the latest official data estimated that in 2015, more than 1.2 million children engaged in dangerous work in Peru.

Some social norms also contribute to downplaying the sexual exploitation of children in Peru. According to the 2019 National Study on Social Relations, 58.5% of Peruvians perceived violence against children as socially acceptable and 21.5% considered that it is better not to intervene in cases of child sexual abuse. Stereotypical attitudes towards girls are at the roots of girls' sexual exploitation in prostitution, trafficking for sexual purposes and child marriages. In 2020, data indicated that 14.1% of women aged between 20 and 24 years old were married or cohabiting before turning 18. Early marriage is tied to early pregnancies and disproportionately affect girls from disadvantaged households. When girls marry or cohabit early, an imbalance of power can put them at risk of sexual violence, including forms of sexual exploitation. Gender norms in Peru support stereotypical male behaviours that displays control, strength, success or sexual aggression. Such norms can also impede the identification and assistance of boys who experience sexual exploitation.

Indigenous children in the Amazonian and Andean areas, many of whom experience poverty, low access

to education and barriers to accessing services, are vulnerable to sexual exploitation. Evidence covered in this report notes that Indigenous girls from remote areas have been reported to be trafficked for sexual purposes and sexually exploited in prostitution in the Amazonian areas, especially near illegal mining areas. Amazonian Indigenous girls are also reported as amongst the most likely to experience child marriages. Another vulnerable group is Venezuelan children who have migrated to Peru due to the humanitarian crisis. In search of means of survival, Venezuelan children can arrive in Peru irregularly, unaccompanied and undocumented, putting them, particularly girls, at high risk of being trafficked for sexual purposes.

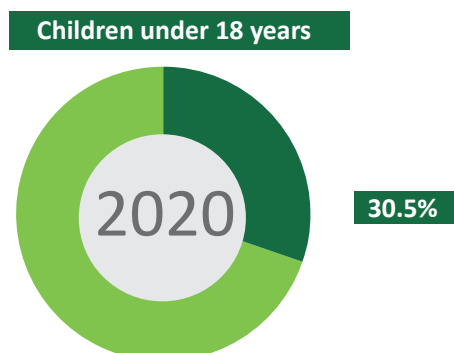
Peru has ratified most major international conventions relating to the fight against child sexual exploitation and is party to additional international legal frameworks. While national level legislation has gradually been adapted to align with its international commitments, limitations still exist. For example, the legislation contains exemptions which allow for children over 14 to marry. In addition, some crimes relating to online child sexual exploitation, such as the live-streaming of child sexual abuse, are not criminalised in the Peruvian legislation.

Illustrating Peru's political will to tackle the sexual exploitation of children, national action plans on children's rights and against trafficking have been adopted and renewed over the last decade, the latest versions being the National Policy against Trafficking in Persons and the Multi-sectorial Policy for Girls, Boys and Adolescents lasting until 2030, which both cover measures against some of these crimes. However, steps need to be taken to allocate sufficient resources to their implementation as well as to involve all levels and sectors of government.

Despite political will and progress, this report stresses that efforts need to be targeted at broadening prevention and enabling access to response support – particularly for highly vulnerable populations. Sources described in this report also indicate that technology is a growing mechanism used by offenders to exploit children, and relevant professionals - including law enforcement and teachers - need to be trained and equipped to respond to such crimes. In addition, steps should be taken to involve children in designing and overseeing policies affecting them.

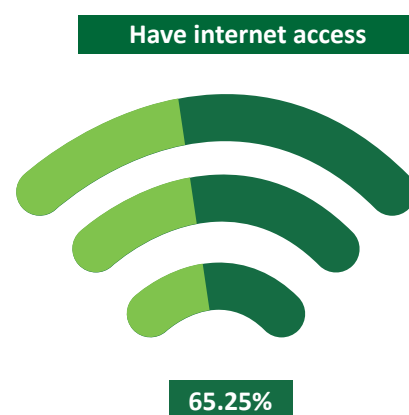
POPULATION

SOURCE: UNICEF (2021). *The State of the World's Children 2021*



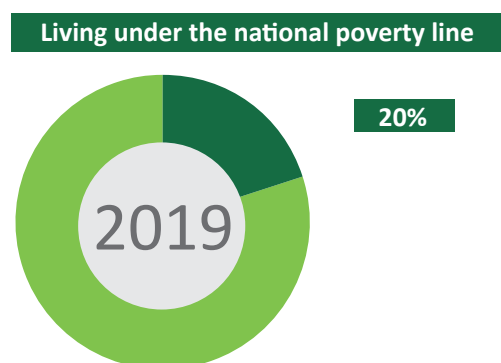
INTERNET ACCESS

SOURCE: ITU Statistics 2020: *Country Profile*



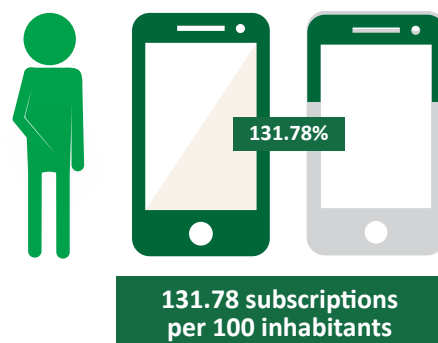
POVERTY RATE

SOURCE: *Poverty & Equity Data Portal: World Bank*



MOBILE PHONE USERS

SOURCE: ITU Statistics 2020: *Country Profile*



CHILDREN'S RIGHTS UNDER THE LAW

	Girls	Boys
Age of consent for sex	14	14
Minimum age for marriage	14	14
Legal working age	12	12
Compulsory age of schooling	6-17	6-17

INTRODUCTION

The Republic of Peru is situated in the Western and intertropical part of Latin America.¹ It borders Ecuador, Colombia, Brazil, Bolivia and Chile.² The country is a democratic republic which is organised into 25 territorial units, including 24 regions and one autonomous province, containing the capital city of Lima.³ Since 2016, Peru has experienced an institutional crisis with five presidents in office since 2016, mainly due to political conflicts between the executive and legislative branches, leading to, among other things, the resignation of a president, a closure of the parliament and a presidential impeachment.⁴ According to the latest available statistics from UNICEF, Peru had a population of 32.9 million in 2020, with 9.6 million children under 18 years old (30.5%) and 2.8 million children under 5 years old (8.6%).⁵

Over the last two decades, Peru has been one of the fast-growing economies in Latin America,⁶ despite an economic decline in 2020 in the context of the COVID-19 outbreak.⁷ However, according to the World Bank, in 2019, 20% of Peruvian people lived under the national poverty threshold.⁸ In Peru, poverty has been closely connected to child labour.⁹ Indeed, according to the National Institution of Statistics and Informatics' latest available data on child labour from 2015, more than 1.2 million children were engaged in hazardous labour. In addition, child labour impacted 12.1% of Peruvian children between five and nine years old, 29% of children between 10 and 13 years old and 40.5% of

adolescents between 14 and 17 years old.¹⁰ There is increasing evidence that suggests that globally, working children are a group prone to sexual exploitation.¹¹ In Peru, research has identified cases of children being subjected to sexual exploitation after being lured with fake job offers in illegal mining camps.¹²

In Peru, economic hardship seems to be also closely linked to school dropout. In 2021, official data shows that 66.7% of children not in school from the ages of 6 to 16 declared that economic and family problems were the main reason for not attending school.¹³ From April to June 2021, 97.7% of boys and girls attended primary education and 86.9% attended secondary education.¹⁴ While the school completion rate in Peru is higher than in some other Latin American countries, school dropout continues to be an issue.¹⁵ Incomplete education is known to increase vulnerability to forms of sexual exploitation, as it also tends to contribute to reduced economic and employment opportunities that may drive young people to riskier circumstances.¹⁶

Peru is a multi-ethnic country, with 51 Indigenous groups living in the Amazon and four Indigenous minority groups living in the Andes.¹⁷ In addition, according to a 2017 report from the National Institute of Statistics and Informatics, 3.6% of the population above 12 identified themselves as Afro-Peruvian.¹⁸ The isolated geographical locations of most Indigenous minority groups mean that

1 Zizek, M. (2019). *Regiones y ciudades principales de Perú*. About Español.

2 *Ibid.*

3 *Ibid.*

4 Camacho, G. (2021). *Peru's Democracy Is at a Breaking Point*. Foreign Policy.

5 United Nations Children's Fund. (2021). *The State of the World's Children 2021: On My Mind – Promoting, protecting and caring for children's mental health*. UNICEF, New York. 190.

6 OCDE. (2019). *Multi-dimensional Review of Peru: Volume 3. From Analysis to Action*. OECD Development Pathways, Éditions OCDE, Paris.

7 Comisión Económica para América Latina y el Caribe. (2021). *La paradoja de la recuperación en América Latina y el Caribe. Crecimiento con persistentes problemas estructurales: desigualdad, pobreza, poca inversión y baja productividad*. Informe Especial COVID-19 No. 11.3

8 The World Bank. (2019). *Poverty headcount ratio at national poverty lines (% population) – Perú, Latin America & Caribbean*.

9 Andina – agencia peruana de noticias. (2018). *Reducción de pobreza y acceso a educación redujeron trabajo infantil en Perú*.

10 Instituto Nacional de Estadística e Informática. (2016). *Alrededor de 2 millones de niñas, niños y adolescentes trabajan en el país*.

11 ECPAT International. (2016). *Power, Impunity and Anonymity*. Bangkok: ECPAT International. 34.

12 United States Department of State. (2021). *Trafficking in Persons Report: Peru*.

13 Instituto Nacional de Estadística e Informática. (2021). *Informe Técnico Estado de la Niñez y Adolescencia, n°3, Abril-Mayo-Junio 2021*, Lima: INEI.5.

14 *Ibid.*, 3.

15 United Nations Children's Fund. (2021). *The State of the World's Children 2021: On My Mind – Promoting, protecting and caring for children's mental health*. UNICEF, New York.

16 ECPAT International. (2016). *Power, Impunity and Anonymity*. Bangkok: ECPAT International. 39.

17 Base de Datos de Pueblos Indígenas u originarios. (n.d.). *Lista de lenguas indígenas u originarias*.

18 Instituto Nacional de Estadística e Informática. (2017). *La autoidentificación Étnica: Población Indígena y Afroperuana*.

Indigenous children often face barriers to accessing healthcare and education.¹⁹ According to the National Institute of Statistics and Informatics, in 2017, among people older than 12 years old, 9.4% of Indigenous people from the Andean areas, 14.4% of Indigenous people from the Amazonian areas and 4.9% of Afro-Peruvians had no formal education.²⁰ Cumulatively these proportions were higher than those of people identifying themselves as white or mixed (i.e. mestizo) among which 3.4% reported not having any education.²¹ Ethnic minority communities face a raft of vulnerabilities that may lead to sexual exploitation of children. For instance, more than one million Indigenous children could not attend classes in-person due to school closures linked to the COVID-19 pandemic.²² The lack of Internet connection and the fact that online classes provided by the government were not available in their local languages also limited the possibility for such children to continue their education.²³ As already mentioned above, incomplete education is known as a vulnerability to forms of sexual exploitation.²⁴ According to a 2021 report from the Centre for Indigenous Cultures of Peru, female Indigenous children are at risk of being subjected to sexual violence which would likely include vulnerability to child sexual exploitation.²⁵

Venezuelan children staying in Peru are another group whose situation may leave them vulnerable to being exploited. Indeed, Peru is hosting the second highest number of Venezuelan migrants after Colombia,²⁶ since the 2015 humanitarian crisis which has led to the migration of 5.4 million Venezuelans. In this context, Venezuelan children may arrive in Peru irregularly, unaccompanied and without identification documents which make them easy targets for traffickers.²⁷ Since

2019, the legal immigration paths for Venezuelans have been impacted by the introduction of a visa requirement to enter Peru and the establishment of an accelerated asylum procedures at the borders, which may increase their use of irregular migration routes.²⁸ A UNHCR study conducted in 2019 among 7,846 Venezuelan migrants staying in Latin American countries, including Peru, shows that their migration, in particular their irregular stay, has put them at risk of exploitation, including survival sex and begging.²⁹ Another study conducted by World Vision in 2020 has stressed that 86% of Venezuelan children staying in Peru were facing hunger.³⁰ In 2018, official data also showed that only 25.3% of Venezuelan children in Peru aged from 3 to 5, 46% of those aged from 6 to 11 and 42% of those aged from 12 to 16 were attending school.³¹ Among the main reasons for not attending schools were the lack of financial means and formal documentation.³²

Since 2020, Peru has been widely affected by the COVID-19 pandemic, having one of the world's highest pandemic death rates per habitant by September 2021.³³ An academic study, published in July 2021, has found that among twenty-one countries, Peru faced the highest rate of primary or secondary caregiver deaths.³⁴ Indeed, it was underlined that 136,572 Peruvian children were in such a situation, including 92,702 orphans, increasing their vulnerability to sexual exploitation and abuse, potentially interwoven with economic hardship.³⁵ In March 2021, the government of Peru adopted through an emergency decree a financial assistance scheme of 200 sol (50 US dollars as of November 2021) per month for children who lost their caregivers due to COVID-19.³⁶

19 Humanium. (n.d.). *Children of Peru*.

20 Instituto Nacional de Estadística e Informática. (2017). *La autoidentificación Étnica: Población Indígena y Afroperuana*. 12, 14, 17, 56.

21 *Ibid.*, 56.

22 Defensoría del Pueblo. (2020). *La educación frente la emergencia sanitaria – brechas del servicio educativo público y privado que afectan una educación a distancia accesible y de calidad*. 15-18.

23 *Ibid.*

24 ECPAT International. (2016). *Power, Impunity and Anonymity*. Bangkok: ECPAT International. 39.

25 CHIRAPAQ – Centro de Culturas Indígenas del Perú. (2021). *Violencia sexual contra niñas y jóvenes indígenas – Reporte Nacional*. 7.

26 UNHCR. (2021). *Venezuela Situation Fact sheet*. June 2021.

27 Care International. (2020). *Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela*. Geneva: Care International. 8-29.

28 UNHCR. (2019). *Situación Venezuela: Aspectos claves del monitoreo de protección*. Enero-Junio de 2019. 11.

29 *Ibid.*

30 World Vision. (2020). *Migración y COVID-19: Niñez venezolana, entre la espada y la pared*.15

31 Instituto Nacional de Estadística e Informática. (2019). *Condiciones de Vida de la Población Venezolana que reside en Perú. Resultados de la Encuesta dirigida a la población venezolana que reside en el País*. Lima: INEI.11.

32 *Ibid.*

33 Johns Hopkins Coronavirus Resource Center. (2021). *Mortality Analyses*.

34 *Ibid.*

35 Hillis S.D, et al. (2021). *Global minimum estimates of children affected by COVID-19-associated orphanhood and deaths of caregivers: a modelling study*. The Lancet. 398(1029).

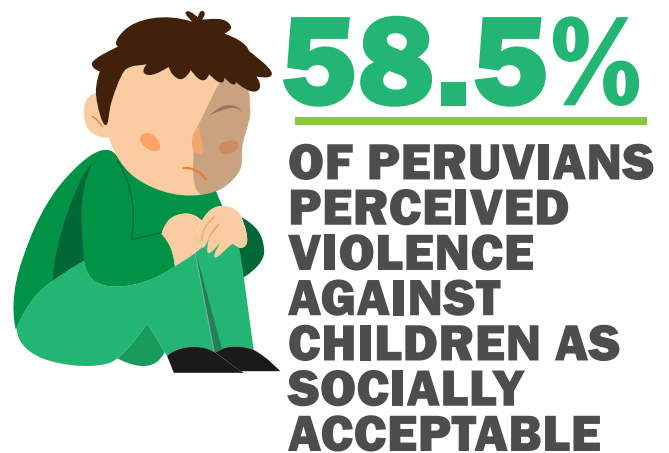
36 Government of Peru. (2021). *Decreto Supremo que aprueba las Disposiciones Complementarias para el otorgamiento de la Asistencia Económica a favor de las niñas, niños y adolescentes cuya madre o padre o ambos hayan fallecido durante el periodo de Emergencia Sanitaria por causa de la COVID-19*.

Gender discrimination in Peru is common and especially impacts girls in urban peripheries or in rural areas.³⁷ Due to fewer opportunities in the more remote geographical areas they live in and the low income of their families, these girls can have limited education.³⁸ Further, gender-based violence against girls is a concern in Peru.³⁹ Between 2013 and 2018, out of the 3,738 reported cases of sexual violence (14.2% of the total 26,285 cases of violence in schools) committed by both peers and school staff against children, 82% of the victims were female.⁴⁰ Gender norms in Peru play a strong role in enabling gender-based violence and impunity for offenders, indeed, they support stereotypical male behaviours that display control, strength, success or sexual aggression.⁴¹ According to a 2019 report of the National Institute of Statistics and Informatics on social attitudes and beliefs, 31.1% of Peruvian citizens believed that women who dress provocatively seek to be sexually harassed and 16% believed that women should accept all sexual requests from their partners.⁴² Gender norms may also be used to justify child, early and forced marriage, child early cohabitation and child pregnancies.⁴³ Gender norms that support stereotypical male behaviours can also impede the identification and assistance of boys subjected to sexual exploitation.⁴⁴

Finally, attitudes regarding violence against children may also increase Peruvian children’s vulnerability to sexual exploitation. The 2019 National Study on Social Relations from the National Institute of Statistics and Informatics has shown that 58.5% of Peruvians perceived violence against children as socially acceptable and 21.5% considered that it is better not to intervene in cases of child sexual abuse.⁴⁵ Such findings point to the need for wide-ranging efforts to sensitise the Peruvian population, including by challenging social acceptance of violence and framing of sexual violence as a ‘private’ issue, considering that these attitudes are likely to enable the sexual exploitation of children.⁴⁶

In the 2019 Out of the Shadows Index on countries’ response to child sexual abuse and exploitation developed by the Economist Intelligence Unit, Peru ranked 12th out of 60 countries with a score of 58.2.⁴⁷ This ranking places it between two other Latin American countries, namely Colombia (63.5) and Brazil (62.9).⁴⁸ This overall score measures how elements in a country’s environment exacerbate risks of sexual exploitation and abuse for children; how national systems enable children to seek justice; lists what commitments the government has made to addressing sexual violence against children; and assesses the role that civil society and industry are currently playing in addressing the issue.

A 2019 STUDY INDICATES THAT



37 CARE. (2020). *Diserción escolar y brecha de género: las niñas son las más afectadas por la desigualdad educativa*.
 38 *Ibid.*
 39 Siseve – *Contra la violencia escolar*. (2018). *Sistema Especializado en reporte de casos sobre Violencia Escolar*.
 40 *Ibid.*, 8-10
 41 Oxfam International. (2018). *Breaking the Mould: changing belief systems and gender norms to eliminate violence against women in Latin America and the Caribbean*. 16.
 42 Instituto Nacional de Estadística e Informática. (2019). *Encuesta Nacional Sobre Relaciones Sociales – Principales resultados*. 30-31.
 43 Rojas, V., Bravo, F. (2019). *Experiencias de convivencia, matrimonio y maternidad/paternidad en adolescentes y jóvenes peruanos*. Young Lives, Niños del Milenio.
 44 ECPAT International. (2021). *Global Boys Initiative: A global review of existing literature on the sexual exploitation of boys*. Bangkok: ECPAT International.
 45 Instituto Nacional de Estadística e Informática. (2020). *Encuesta Nacional sobre Relaciones Sociales 2019, principales resultados*. Lima : INEI
 46 *Ibid.*
 47 The Economist Intelligence Unit. (2019). *Out of the Shadows: Shining light on the response to child sexual abuse and exploitation*.
 48 *Ibid.*

CONTEXT FOR SEXUAL EXPLOITATION OF CHILDREN IN PERU

EXPLOITATION OF CHILDREN IN PROSTITUTION⁴⁹

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines ‘child prostitution’ as “the use of a child in sexual activities for remuneration or any other form of consideration”.⁵⁰

The sexual exploitation of children in prostitution is criminalised under several legal provisions in Peru, as further explained under section 3.1 of this report. At the same time, the sale and purchase of sexual services by adult sex workers is not criminalised. Moreover, under law, municipalities can grant licenses for the opening of commercial venues, including those where the prostitution of adults can legally occur.⁵¹ In such a context, the sexual exploitation of children in prostitution remains a problem due to, among others, poverty and the lack of strong mechanisms to oversee the functioning of establishment-based prostitution.⁵² According to anecdotal evidence from local NGOs, in some instances, licenced brothels, and more often illegal brothels, bars and nightclubs are places where the sexual exploitation of children, mostly girls, is known

to occur.⁵³ Peruvian municipalities, in coordination with the public prosecution services, can order the closure of commercial venues that breach the law.⁵⁴ Various media have reported, the arrest of exploiters and the closure of establishments where children were forced into prostitution across Peru.⁵⁵ However, even when closures are ordered, the lack of coordination between the municipalities carrying out the administrative procedure and the judicial authorities initiating criminal proceedings often preclude offenders’ criminal liability.⁵⁶

Despite the lack of statistics on the exploitation of children in establishment-based prostitution, the last official data from 2020 indicates that 26.5% of reported cases of human trafficking were identified in nightclubs and 20.3% in brothels.⁵⁷ Although the disaggregation methods used for such data does not provide enough details to clarify how many of such victims are children, this data does provide indications regarding the extent of the exploitation of children in establishment-based prostitution, considering that 40.5% of reported cases of human trafficking were committed against children and that most reported cases of human trafficking were related to sexual exploitation.⁵⁸ In 2019, the two main venues where human trafficking occurred were nightclubs (52.1% of reported cases) and brothels (31.6%).⁵⁹ While a lesser proportion of trafficking cases stemmed from these two settings in 2020, this is likely just because of temporary closures of commercial venues as part of COVID-19 pandemic movement restrictions.

49 ECPAT prefers the term ‘exploitation of children in prostitution’ instead of ‘child prostitution’ in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 30. Bangkok: ECPAT International.

50 UN General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Art. 2(b).

51 Government of Peru. (2007). *Ley Marco de Licencia de Funcionamiento No.28976*.

52 CHS Alternativo. (2021, October). Personal Communication.

53 *Ibid.*

54 Lozano Lamadrid, S. (2018). *Gestión institucional en la prevención y control de la prostitución femenina en el distrito de Cajamarca*. Universidad Nacional de Cajamarca. 23.

55 Peru 21. (2021). *Comas: Policía rescata a una menor que era obligada a prostituirse en un club nocturno*.; El Comercio. (2019). *San Juan de Lurigancho: detienen a dueña de bar donde prostituían a menor de 17 años*.; AmericaTV. (2019). *Centro de Lima: clausuran prostíbulo clandestino en centro comercial Unicachi*

56 CHS Alternativo. (2021, October). Personal Communication.

57 INEI. (2021). *Perú – estadísticas de trata de personas 2015-2020*. Lima: INEI.

58 *Ibid.*

59 *Ibid.*

Media sources also indicate that children, in particular girls and children with diverse sexual orientation and gender identity, are sexually exploited in street-based prostitution, and lack access to tailored support and protection from the authorities, especially in the case of transgender children.⁶⁰ More generally, the vulnerability of children to sexual exploitation in street-based prostitution, in Peru and globally, tends to be overlooked as they may be wrongly perceived by society and the authorities as delinquents.⁶¹

A research study published by the Peruvian Ministry of Education in 2017, highlighted that Indigenous children in the province of Condorcanqui in Amazonia, were at risk of being sexually exploited by teachers or other adults in the community who offer money and goods as a way to coerce and silence them.⁶² In Lima, Ancash and Loreto, media reports have also covered cases of teachers who sexually exploited pupils and offered money or goods to them or their parents to obtain their silence.⁶³ In this context, it is worth noting that in 2019, the list of offences for which convicted teachers would be banned from working in the profession was expanded by decree to include offences related to the sexual exploitation of children.⁶⁴

Finally, the Internet has increasingly been used by offenders to recruit children to be sexually exploited in prostitution.⁶⁵ A 2019 research study from Save the Children showed that teenage girls in Huánuco were being directly contacted online in attempts to exploit them through prostitution.⁶⁶ The study also indicated that both female teenagers and male teenagers received fake job offers or scams online aimed at sexually exploiting them in prostitution.⁶⁷ Some media outlets have also reported cases of children being groomed by offenders via social media, who lured them and forced them to have paid sexual intercourse with persons unknown to the children.⁶⁸

DATA FROM 2020 INDICATES THAT

26.5%

**OF REPORTED
CASES OF HUMAN
TRAFFICKING
WERE IDENTIFIED
IN NIGHTCLUBS
AND**

20.3%

IN BROTHELS



60 Diario Correo. (2016). *Noches de prostitución callejera en el Paseo la Breña de Huancayo*.; Ojo Publico. (2019). *Mujeres trans: las víctimas invisibles de la trata*.

61 *Ibid.*; ECPAT International. (2020). *Summary Paper on Sexual Exploitation of Children in Prostitution*. Bangkok: ECPAT International. 4.

62 Ministerio de Educación. (2017). *Desenrollando la madeja de la impunidad : rutas de acceso a la justicia en casos de violencia sexual contra niñas y adolescentes en zonas rurales y multiculturales de la provincia de Condorcanqui, Amazonas. Estudio de una comunidad nativa awajun del Río Santiago*. Lima : Ministerio de Educación.

63 La República. (2019). *Ate: dictan prisión preventiva contra docente acusado de tocamiento indebidos*; El Comercio. (2019). *Áncash: denuncian presunto acuerdo para que docente no sea denunciado por violación sexual a cambio de dinero*; El Comercio. (2018). *Loreto: falta separar a siete docentes acusados de abuso sexual*.

64 Ministerio de Educación. (2019). *Decreto de Urgencia N° 019-2019 busca proteger a escolares de instituciones públicas y privadas*.

65 ECPAT International. (2020). *Summary Paper on Sexual Exploitation of Children in Prostitution*. Bangkok: ECPAT International.

66 Save the Children, Paz y Esperanza. (2019). *Acoso, explotación y violencia sexual contra niños, niñas y adolescentes en espacios virtuales: percepciones y respuesta de las instituciones y autoridades de Huanuco*. 25.

67 *Ibid.*

68 La República. (2020). *San Juan de Miraflores: capturan a sujetos acusados de prostitución de menores*; La República. (2020). *Lambayeque: investigan uso de las redes sociales para promover la explotación sexual LRND*.

ONLINE CHILD SEXUAL EXPLOITATION

Online child sexual exploitation (OCSE) can include child sexual abuse material (CSAM),⁶⁹ live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM-related conducts (production, distribution, downloading). Article 2 (c) of the OPSC defines ‘child pornography’ as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.⁷⁰

In Peru, the percentage of people with Internet access has increased. In particular, usage of the Internet by children above 6 years old grew from 60.2% in 2019 to 70.3% in 2020.⁷¹ The increasing use of mobile phones and the proliferation of Internet access, although bringing huge positives like broad access to information, also presents potential risks to children – including the risk of sexual exploitation. The misuse of technologies offers offenders ways to groom and exploit children.⁷²

A 2019 study that explored online violence against children in Huánuco with a small number of children and adolescents provides some indications of the risks facing Peruvian children.⁷³ Amongst the young female study participants, grooming was common. Some of the adolescent girls indicated that they had been threatened by partners with the dissemination of sexual content they had generated.

A proportion of both the adolescent girls and boys had seen sexual content of themselves published online without their permission.⁷⁴ Moreover, some adolescent girls also indicated that they had been subjected to sexual violence – attempted in some cases by a person who first contacted them online.⁷⁵

Capital Humano y Social (CHS) Alternativo, the ECPAT member in Peru, conducted a study in 2019 to investigate the knowledge of risks related to online sexual exploitation, and their past experience of it amongst adolescents in four Peruvian regions: Arequipa, Lima, Cusco and Madre de Dios.⁷⁶ Of the surveyed adolescents, 26% indicated that they had encountered people online “who made them feel hurt”.⁷⁷ Out of this 26%, two-thirds were girls while the remaining third were boys.⁷⁸ The study also investigated if children knew how to report a situation of online sexual exploitation. Only 59% responded that they knew what to do.⁷⁹ The research conducted by CHS Alternativo also explored the adolescents’ knowledge on different forms of online child sexual exploitation.⁸⁰ Of the 446 children between 11 and 18 years old who participated in the survey, 45.9% knew ‘sexting’ to be the willing sharing of sexual content.⁸¹ However, 40.5% were also aware that sharing intimate photos or videos of another person with others without the permission of the person portrayed in these materials is a crime.⁸² More than 50% of surveyed adolescents knew that grooming refers to situations where an adult tries to contact a child in order to exploit them sexually.⁸³

In the same study, a sample of teachers and parents were also consulted to understand their knowledge and perspectives on online child sexual exploitation. Of the 191 teachers who participated in the survey, only 35% of them knew what ‘sexting’ was,⁸⁴ and 30% responded that they did not know what to do when facing a situation of online child sexual

69 ECPAT prefers the terms ‘child sexual exploitation material’ or ‘child sexual abuse material’, but in a legal context still uses ‘child pornography’ in line with the recently widely adopted Terminology Guidelines, 40.

70 OPSC, Article 2(c).

71 Instituto Nacional de Estadística e Informática. (2020). *Estadísticas de la Tecnologías de Información y Comunicación en Hogares – Informe Técnico*. 10.

72 ECPAT International. (2020). *Summary Paper on Online Child Sexual Exploitation*. Bangkok: ECPAT International. 3.

73 Save The Children, Paz y Esperanza. (2019). *Acoso, explotación y violencia sexual contra niños, niñas y adolescentes en espacios virtuales: Percepciones y respuestas de las instituciones y autoridades estatales de Huánuco*. 25.

74 *Ibid.*

75 *Ibid.*, 23.

76 CHS Alternativo. (2019). *Colaboración intersectorial e interdisciplinaria para prevenir y responder a la realidad de la explotación sexual de niñas, niños y adolescentes en línea en el Perú 2017 - 2020*. 3.

77 *Ibid.*, 6.

78 *Ibid.*

79 *Ibid.*, 29.

80 *Ibid.*, 9

81 *Ibid.*

82 *Ibid.*

83 *Ibid.*, 11.

84 *Ibid.*, 22.

exploitation.⁸⁵ CHS Alternativo also asked them to indicate who had the responsibility of reporting a situation of online child sexual exploitation to authorities and 52% of the teachers did not know how to reply.⁸⁶ The study also included a survey with 364 parents. Among them, 76% declared not knowing much about online child sexual exploitation.⁸⁷ In addition, only 19% of parents surveyed declared that their children were involved in situations of online child sexual exploitation.⁸⁸ It is interesting to underline that only 4% of surveyed parents declared that their children met someone online, while 26% of children who took part in the study reported having actually done so.⁸⁹ The majority of parents (69%) surveyed knew who to report a situation of online child sexual exploitation.⁹⁰

191 SURVEYED TEACHERS

ONLY
35%

**KNEW WHAT
'SEXTING'
WAS**

30%

**DID NOT KNOW
WHAT TO DO WHEN
FACING A SITUATION OF
ONLINE CHILD SEXUAL
EXPLOITATION**

The 2019 study by Save the Children in Huánuco also analysed knowledge and perceptions of 24 public servants about online child sexual exploitation.⁹¹ Of these, 50% were not aware of how a child can be exploited online,⁹² 20% believed that online sexual exploitation did not happen in Peru⁹³ and 33% believed that online sexual exploitation cannot be considered as a serious crime since it happens in virtual spaces.⁹⁴

The information above shows that in Peru, the increase in Internet access use, especially among children, could lead to more risks of online child sexual exploitation. In addition, even if children are aware of online sexual exploitation, parents, teachers and other professionals working closely with children often do not know how to face or recognise situations of online child sexual exploitation.

SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol), defines 'trafficking in persons' as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".⁹⁵

In case of child victims, Article 3 (c) of the Protocol specifies that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if it does not involve any of the means stipulated in Article 3 (a)".⁹⁶ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

85 *Ibid.*, 20.

86 *Ibid.*

87 *Ibid.*, 23.

88 *Ibid.*, 25.

89 *Ibid.*, 6, 25.

90 *Ibid.*, 26.

91 Save The Children, Paz y Esperanza. (2019). *Acoso, explotación y violencia sexual contra niños, niñas y adolescentes en espacios virtuales: Percepciones y respuestas de las instituciones y autoridades estatales de Huánuco.*

92 *Ibid.*, 25.

93 *Ibid.*, 28.

94 *Ibid.*

95 UN General Assembly. (2000, November 15). *United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*. Res. 55/25 of 15. Art. 3 (a).

96 *Ibid.*, Article 3 (c).

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁹⁷

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁹⁸

Peru is a source, transit and destination country for child trafficking for sexual purposes.⁹⁹ In 2020, at least 245 cases out of the total 394 cases of human trafficking reported to the police were related to sexual exploitation and most victims were women and girls.¹⁰⁰ In the same period, out of the above 394 cases of human trafficking reported to the police, 140 cases involved girls under 18, and 26 involved boys under 18 years old.¹⁰¹ According to official data, in 2020, only 4 out of 394 cases of human trafficking fell within the scope of the sale of children, but such data did not specify if children were sold for sexual purposes.¹⁰² Public data is not disaggregated further by the victim’s age and the purpose of human trafficking, so it is not possible to determine how many cases were specifically related to child trafficking for sexual purposes. It is also worth noting that this data only covers the number of cases of trafficking reported to the police and seems partial compared to the estimates of people being at risk of modern slavery in Peru, including trafficking for sexual purposes.¹⁰³

Several national trafficking routes have been identified in Peru, with most of them ending in the regions of Lima, Madre de Dios, Lambayeque and Puno where most cases of child trafficking for sexual purposes have been reported to the police.¹⁰⁴ International trafficking routes also exist at the borders with Ecuador and Bolivia,¹⁰⁵ as well as at the Amazonian Trapezoid, a Colombian corridor between Brazil and Peru.¹⁰⁶ In Amazonia, Peruvian and migrant children, especially Bolivians and Venezuelans from poor households, are lured with fake employment promises and transported by trafficking rings to illegal mining areas, where they are sexually exploited.¹⁰⁷ As reported by the NGO Promsex in 2017 and 2021, children trafficked in mining areas for sexual purposes, mostly girls, were often retained and forced into prostitution in brothels and bars, where they faced daily violence, death threats, infectious diseases and health risks related to clandestine abortions.¹⁰⁸ Indigenous community media and the United States Department of State have reported that

2020 REPORTED CASES OF HUMAN TRAFFICKING



245 OUT OF 394
WERE RELATED TO SEXUAL
EXPLOITATION

140 OUT OF 394
INVOLVED GIRLS UNDER 18

26 OUT OF 394
INVOLVED BOYS UNDER 18

97 OPSC, Article 2 (b).

98 Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 58. Bangkok: ECPAT International.

99 United States Department of State. (2021). *2021 Trafficking in Persons Report: Peru*.

100 INEI. (2021). *Perú – estadísticas de trata de personas 2015-2020*. Lima: INEI. 12.

101 *Ibid.*, 35.

102 *Ibid.*, 36.

103 Walk Free Foundation. (2018). *Global Slavery Index: Americas Report*. 27.

104 INEI. (2021). *Perú – estadísticas de trata de personas 2015-2020*, Lima: INEI. 12-22.; PROMSEX y CIES. (2021). *Balance sobre la situación actual de la trata, explotación sexual y violencia sexual en zonas de minería informal de Madre de Dios y Piura*, Lima : PROMSEX. 33.

105 *Ibid.*, 34.

106 El País. (2020). *De ‘prostibares’ por el Amazonas: así funcionan las redes de trata en la selva*.

107 United States Department of State. (2021). *Trafficking in Persons Report: Peru*.

108 PROMSEX y CIES. (2021). *Balance sobre la situación actual de la trata, sexual y violencia sexual en zonas de minería informal de Madre de Dios y Piura*, Lima : PROMSEX.; PROMSEX. (2017) *Espacios de frontera y excepción: Encuentros entre los servicios y las necesidades de salud de las mujeres en La Pampa*. Lima: PROMSEX.

Indigenous girls from Peruvian remote areas and Latin American countries like Brazil are particularly at risk of child trafficking for sexual purposes in Amazonia since they have limited access to support services.¹⁰⁹ Moreover, according to the United States Department of State and media reports, children with diverse sexual orientation and gender identity are also highly vulnerable to trafficking, a reason being the lack of access to accurate documentation for transgender girls.¹¹⁰

Another issue of concern is the vulnerability of Venezuelan children entering and staying in Peru to exploitation and trafficking.¹¹¹ In the humanitarian context of poverty and migration, Venezuelan children, especially girls, are highly vulnerable to exploitation in prostitution or trafficking for sexual purposes.¹¹² Similarly, Venezuelan children have also been documented in forced begging in Peru which exposes them to strangers, and consequently risks of sexual exploitation.¹¹³

Various socio-economic and political factors are at the root of trafficking for sexual purposes in Peru, including victims living in poverty, a certain level of social acceptance toward this crime, and a lack of institutional capacity to respond to it in certain areas.¹¹⁴ Economic vulnerabilities highly impact how traffickers recruit victims. Indeed, official data from 2020 show that victims were mostly reached through fake employment offers, especially online posts, as well as through fake scholarship offers, romance or godfathering scams.¹¹⁵ Considering the negative socio-economic effects of the COVID-19 pandemic, children may be at risk of trafficking when looking for jobs or scholarships to ease the financial burden of their family.¹¹⁶

The number of cases of human trafficking reported to the Peruvian police decreased between 2019 and 2020, which may be impacted by COVID-19

movement restrictions.¹¹⁷ Such a decrease should not necessarily be read as a decline in the number of victims. Organisations supporting victims suggest that with restrictions on movement, offenders may have moved to technology-facilitated forms of human trafficking which are currently less frequently reported or investigated by the authorities.¹¹⁸ Secondly, movement restrictions may also have meant victims of trafficking may have faced more barriers to help-seeking since they were trapped with traffickers.¹¹⁹

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.¹²⁰ The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.¹²¹

According to the latest available estimates, in Peru, the number of international tourists decreased from 4.3 million in 2019 to 896,523 in 2020.¹²² Despite the dramatic drop in international travellers because of COVID-19 movement restrictions, some domestic tourism continued, and tourism is set to recover. The sexual exploitation of children is impacted

109 United States Department of State. (2021). *Trafficking in Persons Report: Peru*; Servindi. (2020). *Investigan ingreso de adolescentes indígenas a prostíbulo en Perú*.

110 United States Department of State.(2021). *Trafficking in Persons Report: Peru*; Ojo Público. (2019). *Mujeres trans: las víctimas invisibles de la trata*.

111 UNHCR. (2019). *Situación Venezuela: Aspectos claves del monitoreo de protección. Enero-Junio de 2019*; United States Department of State. (2021). *Trafficking in Persons Report: Peru*.

112 Care International. (2020). *Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela*. Geneva: Care International. 19.; El Estímulo. (2018). *Rescatan a 12 venezolanas forzadas a prostituirse en Perú*.

113 CHS Alternativo. (2020). *En el limbo: Mendicidad infantil y mendicidad infantil forzada*; Diario Correo. (2019). *Piura | La mendicidad infantil crece en plena pandemia*; CHS Alternativo. (2021). Personal Communication; ECPAT International. (2016). *Power, Impunity and Anonymity*. Bangkok: ECPAT International. 34.

114 PROMSEX y CIES. (2021). *Balance sobre la situación actual de la trata, explotación sexual y violencia sexual en zonas de minería informal de Madre de Dios y Piura*, Lima: PROMSEX. 11.

115 INEI. (2021). *Perú – estadísticas de trata de personas 2015-2020*, Lima: INEI. 13.

116 Ministerio de la Mujer y Poblaciones Vulnerables. (2021). *Cartilla “la trata de personas y la COVID-19”*.

117 INEI. (2021). *Perú – estadísticas de trata de personas 2015-2020*, Lima: INEI. 11.

118 *Ibid.*

119 *Ibid.*

120 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism (hereinafter Global study on SECTT)*. Bangkok: ECPAT International.

121 UNWTO. (2019). *UNWTO Framework Convention on Tourism Ethics*. UN Doc. A/RES/707(XXII). Art. 5 (3).

122 Ministerio de Comercio Exterior y Turismo. (2020). *Perú compendio de cifras de turismo*. 15.

by both international and domestic travellers,¹²³ and according to the Peruvian Commission for Promotion of Exports and Tourism, it noticeable that in 2019, especially in regions such as Arequipa, Huancayo, Lima, and Trujillo, there were more people who travelled from there to other locations within the country.¹²⁴ In 2018, several cases of sexual exploitation in the context of tourism were reported in Arequipa, Pucallpa, Puerto Maldonado, La Libertad, Iquitos, Cusco and Tarapoto.¹²⁵

In Peru, two infamous reported cases emphasised the vulnerability of children to sexual exploitation in hotels (in the 'El Dorado' and 'Toro Bravo' cases, hotels were used by offenders to sexually exploit children) whilst a third involved a network of exploitation uncovered by Police in a webpage called 'International Sex Guide' (the 'Brown' case).¹²⁶ These cases highlighted the responsibilities of the tourism sector and underlined the necessity for businesses in the sector to increase efforts to address the sexual exploitation of children in the context of their operations.

While the COVID-19 pandemic, has severely impacted tourism, it is likely that the tourism industry will rebound in a post pandemic landscape. In addition, it is important to underline that sexual exploitation of children in this context can also involve domestic offenders. Due to all these factors, the government and private sector must make more efforts for ending sexual exploitation of children in travel and tourism. Peru's progress in legal reform in this area is noted later in this report.

OF WOMEN AGED (AGED 14-49) WHO REPORTED BEING MARRIED OR COHABITING BY 15,

67% **LIVED IN
RURAL
AREAS**

CHILD, EARLY AND FORCED MARRIAGE

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define 'child marriage' as "a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent".¹²⁷ Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.¹²⁸

In Peru, child marriage predominantly affects girls. In 2020, 14.1% of women between 20 and 24 years old were married or in a cohabiting relationship before the age of 18.¹²⁹ It usually takes the form of customary unions or cohabiting relationships rather than formal marriage.¹³⁰ Over the last decade, this national prevalence has decreased, the rate was 20.1% in 2010.¹³¹ Similar official data are not published regarding the extent of boys' marriage, but research from the Young Lives project shows that boys initiate cohabitation at an older age than girls.¹³² While Peru's rate of child marriage is lower than in other Latin American countries,¹³³ the United Nations Committee on the Rights of the Child stressed that Indigenous girls and girls in rural areas were at high risk of child marriage in Peru.¹³⁴ This is supported by the last 2017 official census which found that 67% of women aged from 14 to 49, who reported they were married or cohabiting by 15 years of age lived in rural areas.¹³⁵ In the same period, women aged between 15 and 49 who

123 ECPAT International. (2020). *Summary Paper on Sexual Exploitation of Children in Travel and Tourism*. Bangkok: ECPAT International. 4.

124 Tursimo IN. (n.d.). *Cifras turísticas de mercados nacionales*.

125 *Ibid.*

126 CHS Alternativo. (2018). *La ESNNa en el turismo y los viajes*.

127 Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 63. Bangkok: ECPAT International.

128 ECPAT International and Plan International. (2015). *Thematic Report. Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage*. Bangkok: ECPAT International.

129 INEI. (2020). *Encuesta Nacional Demografía y Salud Familiar (ENDES)*. Lima: INEI. 284-285.

130 Rojas, V. & Bravo, F. (2019). *Experiencias de convivencia, matrimonio y maternidad/paternidad en adolescentes y jóvenes peruanos. Reporte de investigación*. Lima: Niños del Milenio/Young Lives. 5.

131 *Ibid.*

132 Rojas, V. & Bravo, F. (2019). *Experiencias de convivencia, matrimonio y maternidad/paternidad en adolescentes y jóvenes peruanos. Reporte de investigación*. Lima: Niños del Milenio/Young Lives. 6.

133 Plan International and UNFPA. (2018). *A Hidden Reality for Adolescents Girls: Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Study*. Panamá: Plan International and UNFPA. 15.

134 UN Committee on the Rights of the Child. (2016). *Concluding observations CRC/C/PER/CO/4-5*. paragraph 43.

135 Plan International and UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*. Lima: Plan International and UNFPA. 16.

belonged to Amazonian Indigenous groups (40%) and Afro-Peruvian groups (36%) were also more likely to report that they were married or cohabiting before 18.¹³⁶

Poverty is a main factor underpinning child marriage in Peru. In 2017, 46% of girls aged from 15 to 17 who lived in the poorest households got married or started a cohabiting union.¹³⁷ In this context, child marriage is frequently viewed by children and their parents as a means to counter financial hardship.¹³⁸ However, child marriage can simply maintain poverty since it is usually linked to girls discontinuing their education and thus better long-term economic opportunities.¹³⁹ In 2017, among girls aged from 15 to 24 who reported that they married between 10 and 15 years old, three reasons were given for them dropping out of school: marriage (23%), early pregnancy (34%), and the lack of financial means (30%).¹⁴⁰ Moreover, in rural areas, in the same period, illiteracy affected 27% of women between 15 and 49 who reported marrying before they were 15.¹⁴¹

Child marriage is also closely linked to early pregnancy. In 2019, 11.4% of Peruvian women from 20 to 24 gave birth before the age of 18.¹⁴² To avoid social stigma, girls are often pressured to initiate a cohabiting relationship after learning of their pregnancy.¹⁴³ Confirming this, in 2017, 86% of women from 15 to 49 who got married or started a cohabiting relationship between the ages of 10 and 15 gave birth to their first child before turning 18.¹⁴⁴ This situation also affected 43% of women from the age of 15 to 49 who got married between 16 and 17 years of age.¹⁴⁵ Early pregnancy in Peru disproportionately affects girls from rural and/or

poor households. In 2017, girls from 15 to 19 who lived in rural areas (15.6%) were twice as likely to experience an early pregnancy than those in urban areas (8.7%).¹⁴⁶ Early pregnancy also affected a third of Indigenous girls aged from 15 to 19, belonging to Ashaninka, Shipibo Kinobo or Awajun groups.¹⁴⁷ Research by Save the Children conducted in 2020 predicted that the COVID-19 pandemic would likely increase the risk of child marriage and pregnancy in Latin America as a response to school closures and economic insecurity.¹⁴⁸

Gender norms are at the root of child marriage, thus, when a girl marries or cohabits, it is often perceived that she moves from the guardianship of her parents to that of her partner. This can reinforce an imbalance of power between the couple.¹⁴⁹ In rural areas, some communities with Inca roots practice “*Servinacuy*”, which is an agreement through which a man offers some gifts to a girl’s family in exchange for living with her prior to a union.¹⁵⁰ Intercultural and community-based preventive measures need to be taken to safeguard the psychological and sexual integrity of girls who cannot consent to the “*Servinacuy*” because of their young age.¹⁵¹ In some Indigenous communities, child unions are organised by the girl’s father and community authorities, regardless of her willingness.¹⁵² Child marriages that reduce the child’s agency and are based on power imbalances between the wed parties can result in sexual abuse against the child.¹⁵³

A Plan International study indicated that, in 2017, 10% of Peruvian girls and women aged from 15 to 49 who got married or started cohabiting before 15,

136 *Ibid.*, 16.

137 *Ibid.*, 22.

138 *Ibid.*, 40.

139 *Ibid.*, 26.; ECPAT International. (2020). *Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children*. Bangkok: ECPAT International.

140 Plan International and UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*. Lima: Plan International and UNFPA. 28.

141 *Ibid.*, 27.

142 INEI.(2020). *Encuesta Nacional Demografía y Salud Familiar (ENDES)*. Lima: INEI.

143 Plan International and UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*. Lima: Lima: Plan International and UNFPA. 20-21.

144 *Ibid.*, 21.

145 *Ibid.*

146 INEI. (2018). *Maternidad en las adolescentes de 15 a 19 años de edad*. Lima: INEI. 29.

147 *Ibid.*, 24.

148 Save the Children. (2020). *The Global Childhood Report 2020: How COVID is putting progress in peril*. London: Save the Children.

149 Plan International and UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*, Lima : Plan International and UNFPA. 55.

150 Cerna Ravines, C.A. (2017). *Servinacuy: indemnidad sexual, integridad psíquica e interés superior del niño vs derecho a la identidad étnica y cultural*. Revista Aporia Jurídica. Curso de Direito da Faculdade CESGAGE. vol. 1.

151 *Ibid.*

152 Plan International and UNFPA. (2018). *A Hidden Reality for Adolescents Girls: Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Study*. Panamá: Plan International and UNFPA. 52.

153 ECPAT International. (2020). *Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children*. Bangkok: ECPAT International.

had faced sexual violence.¹⁵⁴ Subsequent anecdotal evidence has stressed that the police, public services for victims or judges may consider that in instances where there is a financial or cohabitation agreement between the child's parents and the adult who has sexually abused a child, it is not necessary to report, investigate or prosecute.¹⁵⁵ Girls in rural areas, in

particular Indigenous girls, face additional difficulties in seeking help and reporting sexual violence, such as isolation from services and lower awareness about their rights.¹⁵⁶ Impunity also persists since economic agreements are routinely reached between the parents of Indigenous girls and offenders.¹⁵⁷

154 Plan International and UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*, Lima: Plan International and UNFPA. 32.

155 *Ibid.*, 50-51.; CHS Alternativo. (2021, October). Personal Communication.

156 Chirapaq. (2021). *Violencia Sexual contra niñas y jóvenes indígenas: reporte nacional*, Lima: Chirapaq.154.

157 *Ibid.*, 90.; Defensoría del Pueblo. (2019). *Situación de los derechos de las mujeres indígenas en el Perú*. 75.

INTERNATIONAL, REGIONAL AND NATIONAL COMMITMENTS AND LEGISLATIVE FRAMEWORK

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council		
International Instruments	Date of ratification/accession	
Convention on the Rights of the Child - 1989	4 September 1990	
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – 2000	8 May 2002	
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	10 January 2002	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	23 January 2002	
Regional Instruments	Date of ratification/accession	
Inter-American Convention on International Traffic in Minors, 1994	4 April 2004	
Human Rights Bodies	Date of latest submitted report	Comments
Committee on the Rights of the Child (CRC review)	2013	At the last review on 2 March 2016, CRC’s key concluding observations related to SEC were: <ul style="list-style-type: none"> • “The Committee urges the State party to enforce effectively the legal minimum age of marriage of 18.” • “The State party should also undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls, targeting in particular parents, teachers and community leaders”.¹⁵⁸
Committee on the Rights of the Child (OPSC review)	2014	
Human Rights Council – Working Group on the Universal Periodic Review	2017	Key observations of the working group included: <ul style="list-style-type: none"> • “Develop and implement a national strategy to combat human trafficking, particularly of women and girls, with enhanced support services for victims.”¹⁵⁹

158 Committee on the Rights of the Child. (2016). *Concluding observations on the report submitted by Peru under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/PER/CO/4-5.*

159 Human Rights Council. (2017). *Report of the Working Group on the Universal Periodic Review* Peru. A/HRC/37/8.*

INTERNATIONAL AND REGIONAL COMMITMENTS

International commitments	
Commitment	Start date
WeProtect Global Alliance	2014
United Nations Sustainable Development Goals	2015
Regional commitments	
Commitment	Start date
Inter-American Children's Institute - Organisation of American States.	2002

In terms of international cooperation and commitments, Peru submitted its latest Voluntary National Review on the implementation of the Sustainable Development Goals in June 2020.¹⁶⁰ Whilst the report does not address the sexual exploitation of children explicitly, it does mention the National Policy against Trafficking and Exploitation as a means to combat trafficking generally within the country.¹⁶¹

In addition, Peru has been a member of the Inter American Children's Institute since 2002, a regional body that works on a range of children's rights issues, including sexual exploitation of children.¹⁶² Key initiatives of the Institute include the Inter-American Observatory on the Commercial Sexual Exploitation of Children or ANNAObserva, a repository of country-specific information related to sexual exploitation of children.¹⁶³ In the context of its Inter-American Cooperation Programme for the Prevention and Eradication of Sexual Exploitation, Trafficking, and Trafficking of Boys, Girls, and Adolescents, the Institute has issued awareness raising programmes relating to sexual exploitation in travel and tourism settings,¹⁶⁴ as well as holding meetings to discuss codes of conduct for the tourism industry¹⁶⁵ and publishing a range of reports on issues relating to the sexual exploitation of children.¹⁶⁶

NATIONAL LEGISLATION

Overall, Peru has shown a strong commitment to amending and enacting legislation designed to protect children from sexual exploitation. In particular, the enactment of Law 30963 in 2019 modified or created a range of offences relating to sexual exploitation of children.¹⁶⁷ Given the reports of sexual offences committed against children by teachers, as mentioned above in section 2.1, it is also important to note that the offences relating to sexual exploitation of children contained under Law 30963 are now considered crimes which will result in teachers losing the right to work in the sector.¹⁶⁸ However, this is not to say that the legislation in Peru is perfect, and loopholes remain.

The age of sexual consent in Peru is set at 14 with no close-in-age exemption in existence.¹⁶⁹ Close-in-age exemptions provide for the circumstances to protect children from criminalisation for sexual acts with peers while maintaining that adults may not engage in sexual contact with children.

¹⁶⁰ Government of Peru. (2020). *Informe Nacional: Perú a mayo 2020 La Protección de la Vida en la Emergencia y Después*.

¹⁶¹ *Ibid.*

¹⁶² INN. (2002). *Statutes Of The Inter-American Children's Institute*.

¹⁶³ ANNAObserva. (n.d.). *Observatorio*.

¹⁶⁴ ANNAObserva. (2020). *Las cosas por su nombre: NO existe "Turismo Sexual Infantil", es explotación sexual*.

¹⁶⁵ ANNAObserva. (2020). *Presentación del documento: Los Códigos de Conducta para la protección de los niños, niñas y adolescentes en el contexto de viajes y turismo*.

¹⁶⁶ ANNAObserva. (n.d.). *Publicaciones*.

¹⁶⁷ Government of Peru. (2019). *Ley 30963*.

¹⁶⁸ Government of Peru. (2019). *Decreto de Urgencia N° 019-2019 busca proteger a escolares de instituciones públicas y privadas*.

¹⁶⁹ Government of Peru. (1991). *Criminal Code*.

Exploitation of children in prostitution

In Peru, engaging in prostitution, including buying and selling sexual services, is legal for adults over 18, as long as they are not being exploited whilst doing so.^{170,171} While debates around the legalisation of adult prostitution are a separate argument, it is important to highlight that adult prostitution, whether criminalised, decriminalised and/or regulated, can influence the exploitation of children in prostitution, which frequently occurs adjacent to adult prostitution - legal or otherwise.¹⁷²

It is the responsibility of each municipality in Peru to ensure administrative checks on establishments in which prostitution occurs, including maintaining hygiene requirements and ensuring that children are not present.^{173,174} However, anecdotal evidence suggests that these checks are not regularly carried out and, in the small number of instances in which they are, the municipal authorities do not pass information of alleged criminal activity on to the district attorney to begin investigations.¹⁷⁵ The failure to carry out these duties could have extremely negative connotations for children, given that offenders could exploit them within such establishments without fear of being punished.

The Peruvian legislation also has a number of criminal provisions that offer high levels of protection to children from being exploited in prostitution. Under the Criminal Code the offence of “Clients of Adolescents” is punished with imprisonment of between 15 and 20 years for any person who engages in sexual acts with a child aged 14-18 and provides something in exchange.¹⁷⁶ Any ‘consent’ given by the victim has no legal effect and an offence will still have been committed.¹⁷⁷ Whilst the provision includes exchanging something of monetary value or any other type of value, it does not explicitly include the mere promise of remuneration. As the age of sexual consent is set

at 14 in Peru,¹⁷⁸ engaging in sexual intercourse with a child below this age will result in prosecution for statutory rape, regardless of whether any exchange has taken place.

The offence of sexual exploitation of children criminalises any person who makes a child engage in sexual acts in order to obtain a benefit.¹⁷⁹ Further, it is illegal to promote, encourage or facilitate the sexual exploitation of children.¹⁸⁰ If this is done through providing remuneration or the mere promise of remuneration the penalty will be higher.¹⁸¹ The Peruvian legislation also punishes those who manage or assist the sexual exploitation of children¹⁸² and those who receive benefits derived from the sexual exploitation without participating directly themselves.¹⁸³ All of these offences state that a child cannot consent to such exploitation and contain a number of aggravated penalties, including when the offences are committed against children under 14.¹⁸⁴ Although all of these offences refer to sexual exploitation broadly, which is not explicitly defined, it is clear that they could be used to prosecute offenders who have carried out such conducts in order to exploit children through prostitution.¹⁸⁵

Online child sexual exploitation

There are a number of provisions under the Peruvian legislation that may offer children protection from being sexually exploited in the online environment. Firstly, there a number of conducts related to child sexual abuse materials that have been criminalised in Peru. Thus, it is illegal to possess, promote, manufacture, distribute, exhibit, market, advertise, publish, import or export objects, books, writing, images, videos or audios of a sexual nature that involve children under 18.¹⁸⁶ These conducts are prohibited when done “by any means”,¹⁸⁷ thereby ensuring that acts committed through the use of

170 Government of Peru. (1993). *Constitution of Peru*. Article 2 (24).

171 Given that the Constitution states that nobody is prevented from doing what the law does not prohibit and prostitution is not prohibited under Peruvian law, it follows on that is therefore considered legal within the country.

172 ECPAT International. (2020). *Summary Paper on Sexual Exploitation of Children in Prostitution*. Bangkok: ECPAT International.

173 CHS Alternativo. (2021). Personal Communication.

174 Government of Peru. (2013). *Manual de Operaciones Policiales*.

175 CHS Alternativo. (2021). Personal Communication.

176 Government of Peru. (1991). *Criminal Code* (as modified by Law 30963, 2019). Article 129-J.

177 *Ibid.*

178 Government of Peru. (1991). *Criminal Code*. Article 173.

179 Government of Peru. (1991). *Criminal Code* (as modified by Law 30963, 2019). Article 129-H.

180 *Ibid.*, Article 129-I.

181 *Ibid.*

182 *Ibid.*, Article 129-L.

183 *Ibid.*, Article 129-K.

184 *Ibid.*, Articles 129-H, 129-I, 129-K, 129-L.

185 LP. (2020). *El delito de explotación sexual a la luz de la Ley 30963*.

186 Government of Peru. (1991). *Criminal Code* (as modified by Law 30963, 2019). Article 129-M.

187 *Ibid.*

information technologies will be included. It is also a crime in Peru for a manager or person in charge of publications in the media to authorise or allow for CSAM to be disseminated or to publicise acts that may lead to the trafficking or sexual exploitation of children.¹⁸⁸ Whilst it is welcome that the legislation criminalises materials beyond images and videos, such as audio and written material, it could be further brought in line with international standards by expanding the definition to cover materials depicting simulated explicit sexual activities as well as digitally-generated material including those depicting non-existent children. An important omission is that knowingly obtaining access to CSAM is not criminalised.

The legislation also prohibits to produce live shows with a sexual nature involving children,¹⁸⁹ and to carry out exhibitions or any conduct with an obscene nature in a public place.¹⁹⁰ It is not specified what is included as being obscene and this provision applies generally, not just when such conduct involves children.¹⁹¹ Further, the same provision prohibits showing, selling or delivering to a child, by any means, material that could affect their sexual development.¹⁹² In addition, it is illegal to incite a child to carry out acts of sexual nature or to facilitate their entrance to any place in which such acts take place.¹⁹³ Lastly, it is prohibited for a person in charge of a cinema or show which contains acts of sexual nature to allow the entrance of a child.¹⁹⁴

Although not specific to children, the Peruvian legislation also criminalises online sexual extortion as the intimidation or threatening of a person, by any means, in order to obtain from them some sexual act.¹⁹⁵ Positively, the provision explicitly prohibits this conduct when committed through use of information technologies. Further, the imprisonment sentence will be increased in situations where the offender has threatened the victim with dissemination of images, videos or audios of a sexual nature in which they appear.¹⁹⁶

Peru first introduced provisions that could be used

to prosecute the online grooming of children for sexual purposes with the passing of the Computer Crimes Law in 2013. This has since been amended and now prohibits contacting a child under 14 in order to solicit or obtain pornographic material or to propose to carry out any act of a sexual nature.¹⁹⁷ On a positive note, contrary to many examples around the world, Peru's legislation does not require that the offender meets with the child, only that they have proposed carrying out acts of a sexual nature. This ensures that the legislation is in line with the guidance issued by the Lanzarote committee that stated that grooming offences should also cover instances in which the sexual abuse has occurred online.³⁰⁰ However, for children aged 14-18 the same conduct is only illegal if carried out by deceit.¹⁹⁸ This creates unequal protection for children aged over 14 and should be amended to remove this requirement for all children. It is also possible that the provision relating to sexual harassment could be used to prosecute online grooming crimes as it prohibits seeking to establish contact with someone without their consent in order to carry out acts of a sexual nature.¹⁹⁹ The provision also explicitly includes such crimes when committed through information and communication technologies. Whilst this act is general and not specifically related to children, children aged 14-18 are considered under the aggravated penalties.²⁰⁰ The reason children under 14 are not included in this provision is because they are below the age of sexual consent and therefore cannot legally provide consent to being contacted to carry out acts of a sexual nature.

Although the provisions on CSAM²⁰¹ and in particular the reference to "live shows"²⁰² could be used to prosecute cases of live streaming of child sexual abuse, there are no explicit provisions criminalising this crime in Peru. Given the rapidly changing technological landscape, it is vitally important that the legislation is updated to capture this form of online child sexual exploitation. Another oversight of the Peruvian legislation is the lack of clause which excludes a child's criminal liability for producing and

188 *Ibid.*, Article 129-N.

189 *Ibid.*, Article 129-M.

190 *Ibid.*, Article 183.

191 *Ibid.*

192 *Ibid.*

193 *Ibid.*

194 *Ibid.*

195 *Ibid.* Article 176-C.

196 *Ibid.*

197 *Ibid.*, Article 183-B.

198 *Ibid.*

199 *Ibid.*, Article 176-B.

200 *Ibid.*

201 *Ibid.*, Article 129-M.

202 *Ibid.*

sharing child sexual abuse material, especially when compelled to do so because they are in an abusive or exploitative situation.

Lastly, there are no provisions in Peru that obligate Internet service providers to block, filter or report CSAM that is encountered on their servers. In 2020, CHS Alternativo put forward a law proposal that would obligate Internet service providers to filter content that included CSAM or that could lead to the sexual exploitation of children.²⁰³ However, the Peruvian Congress has not approved the proposal and it has faced opposition from COMEX, a business association comprised of companies from different sectors in Peru, including the IT sector.²⁰⁴ It is noted that Internet service providers are obliged to offer free filtering services that block pornographic or violent content, and inform all subscribers of this possibility.²⁰⁵

Sale and trafficking of children for sexual purposes

Overall, the Peruvian legislation relating to the trafficking of children is strong and offers protection in line with international standards. The Criminal Code prohibits the capture, transport, transfer, harbour, receipt or detention of a child for the purposes of exploitation.²⁰⁶ Here, exploitation includes the sale of children, their exploitation in prostitution or any other form of sexual exploitation.²⁰⁷ Importantly, contrary to the crime of trafficking of adults and in line with Article 3 (c) of the UN Trafficking Protocol, no evidence of violence, threat, fraud coercion etc. -the means – is required in cases involving children.²⁰⁸ In addition, the provisions apply to acts conducted within Peru or those committed for the entrance or exit from the country.²⁰⁹ Indeed, in a 2019 plenary agreement by the Supreme Court of Justice of Peru it was clarified that trafficking crimes do not necessarily require

that the victim crosses international or internal regional borders.²¹⁰ Further, the Court stipulated that the movement of the victim is not a necessary requirement of the crime.²¹¹ Given that trafficking is often associated with being an international, cross border crime, and it is often misconstrued that movement is a necessary component of the offence,²¹² it is welcome that this is not the case in Peru. Lastly, the legislation also prohibits the encouragement, promotion, financing or facilitation of trafficking.²¹³

It is evident in Peru that there may be significant overlap between legislative definitions of trafficking and various other crimes relating to the sexual exploitation of children.²¹⁴ Therefore, in 2019 the Supreme Court of Justice sought to clarify the overlap between these crimes and how they should be treated with regard to sentencing and prosecution. The Court outlined that when the offender has committed an offence that includes both a trafficking crime and a crime related to sexual exploitation, the component parts should be treated independently and their respective sentences added.^{215,216} However, as per the Criminal Code, the combined sentence must not exceed double the highest penalty, or 35 years of imprisonment.²¹⁷

As touched upon above, the crime of the sale of children is considered under the offence of trafficking and is not criminalised by a standalone offence. It is worth noting here that although there is often significant overlap between the crimes, the trafficking and sale of children are two separate offences and, in order to aid prosecution and victim identification efforts, should always be treated as such in law.²¹⁸ In order to aid prosecution efforts, offering, delivering or accepting a child by any means for the purpose of sexually exploiting that child should be criminalised, as per Article 3 of the OPSC.

203 CHS Alternativo. (2020). *Proyecto de Ley 6383*.

204 CHS Alternativo. (2021). Personal Communication.

205 Government of Peru. (2019). Ley 30254. Article 9.

206 Government of Peru. (1991). *Criminal Code*. Article 129-A.

207 *Ibid.*

208 *Ibid.*

209 *Ibid.*

210 Supreme Court of Justice of Peru. (2019). *Plenary Agreement N° 06-2019/CJ-116*.

211 *Ibid.*

212 ECPAT International. (2020). *Summary Paper Sale and Trafficking of Children for Sexual Purposes*. Bangkok: ECPAT International.

213 Government of Peru. (1991) *Criminal Code*. Article 129-A.

214 These crimes include those stipulated in Articles 129-H, 129-I, 129-K and 129-L (as discussed in greater detail in the analysis of provisions relating to exploitation of children in prostitution).

215 Supreme Court of Justice of Peru. (2019). *Plenary Agreement N° 06-2019/CJ-116*.

216 For example, where an offender has engaged in conduct that satisfies the criteria for trafficking of children under Article 129-A and the crime of sexual exploitation of children under Article 129-H, penalties for both crimes would be added to reach 35 years imprisonment (Article 129-A 20 years + Article 129-H 15 years = 35 years).

217 Government of Peru. (1991) *Criminal Code*. Article 50.

218 ECPAT International. (2020). *Summary Paper Sale and Trafficking of Children for Sexual Purposes*, Bangkok: ECPAT International.

Sexual exploitation of children in travel and tourism

In Peru, there is a variety of legislation, regulations and codes of conduct which govern the travel and tourism industry with a view to safeguarding children from sexual exploitation. Firstly, it is important to note that the Tourism Law governs all companies or organisations that offer touristic services.²¹⁹ This includes accommodation establishments, tour agencies, tourism transport companies, tour guides and restaurants, among others.²²⁰ In addition, the tourism regulations prescribe a number of penalties for those tourism operators who do not comply with their obligations under the law. These penalties can range from warnings and fines to a temporary or permanent suspension from conducting tourism activities.²²¹ Tourism operators will receive a warning for failing to subscribe to the Code of Conduct against Sexual Exploitation of Children in Travel and Tourism,²²² a national code that was released in 2018 and is mandatory for all tourism operators,²²³ or for failing to place in a visible place a poster or similar document that contains information on the legal provisions relating to the sexual exploitation of children.²²⁴ Reoffending will result in a fine.²²⁵ Further, tourism operators who promote, permit or do not report any fact related to sexual exploitation of children in the course of their business will lose their authorisation to conduct tourism activities.²²⁶ However, in practice, as noted in the cases of the 'El Dorado' and 'Toro Bravo' hotels, as discussed in section 2.4, neither establishment faced any sanction.²²⁷ This emphasises the need for strict enforcement of the laws and regulations governing the travel and tourism sector. Lastly, children unaccompanied by a parent, guardian or adult with competent authority are not allowed to enter accommodation establishments.²²⁸

The Code of Conduct against Sexual Exploitation of Children in Travel and Tourism, as referred to above, reemphasises important obligations for tourism operators such as not promoting or permitting the sexual exploitation of children in their establishments, not allowing children unaccompanied by the relevant adult to enter their establishments, informing and training staff on company policies to prevent SECTT, report instances of such crimes to the relevant authorities and abstain from offering any touristic services that have links to sexual exploitation of children.²²⁹ Peru is somewhat of a pioneer country in this regard. Peru is also one of only four countries in the Latin American region that has established a code for the tourism sector on a mandatory, rather than voluntary, basis.²³⁰ However, whilst this code is an example of good practice, many of the tourism operators which engage in criminal conduct related to sexual exploitation of children exist in the informal sector of the economy, meaning that they will not be officially regulated by the code.²³¹

There are also provisions under the Criminal Code which have relevance to SECTT. In particular, crimes where the offender is a representative or member of a social, educational or business organisation and takes advantage of this position to commit such crimes.²³² This may be used to give higher sentences to employees of tourism operators who carry out crimes of sexual exploitation of children in the course of their business. However, it should be noted that crimes relating to sexual exploitation of adults contain an aggravated penalty that explicitly provides for higher penalties when the offender commits the crime in the scope of tourism.²³³ It is unclear why the offences relating to adults refer explicitly to tourism whilst those relating to children refer only to businesses generally.

219 Government of Peru. (2009). *Tourism Law*. Annex N° 1.

220 *Ibid.*

221 Government of Peru. (2007). *Tourism Regulations Law 28868*. Article 7.

222 Government of Peru. (2021). *Decree N° 009 2021: Modification to the Law 28868*. Article 13.

223 Government of Peru. (2018). *Code of Conduct against Sexual Exploitation of Children in Travel and Tourism*.

224 *Ibid.*

225 *Ibid.*

226 Government of Peru. (2018). *Law 30802*. Article 4.

227 CHS Alternativo. (2018). *Editorial N° 233: La ESNNA en el Turismo y los Viajes*.

228 Government of Peru. (2018). *Law 30802*. Article 2.

229 *Ibid.*

230 ECPAT International and GARA. (2020). *Los Códigos De Conducta Para La Protección De Niños, Niñas Y Adolescentes En La Industria De Los Viajes Y El Turismo En Las Américas*.

231 CHS Alternativo. (2021). Personal Communication.

232 Government of Peru. (1991). *Criminal Code*. Articles 129-B, 129-H, 129-I, 129-K, 129-L.

233 *Ibid.*, Articles 129-C, 129-D, 129-G.

Child, early and forced marriages

The Peruvian Civil Code sets out that adolescents may not marry.²³⁴ However, it goes on to say that the judge may dispense with this requirement, provided that the two parties are at least 16 and express their wish to marry.²³⁵ Further, the Civil Code goes on to state that minors must have the express approval from their parents in order to be allowed to contract a marriage.²³⁶ Unfortunately, changes to the Civil Code in 2018 meant that full civil capacity could be given to children aged between 14-18 who are married.²³⁷ Therefore, the minimum age for marriage was lowered to 14. However, as the requirement that both parties are at least 16 has not been repealed, the law is in conflict on this issue. In order to provide full protection from CEFM, the law should recognise 18 as the legal age for marriage with no exceptions. An example of how allowing children to marry can offer lower levels of protection may be seen in the fact that children over 16 who have married are exempt from the requirement to enter tourism accommodation establishments in the presence of an accompanying guardian.²³⁸

As well as allowing child marriages to take place under the civil legislation, there are also a lack of criminal provisions that prohibit conduct related to CEFM. Therefore, knowingly marrying a child or inducing or forcing a child to marry are not explicitly criminalised in Peru. Whilst the UN Population Fund and Plan International observed in a joint report that it is possible that forced child marriages could fall under the crimes of slavery or trafficking,²³⁹ this is insufficient and explicit offences outlawing such practices are vital.

In 2020, a law proposal was submitted that seeks to “eradicate adolescent marriages”.²⁴⁰ Whilst at first glance this looks like a positive development, the proposal seeks only to reverse the modification that allows children over 14 to marry.²⁴¹ This would mean

that the minimum age of marriage would revert to 16. Therefore, the proposal does not contain any provisions that raise the minimum legal age of marriage to 18 nor does it include criminal provisions that punish those who force or induce children to marry. Lastly, as mentioned in section 2.5, evidence has suggested that police, public services for victims or judges may decline to investigate possible occurrences of sexual abuse where a financial or cohabitation agreement is in place between the perpetrator and victim.^{242,243} This is more of an informal arrangement and is not included in any provision under the Peruvian legislation.

Extraterritorial jurisdiction and extradition law

The Criminal Code outlines that Peruvian law will apply to all crimes committed abroad when the offence is carried out by a Peruvian citizen or against a Peruvian victim and the crime qualifies as extraditable under the law.²⁴⁴ Further, the crime must be punishable in both Peru and in the State in which it is committed and the offender must enter Peru after its commission.²⁴⁵ Therefore, the extraterritorial jurisdiction is subject to the principle of double criminality, which means that the act needs to be an offence in both Peru and the country where it was committed for the offender to be prosecuted under extraterritorial jurisdiction. Read in conjunction with the provisions relating to extradition, it is apparent that the crime must carry a minimum sentence of two years in both countries.²⁴⁶ Although all crimes relating to sexual exploitation of children in Peru meet this minimum requirement, problems may arise where the State in which the crime was committed has more lenient legislation. In summary, if the requirement of double criminality is satisfied, active extraterritorial jurisdiction is established, meaning that Peru can prosecute illegal

234 Government of Peru. (1984). *Civil Code*. Article 241.

235 *Ibid.*

236 *Ibid.*, Article 244.

237 *Ibid.*, Article 42.

238 Government of Peru. (2018). *Law 30802*. Article 2.

239 Plan International & UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*.

240 Congress of Peru. (2020). *Law Proposal 7871/2020-CR*.

241 *Ibid.*

242 CHS Alternativo. (2021). Personal Communication.

243 Plan International and UNFPA. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*, Lima: Plan International and UNFPA. 50-51.

244 Government of Peru. (1991). *Criminal Code*. Article 2.

245 *Ibid.*

246 *Ibid.*

conduct (including crimes of sexual exploitation of children) by their own citizens that has been carried out abroad. In addition, passive extraterritorial jurisdiction is established, meaning that Peru will also punish offences committed by foreign nationals abroad against a Peruvian national.

The Criminal Procedure Code outlines that Peru may extradite those accused of crimes who are present on Peruvian territory.²⁴⁷ However, extradition will

be contingent on the crime being prohibited in both Peru and the requesting State, with a minimum sentence of two years in both countries.²⁴⁸ As mentioned above, although all crimes of sexual exploitation of children in Peru prescribe sentencing of at least two years there is no guarantee that foreign States will meet these minimum requirements. Currently, Peru has 18 bilateral extradition agreements with foreign States.²⁴⁹

247 Government of Peru. (2006). *Criminal Procedure Code*. Article 513.

248 *Ibid.*, Article 517.

249 Public Ministry. (n.d.). *Tratados vigentes de extradición*.

NATIONAL RESPONSE TO THE SEXUAL EXPLOITATION OF CHILDREN

COORDINATION AND COOPERATION

In Peru, various institutional mechanisms and policies have been set up to address the sexual exploitation of children. Specific measures related to the sexual exploitation of children were taken under the National Action Plan for Children and Adolescents (2012-2021),²⁵⁰ which targeted especially the sexual exploitation of children in prostitution, in tourism and via child sexual abuse materials.²⁵¹ A permanent multi-sectoral commission composed of members from ministries, public agencies and civil society organisations monitored its implementation through meetings and annual reporting.²⁵² This commission included a sub-commission working toward the implementation of the specific objective on ending the sexual exploitation of children, which covers actions like raising public awareness, collecting data, supporting and protecting victims as well as training professionals.²⁵³ Through its annual reporting, the above commission documented actions taken by public bodies to combat the sexual exploitation of children, such as capacity-building measures led by the national police unit for the protection of children online.²⁵⁴ As another example, the Ministry of Foreign Trade and Tourism has been monitoring the implementation of the mandatory Code of Conduct against Sexual Exploitation of Children and Adolescents by tourism venues.²⁵⁵ As of 2020, 8,710 tourism establishments have signed this Code

of Conduct,²⁵⁶ and from 2020, these services are obliged to report annually to the authorities on their compliance with it.²⁵⁷

While the adoption of the National Action Plan for Children and Adolescents illustrates the political will of Peru to tackle the sexual exploitation of children, no general evaluation of its impact has been released by October 2021.²⁵⁸ Additionally, the Committee on the Rights of the Child monitoring the implementation of the OPSC noted in 2016 that limited resources were allocated to this national plan and that little information was available on the coordination between the national and regional authorities.²⁵⁹ Anecdotal evidence also suggests that, in practice, ministries work in policy silos when tackling sexual exploitation of children, and that they rarely coordinate with each other.²⁶⁰ Moreover, data collected through the national plan is not comprehensive and only covers some aspects of the sexual exploitation of children, such as data on investigated cases of child sexual abuse materials or the number of child victims who benefited from public support services.²⁶¹

In June 2021, the National Multi-sectoral Policy for Girls, Boys and Adolescent's lasting until 2030, has been adopted by presidential decree to replace the above national plan.²⁶² Although this new policy document dictates improvement in access to support and reintegration services for children subjected to sexual exploitation, no specific budget has been allocated for its implementation.²⁶³

250 Ministerio de la Mujer y Poblaciones Vulnerables. (2012). *Plan Nacional de Acción por la Infancia y la Adolescencia 2012-2021*. Lima: Ministerio de la Mujer y Poblaciones Vulnerables.

251 *Ibid.*

252 *Ibid.*

253 *Ibid.*

254 Ministerio de la Mujer y Poblaciones Vulnerables. (2020). *Noveno Informe Anual de Avances del Plan Nacional por la Infancia y Adolescencia 2012-2021*. 75.

255 Government of Peru. (2018). *Ley N° 30802 Que Establece Condiciones Para El Ingreso De Niñas, Niños Y Adolescentes A Establecimientos De Hospedaje A Fin De Garantizar Su Protección E Integridad*.

256 Ministerio de la Mujer y Poblaciones Vulnerables. (2020). *Noveno Informe Anual de Avances del Plan Nacional por la Infancia y Adolescencia 2012-2021*. 76.

257 ECPAT International and GARA. (2020). *Código de conducta para la protección de niños, niñas y adolescentes en la industria de los viajes y el turismo en las Américas*. Bangkok: ECPAT International. 29.

258 CHS Alternativo. (2021, October). Personal Communication.

259 UN Committee on the Rights of the Child. (2016). Optional Protocol on the sale of children child prostitution and child pornography. *Concluding observations, CRC/C/OPSC/PER/CO/1*. paragraphs 9-12.

260 CHS Alternativo. (2021, October). Personal Communication.

261 Ministerio de la Mujer y Poblaciones Vulnerables. (2020). *Noveno Informe Anual de Avances del Plan Nacional por la Infancia y Adolescencia 2012-2021*. 74.

262 Government of Peru. (2021). *Decreto Supremo que aprueba la Política Nacional Multisectorial para las Niñas, Niños y Adolescentes al 2030-Decreto Supremo-N° 008-2021-MIMP*.

263 *Ibid.*, Article 6

Another relevant policy instrument in Peru was the National Action Plan Against Human Trafficking (2017-2021) which covered, among others, child trafficking for sexual purposes.²⁶⁴ However, it was reported that its executed budget has decreased from almost 9.3 million sol (2.3 million US dollars as of November 2021) in 2018 to almost 5.4 million sol (1.3 million US dollars as of November 2021) in 2019.²⁶⁵ In addition, under the law, regional governments must set regional commissions and action plans to prevent human trafficking, and they must guarantee that people subjected to human tracking get access to social services and shelters in their territories.²⁶⁶ However, from 2018 to 2019, only 17 out of 25 regional authorities had an ongoing regional action plan to combat human trafficking.²⁶⁷ In the same period, 76% of regional authorities had not allocated any specific budget to fight human trafficking.²⁶⁸ It was also reported that from 2018 to 2019, only 11 regional authorities and 9 municipalities reported all the cases of human trafficking detected in their geographical area to the prosecution office.²⁶⁹ The lack of coordination between municipalities and the national judiciary was also stressed in relation to child sexual exploitation in establishment-based prostitution in section 2.1. Gaps also remained regarding the collection of data on human trafficking, published by the National Institute of Statistics and Informatics whose disaggregation method does not allow to single out data on child trafficking for sexual purposes.²⁷⁰

In July 2021, the National Policy against Trafficking in Persons and Its Forms of Exploitation until 2030 was adopted by presidential decree to replace the above plan.²⁷¹ In light of the above gaps, the effective implementation of this new policy document would require a victim-centred and integrated approach that ensures the actual involvement of the different levels of government, in particular at regional and local levels, in funding and leading prevention measures and providing adequate support services for children subjected to trafficking for sexual purposes.²⁷²

The Law n° 30254 adopted in 2014, provides for the creation of a commission tasked with setting guidelines for the promotion of children's safe use of information and communication technologies, as well as fostering cooperation between tech operators, users and all levels of government in the launch of educational campaigns and technological tools in this field.²⁷³ Such a body should include representatives of ministries, private sector and civil society,²⁷⁴ but, by October 2021, it has never met.²⁷⁵ Finally, despite the prevalence of child marriage in Peru, particularly the early cohabitations of girls living in rural areas and Indigenous girls, no specific mechanism exists to coordinate the government's actions in this field.²⁷⁶ Some policy instruments addressed related matters such as the National Education Project (2021) covering the promotion of girls' education, the National Policy on Gender Equality adopted in 2019, the Multisectoral Plan for the Prevention of Adolescents Pregnancy (2012-2021) and the National Plan against Gender-based

264 Government of Peru. (2017). *Decreto Supremo que aprueba el Plan Nacional contra la Trata de Personas 2017-2021, Decreto supremo N° 017-2017-IN*.

265 CHS Alternativo (2020). *VII Informe Alternativo. Balance de la sociedad civil sobre la situación de la trata de personas en el Perú 2018-2019*. Primera Edición-Lima. 40.

266 Government of Peru.(2008). Decreto Supremo N° 007-2008-IN- que Aprueba el Reglamento de la Ley N° 28950, Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes. Articles 22, 41 and 47.

267 CHS Alternativo.(2020, October). *VII Informe Alternativo. Balance de la sociedad civil sobre la situación de la trata de personas en el Perú 2018-2019. Resumen Ejecutivo Primera Edición-Lima. 17*.

268 *Ibid.*, 40.

269 CHS Alternativo. (2020). *VII Informe Alternativo. Balance de la sociedad civil sobre la situación de la trata de personas en el Perú 2018-2019. Resumen Ejecutivo, Primera Edición-Lima. 34*.

270 INEI. (2019). *Perú: Estadísticas de Trata de Personas 2012-2019*. Lima : INEI.

271 Government of Peru. (2021). *Decreto Supremo que aprueba la Política Nacional frente a la Trata de Personas y sus formas de explotación- Decreto supremo -N° 009-2021-IN*.

272 CHS Alternativo. (2021, October). Personal Communication.

273 Government of Peru. (2014). *Ley N° 30254 de Promoción para el Uso Seguro y Responsable de las Tecnologías de la Información y las Comunicaciones por Niños, Niñas y Adolescentes*, Article 3.

274 *Ibid.*, Article 4.

275 CHS Alternativo. (2021, October). Personal Communication.

276 CHS Alternativo. (2021, October). Personal Communication.

violence (2016-2021).²⁷⁷ However, none of them directly addresses child, early and forced marriage, which can be, in some cases, a form or a pathway to the sexual exploitation of children, in particular for girls.²⁷⁸

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

In Peru, national authorities and NGOs have initiated actions to raise awareness of the sexual exploitation of children, often in relation to child trafficking for sexual purposes, covered under the wider scope of human trafficking. From 2018 to 2019, a total of 356 prevention and awareness raising initiatives on human trafficking, including campaigns, conferences and training, were implemented by public bodies at all levels of government.²⁷⁹ A large part of these actions were organised during the annual sensitisation campaign against human trafficking, ‘*Corazon Azul*’ (Blue Heart) initially launched in 2013 by the United Nation Office on Drug and Crime.²⁸⁰ For example, in 2018 and 2019, the Ministry of Interior launched national campaigns and a large-scale awareness raising action in partnership with the phone company Movistar, by sending a text message to 18 million phone users regarding the fight against human trafficking.²⁸¹

While noting that the efforts deployed by public bodies to raise awareness of human trafficking are an important part of the puzzle, a CHS Alternativo report noted that such actions were not based on well-established strategies, methodologies and evaluations assessing their sustainability and effectiveness.²⁸² Moreover, it is unclear whether and how these measures were targeting child trafficking for sexual purposes. The above research also stressed that preventive activities directed at

vulnerable populations, including children, were scarce, since priority was often given to training and sensitising civil servants. In this context, it is worth mentioning the campaign “*Yo le pongo CERO a la Trata*” (“I give zero marks to human trafficking”) launched by the Ministry of Justice and Human Rights in 2017 and 2018, that was based on school prevention workshops aimed at informing 19,750 children from 13 to 17 years old about the recruitment tactics used by traffickers, including online grooming, and services for victims.²⁸³ However, it seems that this campaign was limited in time and discontinued afterwards.

To promote the Code of Conduct against Sexual Exploitation of Children and Adolescents, the Ministry of Foreign Trade and Tourism provided 35 technical assistance sessions to regional authorities in 2020.²⁸⁴ In addition, it collaborates with NGOs in preparing training, publications and campaigns. In 2021, CHS Alternativo in cooperation with this ministry launched the free online course “Prevention of the sexual exploitation of children in Travel and Tourism” directed at tourist operators that covers its manifestations, harmful effects on victims and the accountability of tourism professionals.²⁸⁵ The course which provides a certification recognised by this ministry was completed by 143 people by September 2021.²⁸⁶

In addition, a few government initiatives have been organised to counter online child sexual exploitation. In May 2021, the Ministry of Women and Vulnerable Populations together with the Child Rights Now Collective and other NGOs, launched the campaign “*Connectate sin Riesgo*” (Log In Without Risk), that included an online conference and videos aimed at informing children and parents on online dangers, such as online grooming and sexual extortion.²⁸⁷

In addition, NGOs are playing a key role in this sector by leading knowledge-sharing projects. Since 2017, CHS Alternativo is leading the project “*Bloquea La*

277 UNFPA and Plan International. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*, Lima: UNFPA and Plan International; Government of Peru. (2019). *Decreto Supremo N° 008-2019-MIMP que aprueba la Política Nacional de Igualdad de Género*.

278 ECPAT International. (2020). *Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children*. Bangkok: ECPAT International.

279 CHS Alternativo. (2020). *VII Informe Alternativo. Balance de la sociedad civil sobre la situación de la trata de personas en el Perú 2018-2019*. Primera Edición-Lima.

280 *Ibid.*

281 *Ibid.*

282 *Ibid.*

283 Ministerio de Justicia y de Derecho Humanos. (2018). *Acciones preventivas del MINJUSDH contra la trata de personas alcanzó a cerca de 20 mil adolescentes*.

284 Ministerio de la Mujer y Poblaciones Vulnerables. (2020). *Noveno Informe Anual de Avances del Plan Nacional por la Infancia y Adolescencia 2012-2021*. 75.

285 CHS Alternativo. (2021). *Se capacitará a 92 prestadores de servicios turísticos para prevenir la explotación sexual de niñas, niños y adolescentes (ESNNA) en el turismo y los viajes*.

286 CHS Alternativo. (2021, October). Personal Communication.

287 Ministerio de la Mujer y Poblaciones Vulnerables. (2021). *MIMP y organizaciones internacionales inician campaña “Conéctate sin riesgos” para proteger a adolescentes en entornos virtuales*.

Explotación Sexual” (Block child sexual exploitation) funded by the End Violence against Children Fund, which disseminates prevention materials on online child sexual exploitation.²⁸⁸ In June 2021, CHS Alternativo also launched the campaign “*Navega Tranqui*” (Navigate Safely) made of online prevention tools, such as social media content that reached between 16,000 to 24,000 people by September 2021, as well as offline materials like posters and signs put in strategic public spaces, to share knowledge about online child sexual exploitation and how to report it.²⁸⁹

2019 research from Save the Children in Peru showed that some professionals, including teachers and civil servants, may minimise or misconceive the seriousness of online child sexual abuse by considering it as less harmful than offline abuse.²⁹⁰ In this context, it is worth noting that training of professionals in contact with child victims are organised in Peru, but those initiatives seem to be project-based and short-term rather than systematic skills training.²⁹¹ For example, in 2020, it was reported that 124 police officers attended a training on online child sexual exploitation, including the need to adopt a victim-centred approach, which was organised by the NGO Care Peru in coordination with the national police unit for the cyber-protection of children.²⁹²

As indicated in section 4.1, no specific national policy has been devised to address child, early and forced marriage, including informal unions, in Peru. Thus, civil society organisations have stressed the need to adopt community-based awareness raising initiatives directed particularly at rural and Indigenous communities, including comprehensive sexuality education programmes for children on their right to self-integrity, body autonomy and the notion of sexual consent through a gender and culturally-sensitive approaches that consider the impact of relevant local and traditional practices and beliefs.²⁹³

CHILD PROTECTION, ACCESS TO JUSTICE AND RIGHT TO REMEDIES

National complaint mechanisms

In terms of obligations to report crimes, the Peruvian legislation has a number of provisions that may be relevant to child victims of sexual exploitation. The Criminal Procedure Code outlines that anyone has the power to report criminal acts of which they are aware.²⁹⁴ However, an obligation to report crimes involving children applies to health care and education professionals who have become aware of a crime in the course of their work.²⁹⁵ This obligation also extends to public officials who become aware of criminal activity,²⁹⁶ with the Child and Adolescent Code explicitly creating an obligation for officials from the Child and Adolescent Ombudsman to report crimes against children of which they become aware.²⁹⁷ For those who are obliged to report crimes, failing to do so will result in imprisonment of up to four years, depending on the seriousness of the crime that they failed to report.²⁹⁸ Whilst these obligations apply generally and are not specific for crimes related to the sexual exploitation of children, there is also a specific obligation for health care and education professionals to report crimes relating to violence (including sexual violence) against women or children.²⁹⁹ Positively, public prosecutors in Peru must initiate criminal investigations *ex officio* (with the power of office) when the commission of a crime comes to their attention.³⁰⁰ Lastly, it is worth mentioning that criminal reports must contain the identity of the person reporting,³⁰¹ thereby indicating that anonymous reports are insufficient evidence for opening a criminal investigation.

288 CHS Alternativo. (2021). #BloqueaLaExplotaciónSexual.

289 CHS Alternativo. (2021, October). Personal Communication.

290 Save the Children and Paz y Esperanza. (2019). *Acoso, explotación y violencia sexual contra niños, niñas y adolescentes en espacios virtuales: percepciones y respuesta de las instituciones y autoridades de Huanuco*, informe final. Lima : Save the Children.

291 Ministerio de la Mujer y Poblaciones Vulnerables. (2020). *Noveno Informe Anual de Avances del Plan Nacional por la Infancia y Adolescencia 2012-2021*. 75.

292 *Ibid.*

293 UNFPA and Plan International. (2019). *Las adolescentes peruanas en matrimonio o unión: Tradiciones, desafíos y recomendaciones*. Lima, 58; Chirapaq. (2021). *Violencia Sexual contra niñas y jóvenes indígenas: reporte nacional*. Lima: Chirapaq, 159-160.

294 Government of Peru. (2006). *Criminal Procedure Code*. Article 326.

295 *Ibid.*

296 *Ibid.*

297 Government of Peru. (2000). *Child and Adolescent Code*. Article 45.

298 Government of Peru. (1991) *Criminal Code*. Article 407.

299 Government of Peru. (2015). *Law to Prevent, Sanction and Eradicate Violence against Women and Members of the Family Unit*. Article 15.

300 Government of Peru. (2006). *Criminal Procedure Code*. Article 329.

301 *Ibid.*, Article 328.

Statutory limitation periods are in place for the reporting of crimes within Peru.³⁰² These periods are prescribed by law and designate the maximum amount of time after a crime has been committed in which legal proceedings may be initiated against a perpetrator. In Peru, however, these statutory limitation periods do not apply to sexual crimes against children.³⁰³ This is welcome given that when sexually exploited children do disclose their abuse, their disclosure is often delayed³⁰⁴ which can thwart their access to justice.

In 2015, the Ministry of Women and Vulnerable Populations published a Guide for the Detection and Referral of Victims of SEC. This establishes detailed procedural guidelines of the process beginning from initial contact or knowledge of a possible SEC case and ending with specialised attention being provided to the child.³⁰⁵ The guide also establishes the roles and responsibilities of government ministries, police, civil society organisations and centres of specialised attention.³⁰⁶ Whilst this guide is an example of good practice and is extremely useful in providing clear and detailed instructions on how a SEC case should be dealt with, in the course of this research it has not been possible to access any information providing an evaluation of its implementation.

A national report published in 2021 by the 'Centro de Culturas Indígenas del Perú' highlighted challenges with reporting of sexual offences for Indigenous communities. Whilst the primary focus of this report is on sexual violence, it is likely that these same barriers will exist in regard to the reporting of crimes of sexual exploitation of children by Indigenous communities. It emphasises that scarce economic resources prevent justice professionals from engaging with Indigenous communities, and that high costs and long travel times discourage Indigenous populations from travelling to report crimes and commence criminal proceedings.³⁰⁷ Further, amongst such communities there is low confidence in public officials due to perceptions of corruption that have resulted in impunity for offenders.³⁰⁸

There are also a number of hotlines operational in Peru through which crimes of sexual exploitation of children may be reported. First, the Ministry of the Interior operates both an online reporting portal and a telephone line (1818) through which crimes relating to trafficking can be reported.³⁰⁹ It should also be noted that this reporting mechanism is not exclusively for crimes related to children. Unfortunately, the latest available data from this helpline dates from 2015 and is not disaggregated by age of the caller.³¹⁰ In addition, the Ministry of Women and Vulnerable Populations operates a hotline (100) through which violence, including sexual violence and abuse, exposure to pornography and sexual harassment, can be reported.³¹¹ Serious cases through the hotline are referred to the 'Centros de Emergencia Mujer' (as will be discussed further in section 4.3.3).³¹² The latest available data highlights that between January and June 2021 there were 31,198 calls in which the person concerned was a child and 6,081 calls related to sexual offences.³¹³ However, it is unclear how many calls involving children related to sexual offences. Lastly, helpline services are offered by NGO Fundación Ayuda a Niños y Adolescentes en Riesgo for all children on a range of issues relating to children's rights.³¹⁴

Child-sensitive justice

Legislating for the existence of child sensitive measures is an important part of ensuring that child victims of sexual exploitation can access justice in an efficient manner. The Child and Adolescent Code of Peru provides that the State guarantees a specialised justice system for children.³¹⁵ Further, the Code designates a number of public lawyers who provide comprehensive and free legal assistance to all children who need it. In cases of sexual violence against children, free legal assistance is mandatory.³¹⁶

302 Government of Peru. (1991). *Criminal Code*. Article 80.

303 *Ibid.*, Article 88-A.

304 ECPAT International. (2017). "Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation ECPAT International", 58.

305 Government of Peru. (2015). *Guide for the Detection and Referral of Victims of SEC*.

306 *Ibid.*

307 Centro de Culturas Indígenas del Perú. (2021). *Violencia Sexual Contra Niñas Jóvenes Indígenas Reporte Nacional*. 17

308 *Ibid.*

309 Government of Peru. (n.d.). *Denunciar trata de personas*.

310 Instituto Nacional d Estadística E Informatica. (2017). *Denuncias de Trata de Personas Presuntas víctimas y presuntos(as) imputados(as), 2010-2016*. 25.

311 Government of Peru. (n.d.). *Denunciar Violencia Familiar y Sexual*.

312 *Ibid.*

313 Government of Peru. (n.d.). *Número de consultas telefónicas atendidas 2021*.

314 Fundación ANAR. (n.d.). *Teléfono Anar*.

315 Government of Peru. (2000). *Child and Adolescent Code*. Article X.

316 *Ibid.*, Article 146.

Many of the relevant provisions can be found under the Criminal Procedure Code, which guarantees that all victims have the right to be kept informed of proceedings throughout the judicial process.³¹⁷ If the aggrieved is a child, they have the right to be accompanied by a person of trust throughout all proceedings.³¹⁸ In addition, children are permitted to give their testimonies in private and the judge will order that the testimony be taken by a psychologist.³¹⁹ Further, the law states that all statements from children will be made in the ‘*Cámara Gesell*’, a child friendly interview room designed to prevent re-victimisation, in the presence of a psychologist.³²⁰ It is also provided that these statements will be recorded so as to avoid re-victimisation.³²¹ Whilst the Criminal Procedure Code also states that child victims will not have to confront the accused during proceedings,³²² this only applies to children under 14 and so may leave older children vulnerable to being exposed to what may be a traumatic experience. Lastly, the identity of children is protected as it is prohibited to publish the personal details of child victims.³²³

In addition to the above provisions, Peru published a Procedural Guide for the Interviewing of Child and Adolescent Victims of Sexual Abuse, Sexual Exploitation and Trafficking for Sexual Purposes in 2011.³²⁴ This guide provides more detailed information relating to the interviewing of child victims within the ‘*Cámara Gesell*’. Firstly, the psychologist who conducts the interview must be professionally trained in forensic interviewing of children and have the necessary expertise in the procedure of criminal cases involving sexual abuse, exploitation or trafficking.³²⁵ The guide also provides detailed procedures designed to prevent re-victimisation before, during and after the interview process, including, for example, with the use of mirrored glass to separate the child and psychologist from any other observing parties.³²⁶

However, despite the enactment of legislation in 2019 that established the prioritisation of the implementation of ‘*Cámaras Gesell*’ in all judicial districts of the country,³²⁷ in April 2021 Peru had only implemented 75, of which only 63 were operational.³²⁸ In particular, there has been a lack of implementation within rural areas in Peru,³²⁹ potentially leaving child victims of sexual exploitation from these areas with inadequate access to mandated mechanisms of justice. The report from the ‘*Centro de Culturas Indígenas del Perú*’ additionally highlighted few translators were available to victims, and cultural sensitivity on the part of the authorities when dealing with Indigenous communities was lacking.³³⁰

Access to recovery and reintegration

Under the Child and Adolescent Code it is established that it is the State’s duty to provide rehabilitation programmes that permit the physical and mental recovery of children and offer them specialised attention.³³¹ For this purpose, Peru developed a Guide for the Care of Child Victims of Sexual Exploitation, which outlines procedures to be applied from the detection of the crime until the recovery of the child.³³² Further, the guide defines the roles and responsibilities of key actors in providing care and attention for child victims.³³³ As an objective, the guide aims to provide the restitution of the child’s rights, as well as provide for their social reintegration in a timely and effective manner.³³⁴ To achieve this, some of the actions mentioned by the plan include guaranteeing the child’s right to education, recreation, participation and family life, providing the child with medical assistance and therapy, reinserting the child into formal education and providing vocational training.³³⁵

317 Government of Peru. (2006). *Criminal Procedure Code*. Article 95.

318 *Ibid.*

319 *Ibid.*, Article 171.

320 *Ibid.*, Article 242.

321 *Ibid.*

322 *Ibid.*, Article 182.

323 *Ibid.*, Article 139.

324 Government of Peru. (2011). *Procedural Guide for the Interview of Child and Adolescent Victims of Sexual Abuse, Sexual Exploitation and Trafficking for Sexual Purposes*.

325 *Ibid.*, Chapter 1 (2).

326 *Ibid.*, Chapter 2 (2.1).

327 Government of Peru. (2019). *Law N° 30920*.

328 LP. (2020). *Cámara Gesell: qué es, para qué sirve y por qué se llama así*.

329 *Ibid.*

330 Centro de Culturas Indígenas del Perú. (2021). *Violencia Sexual Contra Niñas Yóvenes Indígenas Reporte Nacional*. 17.

331 Government of Peru. (2000). *Child and Adolescent Code*. Article 33.

332 Government of Peru. (2015). *Guide for the Care of Child Victims of SEC*.

333 *Ibid.*

334 *Ibid.*, 54.

335 *Ibid.*, 68

For the implementation of this guide, responsibilities are apportioned to government ministries, police and specific government programmes.³³⁶ Within these programmes, the ‘Centros de Emergencia Mujer’ (CEMs) and the ‘Centros de Atención Residencial’ (CARs) play important roles in ensuring child victim’s access to recovery and reintegration. The CEMs provide psychological, legal and social support to child victims, as well as helping with reporting of crimes and linking the child to relevant civil society organisations who may provide further assistance.³³⁷ Throughout the country there are 247 regular CEMs, 175 within police stations and one within a medical centre.³³⁸ In the period between January and July 2021 the CEMs in the whole of Peru dealt with 30 cases of child trafficking for sexual purposes, 28 of whom were girls and 2 were boys.³³⁹ This is an increase in the total number of 21 children in 2020, all of whom were girls.³⁴⁰ In terms of sexual exploitation of children, the centres supported 13 children in the period between January and July 2021, all of whom were girls.³⁴¹ Again, this figure is higher than the corresponding number for the whole of 2020 (10 cases, all of whom were girls).³⁴² The CARs provide safe shelter to children at risk, develop and implement individual care plans for children and oversee reintegration into the child’s community, among other things.³⁴³ There are 47 such centres throughout Peru and in the period between January and May 2021, 1,631 children attended.³⁴⁴ Within the whole of 2020 the number of children who received care in CARs was 2,138.³⁴⁵ There are seven CARs within Peru that are specialised for victims of crimes relating to human trafficking.³⁴⁶ As the data is not disaggregated according to the reason for attention, it is unclear how many of these children were victims of sexual exploitation. There are very few civil society organisations within Peru that are operating as private shelters and providing rehabilitation services to children.³⁴⁷

Access to compensation

The Peruvian Criminal Code establishes that civil compensation is a right of victims and that it will be determined at the same time of the sentencing in criminal cases.³⁴⁸ Although this refers to crime victims generally, the Guide for the Care of Child Victims of Sexual Exploitation establishes that it is the responsibility of the judge to ensure the compliance of civil compensation in such cases.³⁴⁹ Whilst the law states that civil compensation will cover property costs as well as damages and harms,³⁵⁰ it does not specify whether this would cover damages for emotional trauma suffered by the victim. In February 2021, Peru enacted Law 31146, containing further provisions on civil compensation in sexual exploitation cases. This law states that civil reparation includes unpaid wages, the costs of medical and psychological treatment, the costs of their physical, social and occupational rehabilitation, and compensation for lost opportunities, employment, education and social benefits.³⁵¹ Although exact data on compensation for child victims of sexual exploitation is not available, anecdotal evidence suggests that whilst judges have ordered such compensation to come from offenders, it is often not enforced and few children have received it.³⁵² No fund has been established by the state to provide compensation in instances when this cannot be recovered from the offender. Given that the new law was passed in the same year of publication of this report, it is not clear whether these improvements have resulted in the granting and enforcement of compensation for child victims.

336 *Ibid.*, 71-90.

337 *Ibid.*, 80.

338 Government of Peru. (2021). *Centros de Emergencia Mujer – CEM*.

339 Government of Peru. (2021). *Formas de la Violencia (Enero – Julio) 2021*.

340 Government of Peru. (2020). *Formas de la Violencia (Enero – Diciembre) 2020*.

341 Government of Peru. (2021). *Formas de la Violencia (Enero – Julio) 2021*.

342 Government of Peru. (2020). *Formas de la Violencia (Enero – Diciembre) 2020*.

343 Government of Peru. (2015). *Guide for the Care of Child Victims of SEC*. 81-82.

344 Government of Peru. (2021). *Estadísticas Del Mimp*.

345 Government of Peru. (2020). *Estadísticas Del Mimp*.

346 CHS Alternativo. (2021, October). *Personal Communication*.

347 *Ibid.*

348 Government of Peru. (1991). *Criminal Code*. Article 92.

349 Government of Peru. (2015). *Guide for the Care of Child Victims of SEC*. 77.

350 Government of Peru. (1991). *Criminal Code*. Article 93.

351 Government of Peru. (2021). *Law N° 31146*.

352 CHS Alternativo. (2021, October). *Personal Communication*.

CHILDREN'S AND SURVIVORS' PARTICIPATION

In Peru, the National Plan of Action for Children and Adolescents (2012-2021) aimed to strengthen the participation of children in many elements of Peruvian governance, including in the fight against sexual exploitation.³⁵³ According to this policy document, the State must facilitate that children participate in decision-making processes relevant to them and this participation must be granted by families, society and the State.³⁵⁴ Strategies for fighting sexual exploitation of children encompassed in the National Action Plan include national campaigns for raising-awareness on sexual exploitation of children that should be run in collaboration with children and adolescents.³⁵⁵ The Consultative Councils for Girls, Boys and Adolescents also took part in and had a right to vote at the government roundtable on the objective of the above national plan which focused on the prevention of the sexual exploitation of children.³⁵⁶ However, although the National Action Plan for Children and Adolescents upholds children's right to participation, its initiatives and programmes target victims and survivors without allowing their active participation in decision-making processes.³⁵⁷ Generally, victims and survivors were not involved in any government activities, programmes or law making processes aimed to end child sexual exploitation.³⁵⁸

The 2021 Supreme Decree of the National Multisectoral Policy for Girls, Boys and Adolescents (2022-2030) acknowledges the weaknesses of the prior National Action Plan, including that children's rights to participation in decision-making is still low.³⁵⁹ For example, the Consultative Councils for Girls, Boys and Adolescents, which provide spaces for participation in local policy-making are still not

sufficiently deployed across the country, considering that in 2020, out of 1,874 Peruvian districts, only 471 had in their municipalities a formal space allowing for the participation of children in policy-making processes.³⁶⁰

While actions led by the government do not foresee especially the participation of child victims and survivors of sexual exploitation, Peruvian children are involved in national initiatives which are related to the promotion of children's rights more generally. For example, every year, the Ministry of Education facilitates the Tinkuy project, a meeting of Peruvian pupils belonging to Indigenous, Afro-Peruvian and other communities.³⁶¹

In Peru, children are also engaged in projects carried out by NGOs to promote children's rights and to tackle the sexual exploitation of children. From 2016 to 2020, the association Down To Zero launched a mobilisation against sexual exploitation of children through a series of actions aimed at empowering vulnerable children and adolescents and creating safe spaces in 11 countries.³⁶² In Peru, this project is carried out by CHS Alternativo in Lima, Loreto and Puno.³⁶³ Through the Down To Zero Alliance, in Peru, the project provided support and assistance not only for engaging in dialogue with the authorities but also for developing "soft" skills such as leadership.³⁶⁴ Indeed, children have the opportunity to be involved and advocate for their rights through the creation of youth groups: Fly Free Movement is a virtuous example, a movement formed by young leaders who worked for the last five years to raise awareness and fight the sexual exploitation of children in travel and tourism settings.³⁶⁵

353 Ministerio de la Mujer y Poblaciones Vulnerables. (2021). *Plan Nacional de Acción por la Infancia y la Adolescencia 2012-2021*. 94-95.

354 *Ibid.*

355 *Ibid.*, 80.

356 CHS Alternativo. (2021, October). Personal communication.

357 *Ibid.*

358 *Ibid.*

359 Gobierno de Perú. (2021). *Decreto Supremo que aprueba la Política Nacional Multisectorial para las Niñas, Niños y Adolescentes al 2030-Decreto Supremo-Nº 008-2021-MIMP*.

360 *Ibid.*

361 Ministerio de Educación. (2021). *X Encuentro Nacional de Niños y Niñas de Pueblos Originarios, Afroperuanos y de otras Tradiciones Culturales*.

362 CHS Alternativo. (2019). *Programa Down To Zero Perú*.

363 *Ibid.*

364 Down To Zero Platform. (2020). *Country Factsheet – Perú*.

365 *Ibid.*

Despite the concluding observations of the UN Committee on the Rights of the Child in 2016,³⁶⁶ the political will to strengthen the participation of children in the fight against sexual exploitation has not been clearly translated into concrete and specific actions.³⁶⁷ In Peru, some national projects involve children, but they do not directly address the

sexual exploitation of children. Sexual exploitation of children is addressed by some projects carried out by NGOs and other civil society organisations which bear a duty that should at the very least be shared with the government of Peru according to the recommendations of the UN Committee on the Rights of the Child.³⁶⁸

366 United Nation Human Rights Treaty Bodies. (n.d.). *UN Treaty Bodies Database*.

367 CHS Alternativo. (2021). Personal communication.

368 UN Committee on the Right of the child. (2016). *Concluding observations on the combined fourth and fifth periodic reports of Peru*. 7

RECOMMENDATIONS FOR ACTION

International and regional legislation, commitments and coordination to ending the sexual exploitation of children

- ➔ Amend the legal provisions relating to child sexual abuse materials to prohibit knowingly accessing such materials.
- ➔ Amend the legal provisions relating to online grooming to remove the requirement of 'deceit' for children aged 14-18.
- ➔ Enact legislation that criminalises the live streaming of child sexual abuse.
- ➔ Enact a clause that excludes a child's criminal liability for producing and sharing child sexual abuse material especially when compelled to do so because they are in an abusive or exploitative situation.
- ➔ Enact legislation that obligates Internet service providers to filter, block and report child sexual abuse material contained on their servers.
- ➔ Enact a standalone legal provision that criminalises the sale of children for sexual purposes.
- ➔ Raise the minimum age of marriage to 18 with no exceptions.
- ➔ Criminalise conduct relating to child, early and forced marriage such as knowingly marrying a child and inducing or forcing a child to marry.
- ➔ Remove the double criminality requirement in extraterritorial and extradition legislation.

National response to sexual exploitation of children

- ➔ Adopt and implement a comprehensive national policy strategy on the various forms of the sexual exploitation of children, to ensure coordinated state-wide effective intersectoral measures.
- ➔ Monitor and assess the level of financial and human resources devoted to the fight against sexual exploitation of children, across government agencies, with the view of increasing the amount of public funding earmarked and spent for this purpose.
- ➔ Enhance cooperation mechanisms among national and local authorities, in the design, implementation and monitoring of laws and policies related to the sexual exploitation of children, particularly with a view to improving child victims' access to adequate protection and support across the country
- ➔ Introduce national guidance on uniform criteria (e.g., background checks) under which municipalities shall grant the licenses for the operation of bars, brothels and other leisure venues, and oversee their functioning in view of preventing the sexual exploitation of children
- ➔ Engage with relevant communities to design culturally-sensitive initiatives, including prevention campaigns and comprehensive sexuality education programs to raise awareness of the risks of child early and forced marriage, particularly among Indigenous and rural communities
- ➔ Design policies addressing the obstacles and multiple forms of discrimination in accessing protection and support faced by certain groups of children victims of sexual exploitation, in particular girls, Indigenous children, migrant children and children with diverse sexual orientation and gender identity.
- ➔ Ensure effective implementation of the Code of Conduct against Sexual Exploitation of Children in Travel and Tourism through applying sanctions to all tourism operators in breach of the obligations contained within.

Access to justice and right to remedies for child victims of sexual exploitation

- ➔ Amend the legislation to ensure that anonymous complaints count as sufficient evidence to initiate investigations into possible instances of sexual exploitation of children.
- ➔ Ensure that Indigenous communities have adequate access to national reporting mechanisms in order to report instances of sexual exploitation of children.
- ➔ Ensure the effective implementation of the 'Cámaras Gesell', with particular focus on guaranteeing access in rural areas.
- ➔ Ensure that child victims of sexual exploitation have adequate access to compensation.

Children's and survivors' participation

- ➔ Set-up a strong and permanent mechanism to ensure child, victim and survivor participation in policy making and evaluation.
- ➔ Create, develop and implement national campaigns on sexual exploitation of children in collaboration with child survivors.

Research needs and agenda

- ➔ Harmonise and expand data collection in relation to all forms of sexual exploitation of children among relevant public bodies (law enforcement, judiciary, social and health services, etc.). Ensure that data is disaggregated by age, gender and other relevant characteristics to design evidence-based policies addressing the actual needs of child victims.
- ➔ Conduct targeted research on the linkage between child marriage, including informal unions and early cohabitation, with situations equating with the sexual exploitation of girls.

ACRONYMS

CAR	Centros de Atención Residencial
CEM	Centros de Emergencia Mujer
CEFM	Child, early and forced marriage
CHS Alternativo	Capital Humano Social Alternativo
CSAM	Child sexual abuse material
NGO	Non-governmental organisation
OCSE	Online child sexual exploitation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
SEC	Sexual exploitation of children
SECTT	Sexual exploitation of children in travel and tourism



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