

Peru (Tier 2)

The Government of Peru does not fully meet the minimum standards for the elimination of trafficking but it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Peru remained on Tier 2. These efforts included more than doubling government capacity to provide specialized services to child trafficking victims by opening four new shelters for child victims, finalizing a guide for providing individualized reintegration plans for victims, and increasing penalties for individuals who purchase sex acts from child trafficking victims. However, the government did not meet the minimum standards in several key areas. For the second consecutive year, the Peruvian government cut its budget to address trafficking and did not complete a mandated report to congress on the implementation of its anti-trafficking efforts. The government did not prosecute or convict any suspected traffickers arrested during operations on illegal mining camps in previous years, and services for adult and male victims remained inadequate.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute both sex and labor trafficking offenses, convict and punish traffickers, and apply adequate sentences to convicted traffickers. • Improve cooperation among criminal justice officials and between service providers and increase efforts to employ victim-centered, trauma-informed procedures in law enforcement operations, investigations, and criminal justice proceedings. • Dedicate increased resources to planning multi-sectoral, intelligence-driven law enforcement operations that include arrangements for prompt removal of victims to secure locations segregated from traffickers, victim-centered interviews, and quick transition to care and shelter for identified victims. • Increase efforts to investigate and prosecute trafficking-related corruption and official complicity, and convict and punish complicit officials for these crimes. • Continue to increase funding for and access to specialized, comprehensive services—to include legal, medical, psycho-social, shelter, case management, educational or vocational, and reintegration assistance—for all Peruvian and foreign victims, including men, LGBTI children, and labor trafficking victims. • Dedicate adequate funding in ministry and regional government budgets to carry out anti-trafficking responsibilities and increase overall resources for fighting trafficking. • Develop,

fully implement, and train officials on government-wide protocols to guide proactive identification and referral of suspected sex and labor trafficking victims, including screening for indicators of trafficking among vulnerable groups and with a focus on distinguishing trafficking from related crimes. • Ensure officials across sectors apply a definition of trafficking consistent with international standards, so that all victims exploited in sex or labor trafficking receive access to proper care. • Strengthen and institutionalize training on enforcing anti-trafficking laws, employing victim-centered procedures for police, prosecutors, and judges, and enforce policies to slow turnover among specialized police. • Cease holding victims in police stations due to insufficient coordination among agencies. • Update existing systems to collect, maintain, and report comprehensive, harmonized, disaggregated data on anti-trafficking efforts. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with the penalties prescribed for other grave crimes, such as rape. • Enforce laws against crimes that facilitate trafficking, such as fraudulent job recruitment, illegal mining and logging, and counterfeit operations.

PROSECUTION

The government maintained prosecution efforts. Article 153 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for offenses involving adult victims, 12 to 20 years' imprisonment for offenses involving victims between the ages of 14 and 18, and a minimum of 25 years' imprisonment for offenses involving victims younger than the age of 14. These penalties were sufficiently stringent; however, with respect to sex trafficking, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include all forms of labor exploitation and illegal adoption or child selling without the purpose of exploitation. The penal code also included separate offenses for "forced labor," "sexual exploitation," and "slavery and other forms of exploitation" that carried penalties of six to 12 years' imprisonment, 10 to 15 years' imprisonment, and 10 to 15 years' imprisonment, respectively. These articles criminalized certain forms of sex and labor trafficking and overlapped significantly with trafficking crimes prohibited in Article 153. The government implemented the new Criminal Procedure Code in 32 of 34 judicial districts. The criminal code has made a positive impact on prosecution procedures, as victims are no longer required to submit a complaint in order for the government to prosecute a suspected trafficker.

In June 2019, the government adopted Law 30963, which created additional crimes related to sexual exploitation that could further overlap with trafficking crimes.

The Directorate for the Investigation of Trafficking in Persons and Smuggling of Migrants (DIRCTPTIM), the specialized unit that operates in Lima and focuses on human trafficking and related crimes, reported 186 anti-trafficking operations resulting in 364 trafficking arrests in 2019, compared to 158 operations and 423 arrests in 2018. Prosecutors from the public ministry's anti-trafficking unit participated in 252 anti-trafficking operations and detained 209 suspects, compared with 201 operations and 151 suspect detentions in 2018 and 122 operations in 2017. In 2019, the government reported 67 prosecutions, 55 convictions, and 23 acquittals. The government provided updated data for 2018 and reported 142 prosecutions, 74 convictions, and 19 acquittals. The government did not report complete sentencing data for convicted traffickers.

In partnership with a foreign government, Peru developed an operational guide for police and prosecutors on best practices for human trafficking cases that was approved in March 2020. Police conducted large anti-trafficking operations in remote locations in coordination with several ministries. In August 2019, the government conducted a large-scale joint operation across Callao, Huánuco, Lima, Moyobamba, Pichari, Puerto Maldonado, and Trujillo, against an organized crime ring called "The Brothers." Officials arrested and detained 12 people for human trafficking offenses, including the Police Chief of the Criminal Investigations Division of Puerto Maldonado. No prosecutions or convictions have taken place; however, the government had active investigations open against all of these individuals. The former police chief was released from preventative detention in late 2019. The government did not report updates on prosecutions or convictions for traffickers arrested during an operation to expel illegal miners in La Pampa during the previous reporting period, or updates on prosecutions or convictions of traffickers arrested in La Pampa in May 2018. In June 2019, the government convicted a couple for human trafficking and slavery for subjecting workers to forced labor inside a workshop, where two workers died in an industrial fire. Authorities sentenced the husband and wife to 35 and 32 years in prison, respectively. Upon appeal, judges reduced their sentences to 30 years for the husband, and 15 years for the wife.

The government and NGOs reported that official complicity in trafficking crimes and widespread corruption in the Peruvian law enforcement and judicial systems

severely hampered anti-trafficking law enforcement efforts. Police officers, including members of specialized anti-trafficking units, allegedly accepted bribes from traffickers to avoid conducting investigations. Some judges and prosecutors may have accepted bribes to downgrade trafficking charges to lesser crimes. Officials did not provide any updates on the 2018 arrest of a former police general for suspected trafficking crimes related to an illegal adoption ring. The government did not report any prosecutions or convictions of government employees for complicity in trafficking offenses.

The government had 190 police officers in Lima who were part of DIRCTPTIM. There were 204 other police officers assigned to work on human trafficking throughout the rest of the country, for a total of 394 police officers, compared to 398 specialized police officers reported in 2018. There were insufficient resources to maintain specialized units throughout the whole country. The government did not implement a ministerial resolution requiring anti-trafficking police to remain in their units for at least two years, and frequent turnover among police continued to undermine the police's ability to effectively combat trafficking. Peru had 35 prosecutors specializing in human trafficking in eight regions, with 11 of these prosecutors located in Lima. In November 2019, the mandate for the specialized prosecution unit expanded to include crimes of sexual exploitation, forced labor, and slavery. Previously, only cases charged under Article 153 of the penal code could be assigned to specialized prosecutors; trafficking cases charged under other statutes such as forced labor or sexual exploitation were referred to a general prosecutor. Government and civil society reported that these changes would necessitate additional training for judges and prosecutors. Peruvian officials often applied a narrower definition of trafficking than what was defined in Peruvian law, such as considering recruitment an essential element of a trafficking crime, and applying trafficking statutes only to acts that occurred prior to exploitation. Judges did not receive adequate training on trafficking. Officials reported judges often reduced sex trafficking charges to lesser crimes; required proof of force, fraud, or coercion for child sex trafficking offenses; or disregarded victims' ages and failed to apply relevant penalty provisions applicable in child trafficking cases. NGOs and government officials reported that poor communication and mistrust between police and prosecutors at both the national and regional levels severely hampered anti-trafficking law enforcement efforts. Peru maintained agreements for combatting trafficking with Argentina, Bolivia, Chile, Colombia, and Ecuador.

Although several ministries collected data to track their anti-trafficking law enforcement and victim protection efforts, the government lacked a coordinated data collection system, and data consistency and availability continue to be a weakness in the government's ability to combat trafficking. Peru's overlapping legal framework further complicated data collection efforts, as authorities often charged trafficking cases as similar offenses such as sexual exploitation.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. The national police database (RETA) recorded identifying 765 victims—including 148 girls, 38 boys, and 579 adults—compared with 1,600 suspected victims identified in 2018. Additionally, DIRCTPTIM, which maintained its own database, reported identifying 1,054 victims, including 222 children and 832 adults. The specialized prosecution unit reported identifying 476 victims, compared to 882 victims identified in 2018. It was unclear to what extent victim statistics from the national police, DIRCTPTIM, and the prosecutors overlapped. The government conducted trainings to help local officials improve their ability to correctly identify and refer trafficking victims, but reports still indicated that police and prosecutors' efforts remained inadequate. The government lacked standardized procedures for officials to screen for indicators of trafficking among the vulnerable populations they assisted and refer potential victims to services. Police and prosecutors did not effectively identify indicators of trafficking among women in prostitution, and officials did not effectively distinguish between trafficking and similar crimes, including sexual exploitation and forced labor.

The government had several protocols for providing protection to trafficking victims, and recently developed a new, victim-centered protocol for reintegration of trafficking victims. The government did not specify any new outcomes as a result of the additional protocol. The Ministry of Women and Vulnerable Populations (MIMP) was responsible for coordinating and providing services to victims in partnership with regional governments. The anti-trafficking law (Law 28950) required the government to protect victims by providing temporary lodging, transportation, medical and psychological care, legal assistance, and reintegration assistance; but the government did not wholly fulfill this mandate. Officials cited the lack of adequate protective services as a key impediment to their ability to effectively combat trafficking in Peru, and victim services were often unevenly implemented due to lack of coordination at the national and local level.

Criminal justice officials often did not employ a victim-centered approach, and at times they conducted anti-trafficking operations without adequate resources, such as safe places to screen potential victims and provide immediate care. No specific procedures or services existed for LGBTI victims, but the government developed a training guide to help improve service provider capacity; transgender victims, in particular, did not receive adequate care. Services provided to some victims of trafficking were largely the same as services offered to victims of violence or sexual exploitation.

In the previous reporting period, Peru passed a law to strengthen shelter services for victims of trafficking, but reports continued to show that many shelters for victims did not provide adequate levels of care. There were 395 emergency centers (CEMs) run by MIMP available for women and their accompanying children who are victims of domestic violence and sexual abuse. These centers provided short-term shelter, as well as legal, psychological, and social services to an unknown number of female sex trafficking victims, but were not exclusively for victims of trafficking. One hundred and fifty of the CEMs are located in police stations. The public ministry reported 62 emergency spaces that women and children could access when referral to a CEM was not possible. Victims could access the spaces for short-term accommodation, but no specialized services were available to victims of trafficking. Many NGOs operated shelters or provided other services for victims without government support. There were no facilities exclusively for adult male victims, and reports indicated that men were often denied other services.

The government continued to implement a 2017 decree that established MIMP units responsible for providing protection to child trafficking victims. DIRCTPTIM referred identified children to MIMP in order to coordinate services; of the children identified, 130 victims received services, and 114 received care at a specialized shelter. The majority of victims who received services were girls. During the reporting period, the government significantly increased its capacity to provide specialized services to child trafficking victims. It acquired four new properties, refurbished them with support from a foreign donor, and opened new specialized shelters for child trafficking victims in the Cusco, Lima, Loreto, and Puno regions. The government continued to operate three additional shelters exclusively for trafficking victims in the Lima region, including a specialized shelter for girl victims opened in the previous reporting period, bringing the total capacity of these seven shelters to 130 children. Reports indicated that services and

staffing at the specialized shelters were robust, with the inclusion of a full-time attorney, medical personnel, and psychologist on staff. However, all of the specialized shelters exclusively served girls. MIMP continued to operate 48 additional residential centers that child victims of trafficking could access, but these shelters were not exclusively for human trafficking victims and services in these facilities were lacking.

Of the victims identified in 2019, 454 were foreign victims, an increase from 235 foreign victims identified in 2018. The majority of foreign victims identified were Venezuelan, with 270 Venezuelan adults and 31 Venezuelan children identified. Other foreign victims included 55 victims from Colombia, 96 victims from Ecuador, one victim from Panama, and one victim from Bolivia. Foreign victims were eligible for temporary and permanent residency status, as well as monetary assistance, but the government did not report services provided to foreign victims. The government coordinated with NGOs to repatriate some foreign victims exploited in Peru; however, many of the foreign trafficking victims chose to remain in Peru. As a result of a bi-lateral partnership, Peru participated in a joint operation with Ecuador, resulting in 37 Ecuadorian victims identified.

The law required the government to provide legal representation to victims, to safeguard their legal rights, and guide them through the legal system. The government had several agencies responsible for providing psychological and social assistance, as well as legal advice to victims. A victim assistance program run by the public ministry reported assisting 920 victims with access to legal and psychological services. However, according to NGO reports, services were often contingent on victims providing statements to investigators. The government did not report whether any victims received restitution in 2019. Inadequate victim identification procedures may have led authorities to arrest, detain, or otherwise penalize trafficking victims for unlawful acts traffickers compelled them to commit. At times, authorities placed child victims in police stations among children apprehended for crimes, where victims faced conditions similar to detention while waiting for referral to shelter.

PREVENTION

The government maintained prevention efforts. The Ministry of Interior (MOI) remained the only ministry with a dedicated budget for anti-trafficking efforts. The MOI allocated approximately four million soles (\$1.21 million) to anti-trafficking

activities in 2019, a decrease from the approximate eight million soles (\$2.41 million) dedicated to anti-trafficking in 2018. Many victims received general assistance not accounted for in these figures, and several ministries conducted anti-trafficking activities but did not have a specific trafficking budget. The government reported that a new framework was developed to monitor the implementation of the National Plan of Action Against Trafficking in Persons (national anti-trafficking plan), in effect until 2021. The interagency commission that coordinated Peru's anti-trafficking efforts was responsible for coordinating implementation of the national anti-trafficking plan and preparing the corresponding budget. The government was required to produce a report on its anti-trafficking efforts and present it to congress, but it failed to produce this report within mandated parameters this year. Political instability impacted ministerial coordination to implement Peru's anti-trafficking plan during the reporting period. Officials at every level noted that inadequate funding hindered their ability to effectively combat human trafficking, especially victim protection efforts.

Twenty-three of the 24 regional governments had operational plans to address human trafficking at the local level. The government continued implementation of the plan to increase protection for domestic workers, which included strengthening oversight of employment agencies and improving responses to suspected forced labor or child labor. The government signed on to a global initiative called Alliance 8.7 dedicated to eliminating human trafficking and related issues.

The National Superintendent of Labor Inspection (SUNAFIL) opened five new regional labor inspection offices, for a total of 21 labor inspection offices throughout the country. However, the government reported a decrease in the number of SUNAFIL inspectors across the country from 636 to 607 and noted that staffing was not sufficient. A team within SUNAFIL specialized in child and forced labor inspections, and labor inspectors participated in joint raids with police that led to victim identification. Additionally, SUNAFIL approved a new protocol for specialized child and forced labor inspections, as well as a new protocol to protect foreign laborers. SUNAFIL conducted 102 in-person awareness activities on forced and child labor. The labor ministry implemented a new accreditation process for companies producing agricultural products free from child labor.

The government provided in-person training and awareness workshops in 10 regions of the country and four virtual workshops on human trafficking identification and victim referral, reaching more than 800 government employees

and members of civil society. Officials also hosted a workshop for 120 police officers to help improve their ability to identify victims. The government reported efforts to raise awareness among the tourism sector by providing technical assistance to 22 regions on human trafficking and tourism. Other awareness efforts included producing and disseminating written awareness materials through social media, various fairs, parades, workshops, and television programs. The government also supported several initiatives specifically aimed at educating children and students, including student workshops, informational campaigns at transit stations, and distribution of written materials. MIMP continued to operate its street educators program targeting outreach to children involved in begging and other potential cases of exploitation. Various ministries conducted additional awareness-raising efforts, often in partnership with international organizations and NGOs and with foreign donor funding.

NGOs reported that the government often provided in-kind contributions to training activities led by civil society. Other training and awareness activities coordinated by NGOs and often supported by the government included training to 253 judges, lawyers, and prosecutors on human trafficking, virtual training to 821 public defenders, training for 289 shelter service providers, 11 workshops to police officers on victim-centered approaches, training and workshops for justice sector officials, human trafficking overview courses, trainings on human trafficking investigations and prosecutions, and technical assistance and training to specialized shelters.

Officials mitigated the vulnerability of displaced Venezuelans to trafficking by conducting awareness campaigns for foreign nationals. The government estimated that 404,000 Venezuelans hold temporary work permits and that 160,000 additional permits have been issued. The government did not report efforts to prevent child sex tourism. The government improved efforts to reduce demand for commercial sex acts by increasing penalties for consumers of child sex trafficking from four to six years' imprisonment to 15 to 20 years' imprisonment when the victim is between the ages of 14 and 18.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Peru, and traffickers exploit victims from Peru abroad. NGOs and government officials report that official complicity in trafficking crimes and

widespread corruption in Peruvian law enforcement and judicial systems continue to hamper anti-trafficking efforts. Communities located near illegal mining operations are often isolated and lack a permanent government presence, increasing the likelihood of illicit activity, including sex and labor trafficking. Venezuelan refugees entering the country are at high risk for trafficking. Since 2016, more than 863,000 Venezuelans fleeing the humanitarian crisis in their country have entered Peru, with some estimates showing that as many as one million Venezuelans have entered the country; traffickers subject Venezuelan adults and children to sex and labor trafficking en route to or after arrival in Peru. Traffickers exploit women and girls in sex trafficking near mining communities; these victims are often indebted due to the cost of transportation and unable to leave due to the remoteness of camps and complicity of miners in their exploitation. The high demand for commercial sex in these towns increases incentives for traffickers to bring in women and girls from various regions in Peru, including Venezuelan refugees, or from Bolivia. Tourists from the United States and Europe purchase sex from child trafficking victims in areas such as Cusco, Lima, and the Peruvian Amazon. In the Loreto region, criminal groups facilitate transportation of foreign tourists by boat to remote locations where traffickers exploit women and children in sex trafficking in venues on the Amazon River. Traffickers exploit Peruvian and foreign women and girls, and to a lesser extent boys, in sex trafficking within the country; traffickers often recruit victims through false employment offers and, increasingly, on social media platforms. Traffickers exploit Peruvian women and children in sex trafficking in other countries, particularly within South America, and they exploit women and girls from neighboring countries in Peru. LGBTI Peruvians are at risk for trafficking. Traffickers exploit Peruvian and foreign men, women, and children in forced labor in the country, principally in illegal and legal gold mining and related services, logging, agriculture, brickmaking, unregistered factories, counterfeit operations, organized street begging, and domestic service. Traffickers subject Peruvians to forced labor in artisanal gold mines and nearby makeshift camps that provide services to miners; traffickers compel victims through deceptive recruitment, debt-based coercion, restricted freedom of movement, withholding of or non-payment of wages, and threats and use of physical violence. Traffickers subject children to forced labor in begging, street vending, domestic service, cocaine production and transportation, and other criminal activities. The narco-terrorist organization Shining Path recruits children using force and coercion to serve as combatants or guards, and it uses force and coercion to subject children and adults to forced labor

in agriculture, cultivating or transporting illicit narcotics, and domestic servitude, as well as to carry out its terrorist activities. Traffickers subject Peruvian men, women, and children to forced labor in other South American countries, the United States, and other countries.