

# **Women's Rights in Peru: A Shadow Report**

## **Trafficking of Women in the Madre de Dios Region of Peru**

Submitted June 2014 for review prior to the 58<sup>th</sup> Session of the UN Committee on the Elimination of Discrimination against Women

**Submitted by:**

**The International Human Rights Law Institute of DePaul University College of Law**

**25. E. Jackson Blvd.**

**Chicago, IL 60604 USA**

**(312) 362-5721**

**[www.ihrli.org](http://www.ihrli.org)**

**Contact: Elisabeth Ward**

**[Eward3@depaul.edu](mailto:Eward3@depaul.edu)**



## **ACKNOWLEDGEMENTS**

The International Human Rights Institute (IHRLI) of DePaul University College of Law (DPUCL) would like to thank those who contributed to this report: DePaul University College of Law students which participated in the International Human Rights Law Practicum: London Bell, Sarah Bendtsen, Benjamin Bloomer, Kimberly Brancato, Katie Filous, Alex Giller, Jordan Malka and Tehniat Zaman; and Peruvian based NGOs: Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos and Save the Children's Lima Office. IHRLI would like to thank DPUCL student, Benjamin Bloomer, in particular, for his dedication to the composition of the report.

This report is submitted to the UN Committee on the Elimination of Discrimination against Women by the International Human Rights Law Institute of DePaul University College of Law.

**TABLE OF CONTENTS**

I.	Introduction .....	4
II.	Principal Areas of Concern .....	5
III.	Peru's Obligations under International Law .....	5
IV.	Peruvian Domestic Anti-Trafficking Laws .....	8
V.	Internal Trafficking in Peru – The Madre de Dios Region .....	11
VI.	Conclusion .....	15
VII.	Recommendations .....	15
VIII.	Suggested Questions .....	15

## **I. Introduction**

Human trafficking is one of the world's most pervasive ongoing human rights violations, which affects every nation-state. As such, Peru has not been immune to the effects of human trafficking within its borders. Although Peru has portrayed a long commitment to combating the violation of international human rights law that is human trafficking within its borders, there is much that can be done to further combat the disturbing practice which continues to occur throughout Peru with nearly complete impunity.

Peru serves as a source, transit and destination country for human trafficking.<sup>1</sup> In Peru, trafficking takes the form of both labor trafficking and trafficking for the purposes of sexual exploitation.<sup>2</sup> Much of the trafficking which occurs in Peru is internal trafficking, with the resource rich regions of Madre de Dios, Cusco, and Loreto, serving as destinations for a large numbers of trafficking victims. In resource rich regions of the country, men are trafficked to work in mines or in other labor camps, and women are trafficked into domestic labor or prostitution in brothels, restaurants, or labor camps.<sup>3</sup> Children who are too small to work in the mines are trafficked into domestic labor or sexual exploitation.<sup>4</sup> This report is focused primarily on internal human trafficking of women within the Madre de Dios region of Peru, a resource-rich region which serves as an example of a region in which trafficking is rampant, and in which the problem is similar to many other regions in the country.

Peru has a long tradition of being undoubtedly committed to combating human trafficking both within its borders and beyond; this commitment has been demonstrated through ratification of numerous international human rights treaties which legally require Peru to combat trafficking through a variety of means. Peru's ratification of the International Covenant on Civil and Political Rights (hereinafter ICCPR) and the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) in 1978 marked Peru's first internationally binding commitments to end human trafficking within its borders.<sup>5</sup> Additionally, Peru ratified the Convention on the Elimination of all forms of Discrimination against Women (hereinafter CEDAW) in 1982<sup>6</sup> which was the first UN treaty to explicitly prohibit human trafficking.<sup>7</sup> Following the ratification of CEDAW, Peru ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime in 2002.<sup>8</sup> In addition to ratification of several international human rights treaties Peru has recognized the problem human trafficking poses within its borders and has enacted several laws aimed at combating the practice.<sup>9</sup> Despite ratification of international treaties and implementation of domestic legislation, human trafficking is a human rights violation which continues to occur on a wide scale throughout Peru.<sup>10</sup>

Despite these efforts, internal trafficking, trafficking in which the country where victims originate from also serves as the destination for victims, continues to plague the country of Peru.<sup>11</sup> Much of the state's commitment to combat trafficking is undermined by corruption, under regulation of resource rich regions and a inadequately equipped police force.<sup>12</sup> These and other factors should be areas of concern for Peru, and are factors that Peru must address if it wishes to take seriously its commitment to end trafficking.

This report provides detailed analysis of internal trafficking of women in and to the Madre de Dios region of Peru. The report uses the Madre De Dios region as a case study, in which drawn conclusions and recommendations are applicable to many of the resource rich regions of the country. These conclusions and recommendations provide detailed insight into how the Peruvian government can better combat internal trafficking of women and abide by its international legal obligations under CEDAW and other international treaties.

## **II. Principal Areas of Concern**

- The government of Peru has taken minimal steps to regulate its resource-rich regions which serve as destinations for internal trafficking of women.<sup>13</sup> This allows illegal activity to thrive, especially that which perpetuates trafficking, such as illegal mining and deforestation.<sup>14</sup>
- Illegal gold mining makes up a very significant portion of Peru's gold exports.<sup>15</sup> The illegal gold mines are operated without federal or regional police regulation.<sup>16</sup> Therefore, monitoring trafficking within regions where illegal gold mines are operated is incredibly difficult.<sup>17</sup> Due to the lack of regulation, traffickers thrive in these areas.<sup>18</sup>
- In regions and areas where there is a police presence to monitor illegal mining, many of these police are bribed to prevent them from taking action against the miners and traffickers.<sup>19</sup> When arrests are made, corruption remains an issue among the authorities and legal systems with respect to illegal mining and trafficking operations.<sup>20</sup>

## **III. Peru's Obligations under International Law**

The purpose of this section is to provide an overview of Peru's legal obligations to prevent and combat human trafficking under various international and regional treaties. Each of the legal instruments below are briefly summarized with respect to articles relevant to human trafficking to indicate the extent to which Peru is obligated to take steps to eliminate it.

### **A. Soft Law**

#### **1. American Declaration on the Rights and Duties of Man**

In 1948, at the Ninth International American Conference, the American Declaration on the Rights and Duties of Man was promulgated by the Organization of American States for signature by willing States in the Americas.<sup>21</sup> At that time Peru signed on to the Declaration.<sup>22</sup> The Declaration was the first international document proclaiming human rights principles, as it was signed just months before the United Nation's Universal Declaration of Human Rights.<sup>23</sup>

#### **2. Universal Declaration of Human Rights**

Also in 1948, Peru, along with the rest of the United Nations General Assembly, signed onto the Universal Declaration of Human Rights (hereinafter UDHR).<sup>24</sup> Although the document is not binding on its signatories, it establishes a significant foundation for the protection of human rights by defining and expressing the body of rights that the states owe to the people within them.<sup>25</sup> Among the rights Peru owes its people pursuant to the UDHR are those precluding human trafficking, including articles 4 and articles 23-25.<sup>26</sup> Article 4 recognizes the right of all people to be free from slavery and from being trafficked in the slave trade.<sup>27</sup> Articles 23 and 24 of the UDHR recognize the right of an inhabitant to work while enjoying fair remuneration and healthy working conditions, including a limitation on work hours.<sup>28</sup> Additionally, article 25 ensures adequate and healthy living conditions.<sup>29</sup>

## **B. Binding Law**

### **1. The International Covenant on Civil and Political Rights**

The International Covenant on Civil and Political Rights (hereinafter ICCPR), ratified by Peru in 1978, incorporates and ensures the protection of rights connected to the nationals' relationship with their government.<sup>30</sup> Underlying the ICCPR is the UN's understanding that civil and political rights are essential to the ideal of a free populace with a freedom from want and from fear.<sup>31</sup> The ICCPR prohibits slavery and the slave trade in article 8, ensuring that states will affirmatively act to prevent and eliminate such practices within its borders.<sup>32</sup> Additionally, article 11 precludes a debt from being the sole basis for imprisonment.<sup>33</sup> Although article 11 is a prohibition on the state from doing so, eliminating the "debtor's prison" removes the legal foundation for a tactic commonly used by traffickers to keep trafficking victims in custody.<sup>34</sup>

### **2. The International Covenant on Economic, Social, and Cultural Rights**

The International Covenant on Economic, Social, and Cultural Rights (hereinafter ICESCR), ratified by Peru in 1978,<sup>35</sup> ensures the protection of rights outside of civil and political rights.<sup>36</sup> Similar to that of the ICCPR, the underlying premise of the ICESCR is that economic, social, and cultural freedom is essential to the ideal of a free populace.<sup>37</sup> Article 7 of the ICESCR prohibits the conditions to which victims of trafficking are commonly subjected.<sup>38</sup> This article places a duty on Peru to ensure fair wages, decent living, healthy working conditions, and limitations on working hours.<sup>39</sup> These rights are violated in the case of trafficking and slavery, in which the victim is paid little to nothing, often living and working in deplorable conditions for inhumane hours.<sup>40</sup>

### **3. The Convention on the Elimination of all Forms of Discrimination against Women**

Peru ratified the Convention on the Elimination of all Forms of Discrimination against Women (hereinafter CEDAW) in 1982.<sup>41</sup> In doing so, Peru recognized its affirmative duty to prevent trafficking and sexual exploitation.<sup>42</sup> The text of article 6 provides that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."<sup>43</sup> The explicit attention given to trafficking

in this article reiterates an unequivocal duty on Peru to ensure that trafficking is actively opposed by the government.<sup>44</sup>

#### **4. The Convention on the Rights of the Child and the Optional Protocol to the CRC**

The Convention on the Rights of the Child (hereinafter CRC) was ratified by Peru in 1990.<sup>45</sup> The CRC, through articles 11, 19, 20, 24, 27, 32-36, and 39, ensures that state parties prevent the illicit transfer and non-return of children, their abuse, any form of exploitation (explicitly economic and sexual exploitation), drug use, and trafficking, and ensures that state parties recognize children's rights to health and adequate living conditions, taking special care for the protection of children without families or those who have been exploited.<sup>46</sup>

In addition to the CRC, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereinafter CRC-OP-SC) was ratified by Peru in 2002.<sup>47</sup> Article 1 of the CRC-OP-SC explicitly prohibits the sale of children which article 2 defines 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."<sup>48</sup> The CRC-OP-SC further requires state parties to adopt domestic law fully covering the act of "offering, delivering or accepting, by whatever means, a child for the purpose of: sexual exploitation of the child; transfer of organs of the child for profit; engagement of the child in forced labor."<sup>49</sup> Article 8 focuses on the rights and interests of the victim and requires state parties to provide appropriate support services to child victims and their families.<sup>50</sup>

#### **5. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**

In 2000, the United Nations adopted the United Nations Convention against Transnational Organized Crime supplemented by three Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter Palermo Protocol).<sup>51</sup> The Palermo Protocol was the first legally binding document to define "trafficking in persons:"<sup>52</sup>

[T]he recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>53</sup>

Upon ratification in 2002, Peru agreed not only to accept this definition, but also to implement all provisions of the Palermo Protocol. Of particular importance to this report are the following

articles: article 5, criminalization of human trafficking; article 6, assistance to and protection of victims of trafficking in persons; and article 9, prevention of trafficking in persons.<sup>54</sup>

## **6. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

In 2005, Peru ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (hereinafter "CMW").<sup>55</sup> There are three articles relevant to trafficking in CMW: article 10 guaranteeing freedom from cruel, inhuman or degrading treatment; article 11 prohibiting workers from being held in slavery or servitude; and article 16 guaranteeing protection from the State for violence against a worker.<sup>56</sup>

## **7. American Convention of Human Rights**

The American Convention of Human Rights (hereinafter ACHR), ratified by Peru in 1978, is an instrument of the Inter-American System.<sup>57</sup> The ACHR was one of the first international treaties to codify the prohibition on human trafficking specifically.<sup>58</sup> Article 6 of the ACHR states, "no one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women."<sup>59</sup> In addition to trafficking, article 6 further prohibits forced or compulsory labor.<sup>60</sup>

As the following section demonstrates, it is clear Peru has legally committed to combating trafficking through a variety of means beyond those required in CEDAW.<sup>61</sup> While this commitment to legally prohibiting trafficking should be commended there is much the Peruvian government can do to better implement its obligations under these legal instruments.

## **IV. Peruvian Domestic Anti-Trafficking Laws**

In addition to ratifying a number of international treaties aimed at combating trafficking in persons, the state of Peru has enacted a significant number of domestic laws and supreme decrees aimed at combating trafficking.<sup>62</sup> However, State Deputy Alberto Beingolea explained Peru must work to combat trafficking through increased focus on implementation of the laws.<sup>63</sup> Although Peru has passed impressive anti trafficking legislation within the last few years, most notably Peruvian Law 28950, implementation of the newly passed laws is equally important, though lacking throughout Peru.<sup>64</sup>

Peru's anti-trafficking laws stem primarily from Peruvian Law No. 28950.<sup>65</sup> The state of Peru promulgated Peruvian Law No. 28950, prohibiting the trafficking of persons and the trafficking of migrants, in January of 2007.<sup>66</sup> Law No. 28950 amended Article 153 of the Peruvian Penal Code (which defined crimes against personal freedom and liberty), redefining the crime of trafficking in persons based on the definition in the Palermo Protocol,<sup>67</sup> criminalizing all forms of trafficking, and increasing the level of penalties on traffickers to those reserved for serious crimes.<sup>68 69</sup> Additionally, the ratification of the Palermo Protocol sparked the passing of Supreme Decree No. 002-2004-IN in 2004, which established the Permanent Multi-Sector Working Group against the Trafficking of Persons.<sup>70</sup> This group consists of state agencies, NGOs, and international organizations<sup>71</sup> and is responsible for meeting the goals set out to combat trafficking in the National Plan of Action against the Trafficking of Persons in Peru



(2011-2016).<sup>72</sup> The Permanent Secretary of the National Human Rights Commission, an agency of the Ministry of Interior, is in charge of implementing the National Plan and presiding over the Multi-Sector Working Group. Without collaborating with the Multi-Sector Working Group, it would be very difficult for the Secretary of the National Human Rights Commission to monitor, evaluate, and assess the impact of the anti-trafficking measures.<sup>73</sup>

While Peru is considered a country of origin, transit and destination for international trafficking, Peru suffers from internal trafficking at a higher rate than inter-state trafficking.<sup>74</sup> The recognition of this statistic led to the promulgation of Peruvian Law No. 28950, which intended to combat both international and internal trafficking dynamically.<sup>75</sup> Law No. 28950 adopted the international definition of trafficking provided in the Palermo Protocol, but expanded it to include the sale of children for the purposes of forcing them to beg; this was to address the prevalence of the sale of children by custodial parents into prostitution rings or into slave labor in certain regions in Peru.<sup>76</sup>

According to the Palermo Protocol, “trafficking in persons” is defined as:

[T]he recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>77</sup>

The definition of “trafficking” under Peruvian Law No. 28950 is similar to that of the Palermo Protocol’s model:

The one who promotes, encourages, supports or facilitates the recruitment, transportation, transfer, harboring, receipt or retention of another, in the territory of the Republic or their input or output of the country, using: violence, threats or other forms of coercion, imprisonment, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits, for exploitation, sale of children for purposes of prostitution, submission to sexual slavery or other forms of sexual exploitation, forcing him to beg, to perform forced labor or services, slavery, slavery or practices similar to slavery or other forms of labor exploitation, trafficking or removal or organs or tissues practices humans.<sup>78</sup>

As with the Palermo Protocol, the definition of trafficking in Peruvian Law No. 28950 is based on three major concepts: act, means, and purpose.<sup>79</sup> Each of these components of trafficking must be met if a prosecutor should wish to find someone guilty of trafficking.<sup>80</sup> For one’s actions to meet the *act* requirement, they must be construed as the promotion,

encouragement, support, or facilitation of the recruitment, transportation transfer, harbor, receipt, or retention of another person.<sup>81</sup> Commonly in Peru, the *act* requirement is fulfilled through the dissemination of deceptive employment offers with the offer to pay for transportation, which is later used as leverage to keep victims of trafficking in debt bondage to the traffickers.<sup>82</sup>

The requisite *means* element is the “termination of the victim’s will” through the use of violence, threats or other forms of coercion, imprisonment, fraud, deception, abuse of power or of a position of vulnerability or of the giving of payment.<sup>83</sup> Commentary of Law No. 28950 explains that the most common mechanisms of control over the victim include placing the victim in a debt that reaches exorbitant and unaffordable figures, retaining the victim’s documents and restricting the movement of the victim, encouraging the victim to use drugs and generating an addiction of illegal substances, and forming a relationship through emotional manipulation.<sup>84</sup>

Lastly, to fulfill the *purpose* element, a perpetrator must act in order to exploit the victim.<sup>85</sup> Both the Palermo Protocol and Law No. 28950 discuss sexual exploitation, forced labor, servitude or slavery, and the removal of organs as possible purposes for trafficking victims, but Law No. 28950 includes the buying and selling of children, and forcing children to beg, because of the exploitative nature of such arrangements.<sup>86</sup> Throughout the resource rich regions of Peru, labor trafficking in men is common, in which traffickers seek to exploit workers for cheap labor and higher profits.<sup>87</sup> Women are often trafficked to serve as logistical support for the camps by day, and by night are prostituted in brothels in the camps.<sup>88</sup>

In addition to the promulgation of national plans and legislation, the regional government of Madre de Dios, together with IOM, has created a regional plan of action against human trafficking.<sup>89</sup> The plan outlines several specific objectives according to which the regional plan should be implemented.<sup>90</sup> These objectives include increasing awareness, proactive monitoring of trafficking, registering complaints of trafficking, and protecting the rights of witnesses to and victims of trafficking.<sup>91</sup> The plan includes the preferred methods and plans of reaching these objectives, and if implemented will have a positive impact on the situation in Madre de Dios.<sup>92</sup>

Since the ratification of the Palermo Protocol and the promulgation of Law No. 28950, Peru has passed many legislative decrees and legal instruments to combat trafficking which include the following:<sup>93</sup>

- Legislative Decrees Nos. 982, 986, 988 and 989 of July 2007 – Promulgated to implement penalties for governmental agents who conceal facts and obstruct justice in trafficking cases;
- Supreme Decree No. 001-2005 – Promulgated to protect children and adolescents who engage in begging;
- Law 28189- Promulgated to address issues related to the donation and transplantation of human organs and tissues;

- Supreme Decree No. 014-2006 – Promulgated to appoint the Ministry of Women and Social Development as lead agency of the National System of Care for Children and Adolescents; they work with children and adolescents who have been sexually exploited;
- Directorial Resolution No. 277-2008 – Promulgated to increase police personnel and police equipment and to create a specialized division budget to contribute to increasing prosecution against trafficking perpetrators;
- Supreme Decree No. 013-2009 – Promulgated to guarantee that defendants accused of trafficking are entitled to a public defender;
- Resolution No. 1558-2008 – Promulgated to grant the Attorney General Office the power to create an assistance program for victims and witnesses of trafficking;
- Law 28806 – Promulgated as the General Labor Inspection Act and defined “forced labor” to include the trafficking or recruitment of persons for this purpose; and
- Regulation of Law No. 28868 - Supreme Decree No. 007-2007-Promulgated to punish anyone who promotes and/or allows sexual exploitation of children and adolescents.

As previously mentioned, although the Peruvian government has made progress towards better combating trafficking through the enactment of new legislation, greater emphasis and attention must be placed on implementation as trafficking continues to be wide spread and prevalent throughout the country.

## **V. Internal Trafficking in Peru – The Madre de Dios Region**

Trafficking in Peru is widespread and varies substantially depending on the region where the trafficking victims originate from or are destined to be trafficked.<sup>94</sup> Accordingly, the U.S. Department of State has designated Peru as a source, transit, and destination country and has categorized Peru as a Tier 2 country consistently between 2007-2013.<sup>95</sup> A Tier 2 designation is given to countries which are not in full compliance of international law with respect to trafficking, but are making efforts to do so. A Tier 2 watch list entails the criteria of a Tier 2 designation, but also have one of the following criterion: a significant or rising number of trafficking victims; an insignificant or nonexistent increase in their efforts to reduce trafficking since the previous year; or if the aforementioned efforts are in the form of commitments to take additional steps in the future.<sup>96</sup> Prior to 2007, Peru was categorized as a Tier 2 Watch List state because Peru failed to show evidence of an increase in its efforts to combat trafficking.<sup>97</sup> However, since 2007, the U.S. Department of State has acknowledged, although Peru is not in full compliance with the minimum standards of the U.S. Trafficking Victims Protection Act (hereinafter TVPA), Peru is making efforts to become compliant with the TVPA’s standards as well as international legal obligations.<sup>98</sup>

In terms of internal trafficking within Peru, most commonly, victims are exploited for work in one of the following industries: illegal mining, logging, domestic servitude, and/or agriculture.<sup>99</sup> In Peru, the mining and logging industries are largely concentrated in remote areas

such as La Rinconada, Madre de Dios, and Loreto and therefore, these regions are where most internally trafficked persons are concentrated.<sup>100</sup>

The Madre de Dios region of Peru has a large concentration of internally trafficked persons.<sup>101</sup> However, despite the heightened prevalence of trafficking in this region, the prevention, suppression, and prosecution of trafficking is incredibly difficult due to a number of obstacles.<sup>102</sup> A lack of public awareness, insufficient government personnel and financial support, and limited access among victims to educational and employment opportunities are among some of the greatest contributing factors that encourage the prevalence of trafficking in this gold mining region.<sup>103</sup> It is estimated only 55% of the Madre de Dios population is aware trafficking occurs in the region.<sup>104</sup> Low education levels prevent the impoverished population from receiving adequate information regarding the issue of trafficking.<sup>105</sup> Additionally, a lack of governmental, legal, and police support remains a large obstacle in combating trafficking.<sup>106</sup>

There are additional factors contributing to the prevalence of human trafficking in Madre de Dios: the geographical characteristics of the region, including its extreme remoteness; the lack of state police presence in the region and the lack of resources for the authorities who are present to carry out their missions; corruption and indifference to this type of crime from certain authorities; a shortage of laborers in the region causes employers to look for workers outside of legal limits; and extremely high levels of poverty.<sup>107</sup> These factors allow traffickers to operate freely and in extreme cases, under the protection of governmental authorities.<sup>108</sup>

Although there are a number of factors contributing to the prevalence of trafficking in the Madre de Dios region of Peru, the primary reason is the region's gold mines and the fact that the majority of the gold mined in the region is mined illegally.<sup>109</sup> Peru is a vital gold mining country-the largest gold producing country in Latin America.<sup>110</sup> Mining dominates Peru's economy and is the largest source of export revenue.<sup>111</sup> The Madre de Dios region alone mined 10.98 million grams of gold in the first half of 2012, a majority of which was mined illegally.<sup>112</sup> Specifically addressing the rampant problem of illegal mining in Peru, the Minister of the Environment of Madre de Dios recently stated that the Minister of Environment and Mines "is not doing his job properly," as 90% of the mines in the region have neither a title to property nor an environmental certificate to mine.<sup>113</sup>

The Madre de Dios region of Peru is a hotbed for illegal gold mining and production.<sup>114</sup> This region borders Brazil and Bolivia, as well as the Peruvian regions of Cusco and Puno.<sup>115</sup> Madre de Dios has a vast network of rivers that feed into the Amazon, which contains depositories of gold itself and facilitates the transport and trafficking of individuals.<sup>116</sup> Much of the Madre de Dios territory can be accessed only by its extensive waterways, which cross international borders and are extremely under-policed.<sup>117</sup>

Many of the informal mining camps lack the police presence and resources necessary to prevent the illegal gold mining production, and consequently, human trafficking.<sup>118</sup> The region's remote location and presence of heavily-armed criminal networks make it difficult for governmental authorities to monitor the mining camps and protected lands.<sup>119</sup> The danger and cost assumed by authorities entering the region has prevented the establishment of a stable law enforcement body and labor inspectors.<sup>120</sup>

Laborers are drawn to the region by promises of work made in public job announcements and by peers who falsely brag about high earnings.<sup>121</sup> False promises of high salaries, combined with traffickers who pay for the victim's travel expenses to the region, frequently mark the beginning of the exploitation cycle.<sup>122</sup> In addition to adult laborers who willfully seek work, there is a significant presence of children working in the mining camps in a variety of roles.<sup>123</sup>

In 2013, the Peruvian Human Rights Ombudsman's Office, *La Defensoria del Pueblo*, reported informal and illegal mining took place in 21 regions of Peru, directly employing an estimated 100,000 workers.<sup>124</sup> In 2012, Peru's Minister of Energy and Mines reported half a million people in Peru depended on illegal mining for their employment.<sup>125</sup> While the U.S. Department of State and Peruvian media outlets have previously found criminal networks are large culprits in trafficking, more recent reports, as well as interviews with experts and workers, indicate informal or family networks most commonly carry out labor and sex trafficking recruitment.<sup>126</sup> Those being trafficked are most often lured to the mining camps of Madre de Dios from the high Andean zones of Cusco, Ayacucho, Apurímac, Puno, and Pucallpa.<sup>127</sup>

Males, females, and children of nearly every age group in Peru are affected by the widespread problems of illegal mining and subsequent human trafficking for the purposes of labor and sexual exploitation.<sup>128</sup> However, while the International Organization for Migration (hereinafter IOM) determined that 90% of victims forced to work within the mines are male, those exploited outside of the mines and inside brothels, restaurants, and camps for sexual purposes are predominately female.<sup>129</sup>

Although women are rarely trafficked into Madre de Dios for labor purposes, they are frequently exploited and sexually abused by the traffickers, foremen, bosses, and mine owners, all of whom control the illegal mining business in Madre de Dios.<sup>130</sup> There are two categories of sex workers in Madre de Dios: women and girls from the Andes ("ojotitas") who command a lower price and women and girls from the Amazon or coast ("cocoteras") who command a higher price.<sup>131</sup> The majority of the women and girls from the Andes are reportedly smuggled in by trucks and water tanks, while the women and girls from the Amazon or coastal regions are trafficked through the waterways.<sup>132</sup>

According to *Asociación Huarayo*, a majority of the women trafficked to Madre de Dios are deceived about their payment and deductions, kidnapped, forced into debt bondage, and/or face threats if they complain or try to leave their employment.<sup>133</sup> When they arrive at the mining camps, the girls are informed that they must provide sexual services or immediately pay for the clothing, transportation, and lodging they were originally promised was to be free.<sup>134</sup> Many are unable to pay and are subsequently forced to "el pase" (sell their virginity) under threats that their families could be harmed.<sup>135</sup> Many of the traffickers are women between the ages of 30 and 40, whose characteristics as such establish the sense of trust, facilitating the continued exploitation of girls.<sup>136</sup>

The ILO reported in 2009, the working and living conditions of women in Madre de Dios are extremely abusive and taxing.<sup>137</sup> Often, women work all day in laborious jobs as cooks and shop owners, and they are then subjected to the sexual exploitation and forced prostitution at

night.<sup>138</sup> The flourishing illegal mining sector has encouraged scores of bars, cantinas, and *prostibares* (brothels) to open in the region. In 2008, *La Republica*, a local Peruvian newspaper, reported that 400 *prostibares* had opened in the Madre de Dios region to service the enormous number of men who work in the mining industry.<sup>139</sup> As bars and restaurants in the region are beginning to obtain legitimacy by receiving bar and restaurant licenses, the number of sex trafficking victims has risen.<sup>140</sup>

Young girls are also trafficked into the region for purposes of sexual exploitation.<sup>141</sup> In 2010, *Asociación Huarayo*, a local NGO in Madre de Dios which provides emergency shelter for child victims of trafficking, calculated approximately 2,000 young girls work in *prostibares* in Madre de Dios at any given time.<sup>142</sup> Of the approximately 400 *prostibares*, the largest bars were La Pampa, California, Miss Sagitario, and Caracas de la Noche, all of which are open seven days a week and encourage the sexual exploitation of minors.<sup>143</sup> These *prostibares* can each accommodate up to 50 girls, and are located just 2 kilometers from the police station.<sup>144</sup> Bar owners are subject to large fines for renting their bars to traffickers to facilitate the trafficking process and subsequent exploitation.<sup>145</sup> However, this has been an ineffective deterrent, as many bar owners are financially benefiting from the trafficking itself.<sup>146</sup> The financial benefits which bar owners obtain outweigh the risk of having to pay fines if caught facilitating the trafficking process.<sup>147</sup> In addition to the direct benefit which bar owners receive for allowing trafficking and exploitation to occur within their establishments, there is little threat of being caught or prosecuted due to inadequate police presence in the region.<sup>148</sup> Specifically, while the Peruvian Prosecutor's Office has seen 351 cases of human trafficking directly from this region since 2009, only three resulted in successful prosecutions and sentences.<sup>149</sup>

In addition to the numerous regional actors that facilitate trafficking and exploitation, victims are afraid to leave or are unable to do so because of the region's geographical isolation, the victim's physical confinement, or the inability to pay for departure transportation.<sup>150</sup> Even if victims have the financial means of escaping, traffickers frequently confiscate victims' identification, making travel outside of the Madre de Dios region tremendously difficult.<sup>151</sup> The confiscation of the victim's identification card prevents victims from escaping while also serving as an incentive to remain obedient to the trafficker.<sup>152</sup> Without identification cards, the ability to afford transportation, and police presence, victims are forced to endure the horrendous conditions and roles in which they are forced to work.<sup>153</sup>

The continuous increase in illegal mining and human trafficking can be attributed to a lack of police and governmental presence in the Madre de Dios region.<sup>154</sup> Despite the growing number of accurate reports regarding the hundreds of thousands of Peruvians who have been trafficked to the region and continue to live and work in incredibly harsh environments, the police and governmental presence is almost non-existent.<sup>155</sup> When police have been present, governmental corruption and pay-offs encourage law enforcement to turn a blind eye to the exploitation and to remain complicit.<sup>156</sup>

Numerous reasons and factors explain why human trafficking cases in Peru are not prosecuted. The Women's Emergency Center (CEM) of the Ministry of Women and Vulnerable Populations reported that many cases do not proceed to adjudication because the cases dissipate when the victims admit to "consenting."<sup>157</sup> Additionally, although the District Attorney of the

Madre de Dios region has acknowledged support of trafficking prosecutions, enforcement is lacking because a high level of corruption exists amongst regional authorities.<sup>158</sup>

The lack of State presence has resulted in flourishing illegal activities and a variety of different statistics about human trafficking in Madre de Dios. Adding to the unclear statistics are both the victims' unwillingness to file complaints and the remoteness of the mining camps.<sup>159</sup> In May-December of 2010, 17 cases of trafficking were recorded from the region: 11 cases of sexual exploitation and six of forced labor.<sup>160</sup> Additionally, 59 children were reportedly victims of human trafficking during this time period.<sup>161</sup> Despite the documented numbers of trafficking cases originating in Madre de Dios, the prosecutions and convictions remain disproportionately low, and a large, unknown number of trafficking cases remains undocumented.<sup>162</sup>

## **VI. Conclusion**

Peru is a party to several international treaties proscribing practices related to trafficking in persons and has enacted domestic laws and plans to eliminate its practice in Peru.<sup>163</sup> These legal instruments, however, have been ineffective at combatting trafficking due to domestic problems and obstacles to implementation.<sup>164</sup> As a result of these concerns, trafficking remains prevalent throughout Peru.<sup>165</sup> Much of this trafficking occurs in the resource rich regions of Madre de Dios, Cusco, and Loreto, where the obstacles to the prevention of trafficking are compounded by many factors: remoteness of trafficking destinations, unregulated waterways, and an ill-equipped police force.<sup>166</sup> Peru must address these factors in order to effectively implement and enforce an existing legal framework surrounding trafficking and to fulfill its obligation under CEDAW to combat trafficking.<sup>167</sup>

## **VII. Recommendations**

- The government should allocate a larger number of police in the areas where illegal trafficking and mining are known phenomena, who are trained to recognize illegal mining and deforestation.
- Positive efforts should be made to ensure that all mines in Peru are accounted for and are regulated by the government. This should include incentive programs for legal mines and for mines that comply with federal regulations, as well as harsh penalties for non-compliance, especially in the area of the rights of the laborers.
- Peru should increase accountability within the police force and higher authorities to minimize corruption. In addition, Peru should implement educational programs within the police force to give the police a full picture of the issues of illegal mining and trafficking.

## **VIII. Suggested Questions**

- Tens of thousands of miners in the Madre de Dios region operate without permits and violate state regulations.<sup>168</sup> Despite government efforts to bring the illegal miners into the

formal economy condition upon compliance with new requirements such as tax payment and filing environmental impact statements, only a small number of unlicensed miners have completed the complex registration process.<sup>169</sup> As Peru struggles to formalize the illegal mining industry, how will Peru ensure that, if and when a follow up attempt to register illegal miners occurs, the new plan will simplify the registration process and allow illegal miners to register at an affordable cost?

- Thousands of people move along the Ucayali River waterways in the Amazon region of Peru every day; yet, these extensive rivers and tributaries are extremely under-regulated.<sup>170</sup> The lack of police presence on these waterways facilitates trafficking in persons.<sup>171</sup> In addition to the waterways, police presence is also lacking within the mining towns themselves due to the inability of authorities to safely access the towns, which are located deep within the dense jungle or on protected lands.<sup>172</sup> How does Peru plan to add more police presence and regulation on the country's extensive waterways and in the remote mining regions?
- A prevalence of governmental corruption, insufficient funding, lack of police presence, and inadequate reporting mechanisms have resulted in a concerning lack of prosecutions and convictions for cases of human trafficking in the Madre de Dios region.<sup>173</sup> In 2011, regional police announced their investigation into human trafficking in Madre de Dios, which uncovered 293 female victims of sex trafficking.<sup>174</sup> However, the Peruvian Government prosecuted only 18 cases of both labor and sex trafficking that year.<sup>175</sup> Additionally, in subsequent years, the Government has entirely failed to report the number of prosecutions and convictions.<sup>176</sup> Acknowledging that the number of human trafficking prosecutions does not correspond with the number of actual reported cases, what measures will be implemented to ensure an increase in investigations, prosecutions, and convictions that accurately reflects the number of trafficking cases?
- Peruvian regulation Supreme Decree No.002-2004 IN, requires the state to ensure the comprehensive protection of victims of trafficking including "safe repatriation, transitional housing, medical, psychological, social and legal mechanism of social integration."<sup>177</sup> Despite the requirements of Supreme Decree No.002-2004 IN, Peru identified the lack of specialized shelters for trafficking victims as a weakness in its system in its combined seventh and eighth report to the CEDAW Committee.<sup>178</sup> Please identify victim protection programs the state has implemented since 2012 to meet its obligations under Supreme Decree No.002-2004 IN, including the number of additional shelters Peru has developed along with the number of trafficking victims that have utilized the new facilities.
- In the CEDAW Committee's concluding observations after the 37th Session, the Committee addressed its concern regarding unreliable statistics in Peru. The Committee felt that the "lack of reliable statistical data...made it difficult to assess accurately the actual situation of women" and requested "more comprehensive information and data on trafficking in women" specifically.<sup>179</sup> What measures have been taken to gather accurate data in the area of trafficking in women?



<sup>1</sup> U.S. Department of State, *Trafficking in Persons Report 2013*, 298 (2013), <http://www.state.gov/documents/organization/210741.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Verité, *Risk Analysis of Indicators of Forced Labor and Human Trafficking in Illegal Gold Mining in Peru*, 43, 45 (2013), <http://www.verite.org/sites/default/files/images/IndicatorsofForcedLaborinGoldMininginPeru.pdf>.

<sup>5</sup> Office of the High Commissioner for Human Rights, *Treaty body Treaties*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=136&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=136&Lang=EN) (last visited May 19, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> Convention for the Elimination of all forms of Discrimination against Women, art. 6, Sept 13, 1982.

<sup>8</sup> For the purposes of this report, the definition of trafficking provided in Article 3 of the Palermo Protocol will be used. Article 3 defines trafficking as, “[t]he recruitment, transportation, transfer, harboring 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.” United Nations Office on Drugs and Crime, *Signatories to the CROC Trafficking Protocol*, <https://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html> (last visited May 19, 2014).

<sup>9</sup> Ministerio del Interior, *Decree that submits the National Action Plan Against Human Trafficking No 004-2011-IN*, 22-25 (2011), <http://www.mininter.gob.pe/userfiles/DS-MIN-004-2011%281%29.pdf>.

<sup>10</sup> U.S. Department of State, *Trafficking in Persons Report 2013*, *supra* note 1, 298.

<sup>11</sup> Marguerite Cawley, *Peru Rescues 2,000 Human Trafficking Victims in 2 years*, InSightCrime.org, (Sept, 24, 2013) <http://www.insightcrime.org/news-briefs/peru-rescues-2000-human-trafficking-victims-in-2-years>.

<sup>12</sup> Verité, *supra* note 4, at 32.

<sup>13</sup> *Id.* at 37

<sup>14</sup> *Id.* at 32.

<sup>15</sup> Amazon Conservation Association, *Fact Sheet: Illegal Gold Mining in Madre de Dios, Peru*, 1 (2014), [http://www.amazonconservation.org/pdf/gold\\_mining\\_fact\\_sheet.pdf](http://www.amazonconservation.org/pdf/gold_mining_fact_sheet.pdf).

<sup>16</sup> Verité, *supra* note 4. at 33.

<sup>17</sup> Amazon Conservation Association, *supra* note 15, at 1.

<sup>18</sup> Verité, *supra* note 4. at 32.

<sup>19</sup> Fabián Novak and Sandra Namihás, *La trata de personas con fines de explotación laboral: El caso de la minería aurífera y la tala ilegal de madera en Madre de Dios*, International Organization for Migration, 32 (2009), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_143197.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_143197.pdf).

<sup>20</sup> *Id.* at 32.

<sup>21</sup> Organization of American States, *American Declaration on the Rights and Duties of Man*, <http://www.cidh.oas.org/Basicos/English/Basic2.american%20Declaration.htm> (last visited June 6, 2014).

<sup>22</sup> Organization of American States, *General Information Of The Treaty: B-32* [http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights\\_sign.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm) (last visited June 17, 2014).

<sup>23</sup> United Nations, *The Universal Declaration of Human Rights, History*, <http://www.un.org/en/documents/udhr/history.shtml> (last visited June 6, 2014).

<sup>24</sup> *The Universal Declaration of Human Rights, History*, *supra* note 23.

<sup>25</sup> United Nations, *The Universal Declaration of Human Rights, Human Rights Law*, [http://www.un.org/en/documents/udhr/hr\\_law.shtml](http://www.un.org/en/documents/udhr/hr_law.shtml) (last visited June 6, 2014).

<sup>26</sup> The Universal Declaration of Human Rights, Dec. 10, 1948.

<sup>27</sup> *Id.* at art. 4.

<sup>28</sup> *Id.* at arts. 23, 24.

<sup>29</sup> *Id.* at art 25.

<sup>30</sup> University of Minnesota, *Ratification of Human Rights Treaties—Peru*, <http://www1.umn.edu/humanrts/research/ratification-peru.html> (last visited June 6, 2014).

<sup>31</sup> International Covenant on Civil and Political Rights, Apr. 28, 1978.

<sup>32</sup> *Id.* at art. 8.

<sup>33</sup> *Id.* at art. 11.

<sup>34</sup> Fabián Novak and Sandra Namihás, *supra* note 19, at 47.

<sup>35</sup> *Treaty Body Treaties*, *supra* note 5.

- <sup>36</sup> International Covenant on Economic, Social, and Cultural Rights, Apr. 28, 1978.
- <sup>37</sup> *Id.*
- <sup>38</sup> *Id.* at art. 7.
- <sup>39</sup> *Id.*
- <sup>40</sup> Fabián Novak and Sandra Namihás, *supra* note 19, at 54.
- <sup>41</sup> *Treaty Body Treaties, supra* note 5.
- <sup>42</sup> Convention on the Elimination of all forms of Discrimination Against Women, art. 6, Sep. 13, 1982.
- <sup>43</sup> *Id.*
- <sup>44</sup> *Id.*
- <sup>45</sup> *Treaty Body Treaties, supra* note 5.
- <sup>46</sup> Convention on the Rights of the Child, arts. 11, 19, 20, 2427, 32-36, 39, Sep. 4, 1990.
- <sup>47</sup> *Treaty Body Treaties, supra* note 5.
- <sup>48</sup> Optional Protocol on the Sale of Children, art. 1, May 8, 2002.
- <sup>49</sup> *Id.* at art. 3.
- <sup>50</sup> *Id.* at art. 8.
- <sup>51</sup> Palermo Protocol to the Convention on Transnational Organized Crime, Jan. 23, 2002.
- <sup>52</sup> *Id.*
- <sup>53</sup> *Id.*
- <sup>54</sup> *Id.* at arts. 5, 6, 9.
- <sup>55</sup> *Treaty Body Treaties, supra* note 5.
- <sup>56</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts 10, 11, 16, Sep. 14, 2005.
- <sup>57</sup> American Convention on Human Rights, July 12, 1978.
- <sup>58</sup> United Nations Office on Drugs and Crime, *Combating Trafficking in Persons*, 111 (2009), <http://www.ipu.org/pdf/publications/traffickingp-e.pdf>.
- <sup>59</sup> American Convention on Human Rights, art. 6, Jul. 12, 1978.
- <sup>60</sup> *Id.*
- <sup>61</sup> Supreme Decree 007-2008-IN *available at* [http://www.mintra.gob.pe/migrante/pdf/aprueban\\_ley\\_contra\\_trata.pdf](http://www.mintra.gob.pe/migrante/pdf/aprueban_ley_contra_trata.pdf).
- <sup>62</sup> *See*, Marguerite Cawley, *supra* note 11.
- <sup>63</sup> Angezia Fides, *Trafficking of Children in the Peruvian Jungle; A Tragedy Denounced by Very Few*, Official Vatican Network (2012), <http://www.news.va/en/news/amicaperu-trafficking-of-children-in-the-peruvia>.
- <sup>64</sup> Verité, *supra* note 4, at 37.
- <sup>65</sup> *See* International Organization for Migration, *Peru*, <https://www.iom.int/cms/en/sites/iom/home/where-we-work/americas/south-america/peru.default.html?displayTab=facts-and-figures> (last visited 6/17/2014).
- <sup>66</sup> Ministry of the Interior of Peru, *Plan Nacional de Acción contra la Trata de Personas en el Perú 2011-2016*, 6 (2011), <http://spij.minjus.gob.pe/Graficos/Peru/2011/octubre/19/DS-004-2011-IN.pdf>.
- <sup>67</sup> *Id.* at 13.
- <sup>68</sup> Chsalternativo.org, *Trafficking in Persons*, Capital Humano y Social, <http://www.chsalternativo.org/contenido.php?men=L&pad=32&pla=2&hij=37&sal=2&id=E>.
- <sup>69</sup> The UN Refugee Agency, *2012 Trafficking in persons Report – Peru*, (19 June 2012) <http://www.refworld.org/docid/4fe30ca048.html>.
- <sup>70</sup> Supreme Decree 002-2004-IN, *available at* <http://www.chsalternativo.org/contenido.php?men=L&pad=75&hij=76&shi=92&cod=298&pla=2&sal=2&id=E>.
- <sup>71</sup> Supreme Decree 007-2008-IN *available at* [http://www.mintra.gob.pe/migrante/pdf/aprueban\\_ley\\_contra\\_trata.pdf](http://www.mintra.gob.pe/migrante/pdf/aprueban_ley_contra_trata.pdf).
- <sup>72</sup> *Plan Nacional de Acción, supra* note 67, at 40.
- <sup>73</sup> *Id.*
- <sup>74</sup> *Trafficking in Persons Report 2013, supra* note 1, 298.
- <sup>75</sup> *2012 Trafficking in persons Report – Peru, supra* note 70.
- <sup>76</sup> Peruvian Times, *Family Members behind Most Human Trafficking in Peru*, (Dec. 6, 2011), <http://www.peruviantimes.com/06/family-members-behind-most-human-trafficking-in-peru-iom/14349/>.
- <sup>77</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000.
- <sup>78</sup> Decreto Supremo N° 007-2008-IN, *supra* note 72 at 178.

<sup>79</sup> United Nations Office on Drugs & Crime, *What is Human Trafficking?*, <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menu> (last visited June 17, 2014).

<sup>80</sup> *Id.*

<sup>81</sup> United Nations Office on Drugs & Crime, *Human Trafficking*, <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menu> (last visited Apr. 24, 2014).

<sup>82</sup> *Trafficking in Persons Report 2013*, *supra* note 1, 298.

<sup>83</sup> United Nations Office on Drugs & Crime, *A Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants*, 6 (2012), [http://www.unodc.org/documents/human-trafficking/UNODC\\_Strategy\\_on\\_Human\\_Trafficking\\_and\\_Migrant\\_Smuggling.pdf](http://www.unodc.org/documents/human-trafficking/UNODC_Strategy_on_Human_Trafficking_and_Migrant_Smuggling.pdf).

<sup>84</sup> Carlos Romero, *Perú: Avances y desafíos en su implementación La Ley 28950 contra la trata de personas y el tráfico ilícito de migrantes* (27 May 2014), <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1620>.

<sup>85</sup> *What is Human Trafficking?*, *supra* note 80.

<sup>86</sup> Supreme Decree 007-2008-IN, *supra* note 72.

<sup>87</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 44.

<sup>88</sup> *Id.* at 53-54.

<sup>89</sup> International Organization for Migration, *Plan Regional De Acción Contra la Trata de Personas Madre de Dios*, 1 (2011), <http://www.oimperu.org/docs/PRATP%20MADRE%20DE%20DIOS%20BAJA.pdf>.

<sup>90</sup> *Id.* at 17.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Plan Nacional de Acción*, *supra* note 67, at 33-34.

<sup>94</sup> *2012 Trafficking in persons Report – Peru*, *supra* note 70.

<sup>95</sup> *Trafficking in Persons Report 2013*, *supra* note 1, at 298.

<sup>96</sup> U.S. Department of State, *Tier Placements*, <http://www.state.gov/j/tip/rls/tiprpt/2013/210548.htm> (last visited June 17, 2014).

<sup>97</sup> U.S. Department of State, *Trafficking in Persons Report 2006*, 46, (2006),

<http://www.state.gov/documents/organization/66086.pdf>.

<sup>98</sup> *Trafficking in Persons Report 2013*, *supra* note 1, at 298.

<sup>99</sup> *Id.*

<sup>100</sup> Marguerite Cawley, *supra* note 11.

<sup>101</sup> CHS Alternativo, *La Percepción de la Trata de Personas en el Perú*, 132 (2010), available at <http://www.chsalternativo.org/Download/MadredeDios.pdf>.

<sup>102</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 39-40.

<sup>103</sup> *Id.*

<sup>104</sup> *La Percepción de la Trata de Personas en el Perú*, *supra* note 103, at 133.

<sup>105</sup> *Id.*

<sup>106</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 39-40.

<sup>107</sup> *Id.*

<sup>108</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 32.

<sup>109</sup> Verité, *supra* note 4, at 36.

<sup>110</sup> *Id.* at 4.

<sup>111</sup> *Id.* at 16.

<sup>112</sup> *Id.* at 36.

<sup>113</sup> Rocío Espinoza Ruiz, *El Estado de la Trata de Personas en el Perú*, United Nations Office on Drugs & Crime, 147 (2012), [http://www.unodc.org/documents/peruandecuador/Informes/trata\\_PERU\\_Abril\\_2012\\_-\\_Final.pdf](http://www.unodc.org/documents/peruandecuador/Informes/trata_PERU_Abril_2012_-_Final.pdf).

<sup>114</sup> Verité, *supra* note 4, at 22.

<sup>115</sup> National Geographic, *Peru Map*, <http://travel.nationalgeographic.com/travel/countries/peru-map/> (last visited May 2, 2014).

<sup>116</sup> Verité, *supra* note 4, at 37.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 32.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at 33.

<sup>121</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 47.

<sup>122</sup> *Id.*

- <sup>123</sup> Verité, *supra* note 4, at 42.  
<sup>124</sup> *Id.* at 18.  
<sup>125</sup> *Id.* at 21.  
<sup>126</sup> *Id.*  
<sup>127</sup> Rocío Espinoza Ruiz, *supra* note 115, at 149.  
<sup>128</sup> Verité, *supra* note 4, at 32.  
<sup>129</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 44; Verité, *supra* note 12, at 46.  
<sup>130</sup> Verité, *supra* note 4, at 22.  
<sup>131</sup> Verité, *supra* note 4, at 45.  
<sup>132</sup> *Id.*  
<sup>133</sup> *Id.*  
<sup>134</sup> *Id.*  
<sup>135</sup> *Id.*  
<sup>136</sup> *Id.*  
<sup>137</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 54.  
<sup>138</sup> *Id.* at 53-54.  
<sup>139</sup> Beatriz Jiménez, *La mafia de la trata de mujeres en Madre de Dios*, La Republica (May 28, 2013, 7:54 AM), <http://www.larepublica.pe/28-05-2013/la-mafia-de-la-trata-de-mujeres-en-madre-de-dios>.  
<sup>140</sup> *Id.*  
<sup>141</sup> Franklin Briceño, *Peru: Cae red de tráfico sexual de 300 mujeres*, HuffingtonPost.com (Oct. 3, 2013, 4:23 PM), <http://www.huffingtonpost.com/huff-wires/20131003/ams-gen-peru-esclavitud-sexual/>.  
<sup>142</sup> *Id.*  
<sup>143</sup> Beatriz Jiménez, *supra* note 141.  
<sup>144</sup> *Id.*  
<sup>145</sup> Rocío Espinoza Ruiz, *supra* note 115, at 148.  
<sup>146</sup> *Id.*  
<sup>147</sup> *Id.*  
<sup>148</sup> Beatriz Jiménez, *supra* note 141.  
<sup>149</sup> *Id.*  
<sup>150</sup> Verité, *supra* note 4, at 40.  
<sup>151</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 52.  
<sup>152</sup> *Id.*  
<sup>153</sup> *Id.*  
<sup>154</sup> *Id.* at 32.  
<sup>155</sup> *Id.* at 37.  
<sup>156</sup> *Id.* at 32.  
<sup>157</sup> Rocío Espinoza Ruiz, *supra* note 115, at 150.  
<sup>158</sup> *Id.*  
<sup>159</sup> Angezia Fides, *supra* note 64.  
<sup>160</sup> *Id.*  
<sup>161</sup> *Id.*  
<sup>162</sup> Verité, *supra* note 4, at 29.  
<sup>163</sup> *Treaty Body Treaties*, *supra* note 5.  
<sup>164</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 39-40.  
<sup>165</sup> *Id.*  
<sup>166</sup> Verité, *supra* note 4, at 37.  
<sup>167</sup> Fabián Novak and Sandra Namihas, *supra* note 19, at 39-40.  
<sup>168</sup> *Fact Sheet: Illegal Gold Mining in Madre de Dios, Peru*, *supra* note 15, at 1.  
<sup>169</sup> The Wall Street Journal, *Peru Efforts to End Illegal Mining Has Some Success*, <http://online.wsj.com/news/articles/SB10001424052702304279904579516100077000622> (last visited June 17, 2014).  
<sup>170</sup> Verité, *supra* note 4, at 37.  
<sup>171</sup> *Id.*  
<sup>172</sup> *Id.*  
<sup>173</sup> *Id.* at 29.

<sup>174</sup> *Id.* at 22.

<sup>175</sup> United States Department of State, *Trafficking in Persons Report 2011*, *supra* note 73, at 294 (2011), <http://www.state.gov/documents/organization/164452.pdf>.

<sup>176</sup> *Trafficking in Persons Report 2013*, *supra* note 1, at 294.

<sup>177</sup> Supreme Decree No. 002-2004 IN available at <http://esdocs.org/docs/index-32092.html>.

<sup>178</sup> Committee on the Elimination of Discrimination against Women (CEDAW), *Examen de los informes resentados por los Estados partes en virtud del artículo 18 de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer* 26 September 2012, CEDAW/C/PER/7-8, [http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.PER.7-8\\_sp.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.PER.7-8_sp.pdf).

<sup>179</sup> Committee on the Elimination of Discrimination against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women: Peru*, 2 February 2007, CEDAW/C/PER/CO/6, available at [http://www.iwraw-ap.org/committee/pdf/37\\_concluding\\_observations/peru.pdf](http://www.iwraw-ap.org/committee/pdf/37_concluding_observations/peru.pdf).