

Between neglect and exploitation:

Four case studies of indigenous communities in the Peruvian Amazon



Free the Slaves (FTS) is an international non-profit organization with twenty-two years of experience eradicating the conditions that contribute to modern slavery. In tandem with grassroots partner organizations, government agencies, and the media, FTS provides educational, vocational training, and other essential services that support communities, including survivors. FTS' Community Liberation Model provides scalable opportunities for mainstreaming anti-slavery strategies in communities where slavery is prevalent. FTS is headquartered in Washington, D.C. and has successfully mobilized community-based responses in the Democratic Republic of the Congo (DRC), Ghana, Mauritania, Senegal, Uganda, India, Nepal, Brazil, Dominican Republic (DR), Haiti, Vietnam, and Kenya.

Onampitsite Noshankaye Tzinani (ONOTZI) is a Peruvian non-profit organization that was founded in 2008. ONOTZI promotes indigenous communities' comprehensive development and well-being, with an emphasis on community development through programs, projects and sustainable actions that combat and eliminate extreme poverty, human rights violations, and marginalization.

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Author: Alberto Arenas Cornejo

Translation: Lianet Rosado

Project management and report editing:

Gemma Bardají Blasco, Regional Manager for Latin America and Europe and Lianet Rosado, Research Program Coordinator

Field work coordination:

Joel Huaman Balbuena, ONOTZI Director of Projects, Programs and Activities and N. C. G. P.

Design: Gao Gao Group

Photographer: Milton Rodriguez (Page 4: Ashaninka Man in Peru, Page 55: Ashaninka Woman - and Child in Peru)

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Glossary

Climate change: “a change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcings such as modulations of the solar cycles, volcanic eruptions, and persistent anthropogenic changes in the composition of the atmosphere or in land use (IPCC, 2018).”

Corruption: “the abuse of entrusted power for private gain.” It consists of “various acts...such as bribery and embezzlement (in both the public and private sectors); abuse of functions (i.e. when those performing public functions misuse their power to obtain a benefit); trading in influence; illicit enrichment; and money laundering (Transparency International in UNODC, n.d.).”

Discrimination: “anyone who, on their own or through third parties, discriminates against one or more people or group of people, or publicly incites or promotes discriminatory acts, based on race, religion, sexuality, genetic factors, affiliation, age, disability, language, ethnic and cultural identity, clothing, political opinion or of any kind, or economic condition, in order to annul or impair the recognition, enjoyment or exercise of the rights of the person...(Congreso de la República del Perú, 2006)”

Drug trafficking: refers to the illicit trafficking of narcotics and psychotropic substances (UNODC, 1988).

Environmental crimes: practices prohibited by the law that violate nature and contribute to its degradation. These include the contamination or destruction of air, water, and other natural resources using various methods.

Gender-based violence: “harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms...While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms (UN Women, n.d.).”

Human rights: “rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty (OHCHR, n.d.).”

Illegal extractivism: the extraction of natural resources in an uncontrolled or unregulated manner contrary to the laws that govern their use. The exploitation of resources deteriorates nature and deprives people and communities of the necessary resources for their well-being.

LGBTQI+: acronym referring to various forms of sexual or gender identification. It includes people who identify as lesbian, gay, bisexual, transgender, queer, and intersex. Lesbian persons are those who identify as women and have romantic relationships with other women. The term gay refers to persons who identify as men and have romantic relationships with other men. Bisexual persons have romantic relationships with both men and women. Transgender persons do not identify with the gender assigned at birth and queer persons adopt identifications beyond the masculine-feminine gender binary. Persons who identify as intersex are those who have the genetic characteristics of both male and female sexes.

Modern slavery: situations where persons are in forced labor or forced marriage (ILO, Walk Free, IOM, 2022). It is also understood as the range of exploitative situations constituting human trafficking, forced labor, forced marriage, slavery and other extreme forms of exploitation.

Crime of onerous intermediation of organs and tissues: "...anyone who, for profit and without observing the law of the matter, buys, sells, imports, exports, stores or transports human organs or tissues of living people or corpses (República del Perú, 2021)"

Forced/servile marriage: refers to unions between people, including minors, that are carried out against a person's will. Forced marriage may have multiple purposes such as labor or sexual exploitation, cultural preservation, family unions, economic security, etc.

Forced labor: "anyone who subdues or obliges another person, through any means or against their will, to perform a job or provide a service, whether paid or unpaid (República del Perú, 2021)..." The Forced Labor Convention, 1930 (No. 29) defines forced labor as: "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily (ILO, 1930)."

Human trafficking: "anyone who through violence, threats or other forms of coercion, deprivation of liberty, fraud, deceit, abuse of power or a situation of vulnerability, granting or receiving payments or any benefit, captures, transports, transfers, shelters, receives or retains another, in the territory of the Republic or for their exit or entry from the country for the purpose of exploitation... The recruitment, transport, transfer, shelter, reception or retention of a child or adolescent for the purpose of exploitation is considered human trafficking even when none of the foreseen means are used...(República del Perú, 2021)"

Sexual exploitation: "anyone who, through violence, threat or other means, forces a person to perform acts of a sexual nature in order to obtain economic or other benefits... (República del Perú, 2021)"

Sexual exploitation of girls, boys, and adolescents: "anyone who makes a girl, boy, or

adolescent perform acts of a sexual nature with the purpose of obtaining economic or other benefits... (República del Perú, 2021)"

Slavery and other forms of exploitation: "anyone who forces a person to work in conditions of slavery or servitude, or reduces or maintains them in such conditions... (República del Perú, 2021)"

Poly-victimization: the multiple forms of trauma experienced prior to human trafficking; these increase the risk of victimization during the initial process of human trafficking (recruitment and transfer) and its later stages.

Violence against women and girls: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (UN Women, n.d.)."

Vulnerability: "in the context of trafficking, the term 'vulnerability' is often used to refer to intrinsic, environmental or contextual factors that increase the susceptibility of a person or group to becoming a victim of trafficking. It is generally recognized that these factors include violations of human rights, such as poverty, inequality, discrimination and gender-based violence (UNODC, 2013)."

Executive Summary

Introduction

It is estimated that 49.6 million people are victims of various forms of modern slavery around the world. Among these, 27.6 million are trapped in forced labor and 22 million in forced marriage (ILO, Walk Free, IOM, 2022). The COVID-19 pandemic contributed to a rise in poverty and job insecurity. When coupled with systemic regression in social protection and rule of law, the impact of the COVID-19 pandemic increased vulnerability to exploitation for millions around the world, especially among girls, boys, adolescents, migrants, indigenous persons, and LGBTQI+ persons.

In Peru, human trafficking is not a new phenomenon. Throughout its history, numerous groups (Africans, Chinese, and Indigenous) have been subjected to diverse forms of exploitation. In 2021, Peru approved the National Policy Against Human Trafficking and its Forms of Exploitation 2030. Furthermore, the Constitution states that “slavery, servitude, and human trafficking are prohibited in any of its forms.” Despite these, human trafficking and modern slavery are prevalent.

Peru is a megadiverse country; 60% of the territory is covered by Amazonian, Dry, and Andean forests. These territories are home to a total of 55 indigenous peoples, 51 of them in the Amazon and 4 in the Andes, where 48 types of languages are spoken. However, from 2001 to 2019, the country lost 2,433,314 hectares of Amazon forests to deforestation. This severely impacts the ecosystem and contributes to the global rise in greenhouse gas emissions that are responsible for exacerbating climate change. Deforestation is aggravated by illegal mining and logging and drug trafficking. In recent years, human rights violations against indigenous community leaders have increased; these manifest as threats and assassinations when leaders oppose illicit activities and advocate for the protection of their ancestral territories.

Illegal and informal activities in mining have also increased over the years, particularly for the extraction of alluvial gold; illegal miners operate in areas prohibited by the State, breaching existing regulations. These activities are usually also linked to other illegal activities such as tax evasion, smuggling, money laundering, corruption by officials, environmental crimes, usurpation, homicide, drug trafficking, human trafficking, forced labor and various forms of exploitation of human beings, and illegal logging, among others (Valencia, 2015; Rubio, 2020; Azpilcueta, 2018; Valdez, 2020). Mining also contributes to the contamination of water sources through the use and release of the mercury used to separate gold from rock fragments. Mercury is a highly toxic mineral that poses a risk to air, land, and water. It can spread over vast territories and generate severe health consequences even among persons living thousands of kilometers from mining areas.

Findings

This study exposes the realities of indigenous communities in the Peruvian Amazon through an analysis of four case studies of communities in the regions of Ucayali and Huánuco. The findings discuss how illegal extractivist activities in the form of mining and logging contribute to climate change and human trafficking, in addition to other forms of exploitation. The results indicate that the multi-dimensional vulnerabilities present increase the risk of human trafficking among indigenous persons. Factors such as ethnic discrimination, gender-based violence, and poverty contribute to human trafficking. Diverse modalities of human trafficking and modern slavery were identified in indigenous communities: the commercial sexual exploitation of children, labor exploitation of children in coca leaf cultivation, and forced child marriage. Indicators of trafficking for sexual exploitation and for forced labor were also identified among adults in illegal mining, logging, and drug trafficking.

The following conclusions surface from the study:

- The four communities experience similar realities given that they have been subjected to systemic and historical violence. These include a lack of access to basic public services and precarious socio-economic conditions, which are fundamental to their economic and social development. The communities are characterized by:
 - an insufficient education that does not guarantee access to various levels or to bilingual intercultural education.
 - health care deficiencies; a lack of medicine, services are not provided regularly, and they are often insufficient or not adapted to different populations (language, culture, distances).
 - extreme poverty and social neglect; the local economy is precarious and hinders human development; poverty is chronic.
 - a lack of job opportunities for youth; as a result, they end up working in extractivist industries that contribute to pollution and that are shaped by dangerous working conditions; national and regional government do not monitor these activities.
 - gender-based violence, especially against minors; early unions or marriages are normalized and occur due to economic insecurity and sexual violence; this is often accompanied by adolescent pregnancies.
- Some of the main risk factors that traffickers abuse to recruit indigenous persons from the communities studied, especially children (including adolescents), are: economic need, sexual violence, limited education, extreme adversity, and State neglect.
- The limited presence of the State and deficient monitoring mechanisms facilitate the proliferation of illegal activities such as illegal mining and logging, drug trafficking, sexual exploitation, and corruption and impunity.

- High informality in the labor market and criminal activities in the mining sector have increased notably, particularly in alluvial gold extraction, which is a breach of existing regulations and is linked to other illegal activities. Authorities' lack of resources makes it impossible to address the situation.
- Corruption and impunity for crime persist in the communities studied. This normalizes individual and collective rights violations.
- Disaggregated statistical data by indigenous community on cases of human trafficking, forced labor, and other forms of exploitation are lacking. Non-disaggregated data obscure the inequalities that make indigenous communities more susceptible to human trafficking. Designing appropriate strategies for each context and the specific needs of each population is essential. At the public policy level, what is not counted, does not exist.
- The absence of reports and records on cases of human trafficking in rural areas influences existing statistics; official information does not reflect the rural realities or the situation of trafficked persons. Trafficked persons lack access to justice and to protective services. There is a significant underreporting of cases, which means that trafficked persons are not being identified and are at risk of re-trafficking.
- Recruitment into human trafficking is associated with structural discrimination against indigenous communities in the labor market (lack of education, cultural prejudices) and their social exclusion (poverty, geographic remoteness). Persons are forced to accept precarious working conditions that are exploitative and tied to criminal activities such as illegal mining or logging.
- Indigenous communities are characterized by the absence of clear territorial boundaries, logging concessions that overlap with their land, and constant territorial pressure from those involved in illicit activities such as drug trafficking or illegal mining. Levels of violence have increased, especially against environmental defenders and community leaders who advocate for their territories and forest preservation from deforestation and drug trafficking.
- Deforestation and environmental degradation are accelerating in the areas studied. This severely alters the ecosystem and exacerbates the effects of climate change. Soil degradation diminishes agriculture or forestry, which affects indigenous livelihoods and increases their vulnerability.
- The use of mercury in illegal mining settlements has a serious impact on the health of indigenous communities, especially that of children. Traditionally, indigenous persons have maintained a relationship of care and coexistence with their environment, however, this is being severely altered.
- If we do not understand how human trafficking, forced labor, and other forms of exploitation manifest in particular contexts or affect the human rights of indigenous communities, who have a history of discrimination and marginalization, we will not be able to contribute towards the eradication of such practices. As a start, we must first avoid silencing their voices.

Recommendations

The study identifies various recommendations in the spheres of prevention, protection, prosecution, and partnerships, especially for government and civil society stakeholders, among other actors:

Prevention



- Guarantee equal access to essential public services in indigenous communities.
- Implement policies that promote climate change resilience through environmental protection and regulations on environmentally degrading industries.
- Enhance the public sector's regulatory mechanisms by increasing transparency in regulatory processes.
- Increase resources for the implementation of national policies that address human trafficking and exploitation.
- Establish programs based on culturally appropriate methods that prevent human trafficking and modern slavery in indigenous communities.

Protection



- Address gender-based violence, especially child marriage and the commercial sexual exploitation of children, in indigenous communities of the Amazon through a comprehensive approach.
- Rescue, rehabilitate, and reintegrate trafficked persons living in sites where exploitation is prevalent.
- Guarantee human rights for environmental defenders and indigenous communities at-risk of violence.

Prosecution



- Establish mechanisms in indigenous communities to report and register human trafficking and modern slavery cases.
- Strengthen the rule of law and human rights accountability through investigations and prosecutions of corruption cases related to human trafficking and other forms of exploitation.
- Allocate budgets for crime investigation and processes that prescribe adequate sentences to convicted traffickers and guarantee protection and care for victims.

Partnerships



- Conduct studies and establish data collection systems to capture the diverse forms of exploitation affecting indigenous persons in rural and urban areas.
- Guarantee indigenous communities' participation in national and regional coordination efforts against human trafficking, modern slavery, and gender-based violence.

Introduction

It is estimated that 49.6 million people are victims of various forms of modern slavery around the world. Among these, 27.6 million are trapped in forced labor and 22 million in forced marriage (ILO, Walk Free, IOM, 2022). The COVID-19 pandemic contributed to a rise in poverty and job insecurity. When coupled with systemic regression in social protection and rule of law, the impact of the COVID-19 pandemic increased vulnerability to exploitation for millions around the world, especially among girls, boys, adolescents, migrants, indigenous persons, and LGBTQI+ persons.

In Peru, human trafficking is not a new phenomenon. Throughout its history, numerous groups have been subjected to diverse forms of exploitation. As a response to the issue, Peru signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Crime.¹ Peru also approved a National Policy Against Human Trafficking and its Forms of Exploitation by 2030.² On the other hand, the Constitution expressly states that all persons are equal before the law and that “slavery, servitude and trafficking in persons are prohibited in any of its forms.” However, the US Department of State’s Trafficking in Persons Report (2022) indicates that the Government of Peru does not fully comply with the minimum standards for the elimination of this crime and recommends, among other things, implementing outreach and prevention programs aimed at vulnerable populations such as indigenous communities using culturally appropriate methods and local languages.

On the other hand, Peru is one of the 17 countries considered megadiverse worldwide due to its diverse ecosystems, rich fauna and flora, and cultural diversity. 60% of the territory is covered by Amazonian, Dry, and Andean forests (MINAM, n.d.). These territories are home to a total of 55 indigenous peoples, 51 of them in the Amazon and 4 in the Andes, where 48 types of languages are spoken (Estado Peruano, n.d.). However, Peru has been unable to effectively protect its natural resources. From 2001 to 2019, the country lost 2,433,314 hectares of Amazon forest due to deforestation (Sierra Praeli, 2021). This has severe impacts on the ecosystem and contributes to the global rise in greenhouse gas emissions responsible for exacerbating climate change.

Illegal mining and logging, as well as drug trafficking, are the main threats affecting the country’s biodiversity as a byproduct of the deforestation and pollution produced. These activities are also associated with human rights violations against indigenous community leaders through threats and assassinations when they oppose these activities and attempt to protect their ancestral territories. Peru has one of the world’s largest mineral deposits; it is the second largest producer of copper, silver and zinc, the third of lead,

1 Also known as the Palermo Protocol, ratified through Supreme Decree N° 088-2001-RE, released on 11/20/2001 and in effect 09/28/2003. <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf>

2 Supreme Decree N° 009-2021-IN, released in Diario El Peruano on July 27 2021 <https://cdn.www.gob.pe/uploads/document/file/2442716/Pol%C3%ADtica%20Nacional%20frente%20a%20la%20Trata%20de%20Personas%202021..pdf>.

the fourth of tin and molybdenum, and the sixth of gold (USGS, n.d.). Illegal and informal activities in mining have also increased over the years, particularly for the extraction of alluvial gold by illegal miners, who operate in areas prohibited by the State, breaching existing regulations. These activities are usually also linked to other illegal activities such as tax evasion, smuggling, money laundering, corruption by officials, environmental crimes, usurpation, homicide, drug trafficking, human trafficking, forced labor and various forms of exploitation of human beings, and illegal logging, among others (Valencia, 2015; Rubio, 2020; Azpilcueta, 2018; Valdez, 2020).

It is estimated that Peru emits 0.4% of the world's total greenhouse gases (MINAM, 2016); 50% is associated with the deforestation of the Amazon (Placencia, 2012) as a result of illegal logging and mining. Mining also contributes to the contamination of water sources through the use and release of the mercury used to separate gold from rock fragments. Mercury is a highly toxic mineral that poses a risk to the air, land, and water. It can spread over vast territories and generate severe health consequences even among persons living thousands of kilometers away from mining areas. Mercury can cross the placenta and the blood-brain barrier, leading to irreversible damage to the central nervous system and affecting child development; it can also generate congenital malformations, perinatal deaths, neurobehavioral disorders, kidney problems, and other conditions (Arango, 2020; Kadamani, 2021; Zender, 2021; Hernández, 2018). Excavation processes in illegal mining are often accompanied by the use of machinery and equipment that destroy the natural habitat, fauna and flora, and vegetation and alter the riverbed. These activities are often done without regulation and restriction. In this context, indigenous communities are unable to adapt to and be resilient against climate change. Structural inequality in society (Lanegra, 2021) and the lack of systemic understanding of notions of coexistence and nature affect their capacity to withstand these effects.

This study exposes the realities of indigenous communities in the Peruvian Amazon through an analysis of four case studies of communities in the regions of Ucayali and Huánuco. The findings discuss how illegal extractivist activities in the form of mining and logging contribute to climate change and human trafficking, in addition to other forms of exploitation. The analysis is guided by a framework of vulnerability and poly-victimization, bringing into attention the various human rights violations that are experienced throughout life, and the acts, means, and purposes used in human trafficking cases that adhere to the Peru Penal Code. The results suggest that the multi-dimensional vulnerabilities of indigenous persons and communities clearly increase their risk of human trafficking. Factors such as ethnic discrimination, gender-based violence, and poverty, among others, contribute to situations of human trafficking. Diverse modalities of human trafficking and modern slavery were identified in indigenous communities: the commercial sexual exploitation of children, labor exploitation of children in coca leaf cultivation, and forced child marriage. Indicators of trafficking for sexual exploitation and for forced labor among adults in illegal mining, logging, and drug trafficking were also identified. The study also discusses some of the challenges shaping human trafficking vulnerability among indigenous communities in Peru and provides recommendations to better respond to human trafficking in this context.

Chapter 1

Conceptual Framework

1.1. Human trafficking and exploitation as crimes

Human trafficking is not a new phenomenon in Peru. Historically, slavery existed among populations that inhabited the territories before the conquest of the Americas: black Africans, white Moors, Indians from China and the Philippines, indigenous Nicaraguans, “Kanaca” Polynesians, and “coolie” Chinese (Rodríguez, 2005) and indigenous persons from the Peruvian Amazon (Chirif, 2009).

The Constitution of Peru (1993) prohibits “slavery, servitude and trafficking in persons in any of its forms.” Peru signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Crime,³ modified its domestic legislation, and implemented a National Policy Against Human Trafficking and its Forms of Exploitation by 2030.⁴ In 2007, Peru approved Law 28950 against human trafficking and migrant smuggling. In 2021, the first was incorporated into a new subtitle of the Criminal Code called “Crimes against Human Dignity,”⁵ which are understood as prohibiting the “commodification” or “objectification” (Villarroel, 2017), not being instrumentalized by another individual or treated as merchandise or object (Defensoría, 2017), since this “affects the dignity of the person placed or maintained in a situation of vulnerability and permanent degradation”⁶ and denies the essence of the human being, consequently injuring the person. Title IA of the Penal Code on crimes against human dignity contains two chapters, referring to human trafficking and its aggravated forms, as well as crimes of exploitation. The following table shows the list of acts, means, and purposes that constitute cases of human trafficking.⁷

Table 1: Trafficking in Persons: Palermo Protocol and Peruvian Legislation

Scope	Palermo Protocol	Peruvian legislation
Conduct	Recruit, transport, transfer, harbor, receive	Recruit, transport, transfer, harbor, receive, retain
Means	Threat, use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving payments or benefits	Threat, violence, coercion, deprivation of liberty, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving payments or benefits
Purposes	Exploitation through the prostitution of others, other forms of sexual exploitation, forced labor or services, slavery, slavery-like practices, servitude, removal of organs	Exploitation through the sale of girls, boys, or adolescents, prostitution, any form of sexual exploitation, slavery, slavery-like practices, any form of labor exploitation, begging, forced labor or services, servitude, removal or dealing of organs, or somatic tissues or their human components, any other similar form of exploitation
Penalties and aggravating circumstances	Not applicable as it is not a criminal law	Base type: 8 to 15 years, First scale: 12 to 20 years, Second scale: 25 years and over

Source: Palermo Protocol and Peru Penal Code | Author : Alberto Arenas Cornejo

³ Also known as the Palermo Protocol, ratified through Supreme Decree N° 088-2001-RE, released on 11/20/2001 and in effect 09/28/2003.

⁴ Supreme Decree N° 009-2021-IN, released in Diario El Peruano on July 27 2021. <https://cdn.www.gob.pe/uploads/document/file/2442716/Pol%C3%ADtica%20Nacional%20frente%20a%20la%20Trata%20de%20Personas%202021...pdf>.

⁵ Law 31146, modifies the Penal Code, the Penal Procedural Code, and Law 28950, the law on human trafficking and smuggling, with the end goal of systematizing the relevant articles on human trafficking and exploitation and classifying these as crimes against human dignity.

⁶ Plenary Agreement 06-2019/CJ-116, point 19.

⁷ With the exception being human trafficking among minors, where only acts and purposes are relevant.

In 1960, Peru ratified ILO Convention No. 29 (1930), which defines forced labor as: “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The country’s Penal Code establishes a broad list of forms of exploitation that include forced labor. In cases where exploitation manifests, this can constitute a form of real heterogeneous competition of crimes (Rodríguez & Montoya, 2020). The III National Plan for the Fight Against Forced Labor 2019-2022, also promotes an intercultural approach, among several, prioritizing interventions that respect “the idiosyncrasies, values, social and legal norms” of populations vulnerable to forced labor, including indigenous peoples, and are based on dialogue and differentiated attention (República del Perú, 2019). Peru is the 25th country in the world and the 3rd in Latin America to have a National Action Plan on Business and Human Rights (2021-2025), whose purpose is to incorporate the United Nations Guiding Principles and other international standards to guarantee the protection and respect of human rights in all business activities in the country (MINJUSDH, 2021). For greater protection of minors, the Children and Adolescents Code Law No. 27337 (2000) condemns “extreme forms that affect their personal integrity, forced labor and economic exploitation, as well as forced recruitment, prostitution, trafficking, the sale and trafficking of children and adolescents and all other forms of exploitation (República del Perú, 2000).”

1.2. Vulnerability of individuals and communities

There are intrinsic and extrinsic factors that contribute to individuals’ vulnerabilities to human trafficking. The Public Ministry’s Protocol for the Accreditation of the Vulnerability of Trafficking Victims indicates that vulnerability increases the likelihood of human trafficking for persons or groups, which materializes through asymmetric power relations. The accreditation of the vulnerability of the victim through a forensic expert opinion has a determining value for evidence, particularly in cases involving minors whose vulnerability is presumed due to their developmental condition (Montoya, 2016). It is worth mentioning that accrediting situations of vulnerability is not exclusive to the crime of human trafficking alone, but is also done in other crimes of exploitation such as forced labor.

The following table describes various vulnerability factors, organized into four categories, that often operate together and manifest transversally in individuals’ lives, as occurs in cases of gender-based violence.

Table 2: Vulnerability Factors of Victims of Human Trafficking

Type of Vulnerability	Factors
Physical	Underage status, physical disability, moderate or severe malnutrition, adolescent pregnancy, chronic illness, sexual violence
Psychological	Stigmatization due to mental health diagnosis, cognitive deficit, family disengagement, learned helplessness, low self-esteem, emotional dependence, emotional immaturity, gender stereotypes, cognitive distortion, sexual precocity, absence of parental figures, affective deficiencies and lack of protection, dissocial behaviors, history of victimization (physical, psychological, sexual, economic violence)

Type of Vulnerability	Factors
Mental	Pervasive developmental disorder, mental retardation, traumatic experiences, depression, psychotic disorders, personality disorders, addictions, organic mental disorders, dementias
Socio-anthropological	Age, education, poverty, language, geographic remoteness, ethnicity, conflict, migration

An analysis based on the vulnerabilities of the victims points to the prolonged pathways of victimization that characterize their experience and leads to a comprehensive understanding of the problem. They highlight the various forms of violence that trafficked persons were exposed to throughout their life and how these threatened their human dignity and rights and led them to situations that they could not resist or escape.

1.3. Magnitude of the problem

Although there are no disaggregated statistical data on victims of indigenous communities in the Amazon, the National Institute of Statistics and Informatics issues a publication with consolidated statistics from various sources on the incidence of human trafficking. These figures find their source in the National Police of Peru, the Public Ministry and the Penitentiary Institute. Official figures indicate that in 2019 the Public Ministry received 1,365 reports and in 2020, 692 reports.⁸ The extension of job offers was the main means of recruitment into human trafficking in both 2019 (78%) and 2020 (71%). In cases where sites for exploitation were identified, nightclubs and brothels were the dominant; thus, in 2019, of 117 cases, 83.7% of the crimes took place in said establishments, and in 2020, 46.8%. In 2019, of 111 victims, 83.8% reported knowing the perpetrator of the crime, while, in 2020, 83.6%, which shows that there is often proximity between the perpetrator and the victim in human trafficking cases. Regarding the sociodemographic profile, in 2019, of 509 cases, 86.8% of trafficked persons were women. 37.3% were under 18 years of age, and 56.6% were between 18 and 29 years of age. 73.2% had a secondary education and 26% a primary education. In 2020, of 394 cases, 86.8% were women. 40.9% were under 18 years of age, and 50.6% were between 18 and 29 years of age. 82.6% had a secondary education and 15.8% a primary education.

In 2021, a total of 434 persons were identified as victims of human trafficking, 42% (181) of them were women and 58% (263) were men (Public Ministry 2022). A study with trafficked women found that approximately 30% had at some point been a victim of human trafficking, in addition to other forms of physical and sexual violence during childhood and adolescence. On the other hand, approximately 75% of trafficked men and women had previously been engaged in illegal or informal activities (MINJUSDH, 2017). Among minors, data from the Special Protection Units reveals that the majority of child trafficking cases occurred for sexual or labor exploitation.

⁸ The number of reported cases decreased during this period due to the COVID-19 pandemic.

Table 3: Minors Assisted by the Special Protection Units, Human Trafficking – by Purpose of Trafficking

Purpose	Total	Year			
		2018	2019	2020	2021
National Total	592	138	219	86	149
Labor exploitation	300	83	125	31	61
Sexual exploitation	233	48	76	44	65
Begging	29	3	-	6	20
Sale of children and adolescents	26	4	14	5	3
Labor and sexual exploitation	4	-	4	-	-

Source: Special Protection Units – MIMP | Preparation: Directorate of Special Protection

It is important to acknowledge that there is significant underreporting of human trafficking cases; persons who lack access to justice and protective services are not counted in official figures. The figures highlighted represent the prevailing trend reflected in official statistics and in actuality may not be an accurate representation of the reality of human trafficking. The National Policy Against Human Trafficking and its Forms of Exploitation by 2030 indicates that the lack of sufficient and representative data is characterized by the absence of reports and official records in rural areas, especially among indigenous Amazonian and Andean communities. Trafficked persons who reside in remote locations distanced from developed centers are not identified and remain at a high risk of re-trafficking.

The absence of rigorous statistics, in addition to the lack of institutional coordination for the collection and documentation of data, is a challenge not unique to Peru; it is also evident at the global level (OBIDIM, 2020). Documentation on victim and perpetrator profiles, the nature of the crime, and the public response are often retained in physical and online files that are underutilized to form an accurate account of the issue. A study on the lack of reporting shows concern about cases of human trafficking that cannot be uncovered even when victims are identified. In some cases, perpetrators are prosecuted for crimes that have a lower burden of proof in order to secure a conviction (Van der Leun, 2017).⁹

The lack of identification of men for labor trafficking also contributes to the underreporting of such cases, which represent a small proportion of all cases of human trafficking. Moreover, the sexual exploitation of adult and young men is even more hidden and unreported. Various studies carried out with health and protection service providers show that male victims of human trafficking are usually not identified by professionals, and self-identification by male victims is even less common (Trounson and Pfeifer, 2020).

Various factors are instrumental in influencing the likelihood of identification. One is the capacity of the authorities and the other, the victim's response when engaging with the authorities. A third factor, called the cultural binary, associates human trafficking with sexual exploitation, and, in this way, attributes limits to crime and enables a response against sexual exploitation.

⁹ For further information, see CHANCE, Volume 30. No.3 (2017), which contains a special issue on human trafficking statistics.

Chapter 2

Methodology



This study answers the following research question:

What is the link between extractivism, human trafficking, climate change, and risk factors among indigenous communities living in the departments of Ucayali and Huánuco?

Geographic scope

The study was implemented in four indigenous communities located in the Raimondi, Atalaya province, Ucayali region, and in the Puerto Inca district in the province of the same name, Huánuco region.

The indigenous communities were selected following consultations with various authorities, professionals, and residents in the preselected regions.



Source: <https://visor.geoperu.gob.pe/>

The following selection criteria were applied:

- Presence of households with members who currently work in or who have, in the last 5 years, worked in illegal extractivist activities (mining and logging) inside or outside of the region.
- Exposure to the effects of illegal extractivist activities at a community level.
- Presence of human trafficking and other forms of exploitation.

The regions were selected on the basis of the:

- Presence of indigenous communities.
- Presence of illegal mining and logging activities.
- Lack of evidence surrounding human trafficking and modern slavery.
- Records of threats and/or assassinations of leaders and defenders who advocate for environmental protection and land rights.

According to Article 8 of Law Decree No. 22175 on Indigenous Communities and Agrarian Development of the Selva and Ceja de Selva Regions (República del Perú, 1978) the term indigenous communities refers to the group of families linked by the following main elements: language or dialect, cultural and social characteristics, tenure and permanent common usufruct of the same territory, with nucleated or dispersed settlement. Members of indigenous communities are those born within these territories and those whom they incorporate as long as they meet the requirements indicated in the Community Statute.

The State guarantees indigenous communities' territorial integrity and provides the corresponding registration and property titles, which are inalienable, imprescriptible, and unseizable. Portions of the territory that are suitable for forestry are restricted and governed under existing legislation.

The following factors are considered when demarcating indigenous communities' territories:

- Where they have settled to develop their agricultural, gathering, hunting and and fishing activities; and
- Where they migrate seasonally to and establish themselves. If they inhabit vast and unrestricted land, they are granted the area required to meet the needs of their population.
- According to the Peruvian Ministry of Culture, information is currently available on 55 indigenous groups, 51 from the Amazon and 4 from the Andes (Ministerio de Cultura, n.d.).

The data collection was conducted by a field researcher during the months of July to September 2022. The following methods were used during data collection:

Table 1: Data Collection Methods

Survey of a non-probabilistic random sample made up of people from the communities	58 people from indigenous communities IC 2, IC 3, and IC 4
Semi-structured interviews with community leaders	6 people (4 men, 2 women) in the 4 communities
Semi-structured interviews with community members	27 people (11 women, 18 men) in the 4 communities
Semi-structured interviews with public officials	7 in the two regions
Group interview with community members	7 in the 4 communities
Non-participant observation of the community	In all communities
Life stories	3 in indigenous communities IC 2, IC 3, and IC 4
Photographs and videos	In all communities

Source: Alberto Arenas Cornejo

Coordination with communities prior to and during the field data collection was led by the indigenous NGO ONOTZI. Prior to engaging in data collection, permission was obtained from community leaders. A convenience sample was selected for the structured interviews consisting of community leaders and members, including women and adolescents. Non-participant observation in the communities was also conducted.

The main challenge in data collection was maintaining the security of the field team in Puerto Inca, due to the fact that they entered mining extraction zones, exit routes for illegal logging, as well as drug trafficking zones (Santos, 2022). The field team identified the best routes, days, and times of entry. In order to ensure the protection of participants and communities, the report will refer to the communities using the following nomenclature:

- Indigenous community of Huánuco: IC 1.
- Indigenous communities of Ucayali: IC 2, IC 3, and IC 4.

Chapter 3

Community profiles

The indigenous communities that participated in the study have called their territory home since the 1980s. Over their history, they have been affected by a fragile state that has been unable to secure their rights. They have also faced violent traumatic episodes as a result of the increased presence of criminal activities that place their security at risk; this includes terrorism, drug trafficking, and illegal logging and mining. One of the communities (IC 2) is led by a female chief, which is out of norm in the area; the other communities are led by male chiefs.

In Peru, although the justice system is responsible for implementing a comprehensive response against criminal activities, the approach has particularly focused on prosecution rather than prevention and protection. As a result, the root causes contributing to phenomena such as human trafficking are not addressed sufficiently, placing thousands, especially indigenous persons in remote areas, in conditions of vulnerability through the solidification and reproduction of existing vulnerabilities as a result of the absence of the State (Santa, 2014).

Despite a responsibility to address crime through a comprehensive approach, the standard public response centers on the criminal approach, which is insufficient; therefore, the root causes of crime and individuals' vulnerabilities persist and reproduce, especially in geographically remote territories with less State presence (Santa, 2014). A multidimensional approach to the problem has not been adopted to the same degree (Anti-Slavery International, 2021).

The State Density Index (SDI)¹⁰ (UNDP, 2010), an independent variable of the United Nations Development Programme Human Development Index (HDI), measures State actions in the territory (Murillo, 2017). It recognizes that it is not enough to implement public facilities and allocate resources; developmental activities need to deliver basic services effectively and responsibly (Santa, 2014).

A study in the Peruvian Amazon found that indigenous communities' SDI is lower than the national average, especially regarding health, sanitation, and electricity (Santa, 2014, Rivera, 2019). Poverty, in addition to the impacts of the COVID-19 pandemic (Abizaid, 2020), has differential impacts on indigenous households (Mundial, 2015).

There is a clear developmental gap among indigenous territories. Structural inequalities systemically impact indigenous persons and communities. This bias is also evident in the response against human trafficking. Public services are available in territories with greater access and development (infrastructure, water, electricity and sanitation services, communication technologies, etc.) and are not delivered to the same extent in areas where survivors originate, which manifests in various ways such as rural poverty or social customs (Gaudin, 2020).

From a human rights perspective, the State has an obligation towards "the political, legal and ethical responsibility to enforce and generate conditions for the full exercise of citizenship"¹¹ recognizing the inherent rights of people based on principles of human dignity.

¹⁰ The Index measures 5 indicators: a) identity (percentage of persons without identification documents and birth certificates); b) health (rate of physicians per 10,000 persons); c) education (secondary school attendance rate among 12 to 16-year-old children); d) sanitation (percentage of houses with access to drinking water and sanitary facilities).

¹¹ Supreme Decree No. 010-2020-JUS approving the "Intersectoral Protocol for the Participation of the Peruvian State before the Systems of International Protection of Human Rights."

From this perspective, the State must guarantee a set of standards or minimum floor of social protection that reinforces human dignity. CEDAW Recommendation 38 (OHCHR, 2020) indicates that States have a primary obligation to combat trafficking in persons. But above all, they must respect, protect, and guarantee the human rights of people, particularly those belonging to vulnerable or marginalized groups. On women and girls, CEDAW has indicated that “systemic gender discrimination... creates the economic and social injustices that women and girls suffer disproportionately,” as well as a “demand that fosters exploitation and leads to trafficking.” The State is obliged to “prevent women and girls from exposure to the risk of being trafficked. States are also obliged to discourage the demand that fosters exploitation and leads to trafficking.”

Socio-anthropological vulnerability factors are usually associated with structural discrimination among indigenous communities (Quiñones, 2014). This term explains inequalities as factors of the historical exclusion and subjugation of vulnerable groups (Quiñones, 2014), which resulted in human rights violations and the absence of a State capable of guaranteeing the rights of indigenous groups. The realization of the right to equality and non-discrimination of indigenous peoples requires positive measures in this area (Lovatón, 2020). In households where the household head is an indigenous person, the probability of being poor increases by no less than 13% and of being extremely poor by 15.5% (CIDH, 2017).

Discrimination against indigenous women is an even more serious issue due to the intersectionality of gender and age. This intersectionality generates disadvantages due to systemic inequalities that result in zero or little schooling and literacy, high mortality, premature motherhood, high fertility, sexual violence, human trafficking and multiple forms of exploitation, invisibility, feminization of poverty, lack of registration in birth registries, unemployment and underemployment, as well as a high burden of

domestic and child care responsibilities, intimate partner and domestic violence, abuse and neglect in the family environment, child, and forced and servile marriage (CEDAW, 2020).

Women and girls face numerous reintegration and recovery challenges post-rescue due to structural discrimination and the endurance of pre-existing vulnerabilities. The literature on recovery processes and their implications for survivors of human trafficking is extensive. Various qualitative studies based on cases of trafficking for sexual exploitation (Hopper, 2017) and labor exploitation (De Vries & Farrell 2018) analyze revictimization processes prior to as well as during the crime (recruitment, transfer, exploitation). The results show that trafficked persons experience trauma (poly-victimization) prior to being trafficked that significantly increases their likelihood of victimization in the process of being trafficked and successive stages. In cases of persons trafficked for sexual exploitation, the study finds that ninety percent have a history of prior poly-victimization in the form of physical, sexual, or psychological violence, financial stress or poverty, family dissolution, job loss by family members, child labor, and gender-based violence (GBV) based on sexual orientation (Hopper, 2017; Ottisova, Smith, Shetty, Stahl, Downs, Oram, 2018). With regard to psychological violence, various effects were identified, such as affect dysregulation, impulsivity, alterations in attention and consciousness, interpersonal problems, and deficiencies in self-perception. Girls and women who are trafficked for longer periods of time may be exposed to a greater number of abusive episodes and more sustained feelings of trauma, alienation, loss of control, humiliation, and hopelessness, all of which have been associated with mental health disorders. This key finding underscores the role of crime in increasing the risk of negative mental health impacts and suggests that girls and women exposed to longer periods of violence may require additional time for care and reintegration.

3.1. Huánuco Region, Puerto Inca Province, Indigenous Community 1

Table 1: Huánuco Region, Puerto Inca Province

Location	Huánuco Region, Province: Puerto Inca, District: Puerto Inca	
Area	2.71 km (District)	
Ethnicities	Seven indigenous communities of the Asháninka, Shipibo-Conibo, Yanesha, Cashibo-Cacataibo, and Quechua ethnic groups	
Human Development Index (HDI) 2019	0.4142 (District)	0.5858 (National)
Main problems and criminal activities	Deforestation, invasion of communal lands, illegal mining, environmental contamination by minerals (mercury)	
Vulnerabilities identified according to "Protocol for the accreditation of the situation of vulnerability of victims of trafficking" of the Public Ministry	Physical, psychological, environmental, socio-anthropological	
Education level	Pre-primary and primary; absence of educational centers at the secondary level	
Most vulnerable groups	Girls (including adolescents) and young women (1st) and boys (including adolescents) and young men (2nd)	

Source: Alberto Arenas Cornejo

Indigenous Community 1 (IC 1) is located in the hydrographic basin of the Pachitea river, which is the community's main water source through its streams. It finds its origins in the Peruvian Andes, which flows from the Ucayali River and in turn feeds into the Amazon River.

IC 1 is of Asháninka origin and belongs to the Arawak linguistic family. It is officially recognized as an indigenous community.^{13 14} However, its territory has not been georeferenced, therefore, its limits have

not been specified (Gobierno Regional Huánuco, 2021). This generates constant pressure from land invaders. IC 1 has a territory of 3,375 hectares and 25 homes (INEI, 2017). The data collected during field work suggests that 70 people reside in the community, grouped by families that are distributed into two sectors. As with many indigenous communities in the country, IC 1 lacks basic services such as electricity, water, and drainage systems.

¹² Instituto Peruano de Economía.

¹³ Directorial Resolution N° 0369-87-DR-XIV-HCO.

¹⁴ Directorial Resolution 0136-94-RAAC-DSRA-HCO.

3.1.a. Human trafficking and forms of exploitation

IC 1 is characterized by the duality of extreme poverty and wealth generated by the “gold rush.” One group in the community is dedicated to survival activities such as traditional agricultural cultivation, fishing, and hunting, as well as labor in livestock and agriculture, where they receive a daily wage of S/. 20 (US\$5) to S/. 30 soles (US\$8).¹⁵ A second group is engaged in mining for gold extraction, which occurs out of the scope of public entities and is carried out without adequate occupational health and safety.

According to a community leader, the community is one of the most involved in illegal mining within the province and has accumulated hidden wealth. Approximately 35 mining companies currently operate in the town and are causing irreparable damage to the environment. Community leaders and former leaders facilitate illegal mining and pressure community members to sell or lease their lands to miners. Local authorities lack the necessary security infrastructure to intervene and remain silent about the problem.

Illegal mining also occurs in other surrounding communities; Puerto Inca hosts numerous mining zones throughout the province. It is noted that the number of workers in this activity has increased in recent years as a result of the presence of miners from Madre de Dios, who have exploited mining with greater intensity as a result of their vast experience in this industry, possess capital and intensive mining methods, are not afraid of infringing mining regulations, and have security measures for theft prevention. Each mining area has security cameras and guards who serve as lookouts along the trail. All vehicles are carefully monitored. It is not possible to take photos or videos in these areas. These operations are powered by large amounts of fuel that

are transported to the area daily for mining activities, both for heavy machinery and electricity. The owners of these extractivist zones avoid contact with persons who are not engaged in this activity. They are only found in Puerto Inca to stock up on food or work material. Workers maintain secrecy about the type of work that they do.

Residents point out that they have been involved in artisanal mining since they were children. They washed the gold in rafts and segregated the mineral that was later sold in the offices of the former Banco Minero. The money they collected was enough to survive. However, artisanal miners can no longer engage in mining in the same way. Areas rich in gold are now occupied by “companies” that are armed with security personnel and weapons that make free movement impossible. In mining zones, one cannot stop freely, take pictures, or record a video. Routes are characterized by checkpoints where security guards or criminals stop or attack vehicles. Mining companies have enforced a security system in these areas as a way to protect themselves from potential gold theft. It was pointed out that robberies and assassinations have occurred in these areas in the past.

The route is made up of trails traversed by 4x4 vehicles that predominantly belong to local miners and ranchers. Persons traveling through the areas must be accompanied, and foreigners are easily recognizable. Along the route, the forests are visibly deforested as an effect of illegal logging and mining. Puerto Inca and Puerto Sungaro are home to numerous workshops and rental areas for mining equipment and supplies, some of them high-cost heavy machinery, such as backhoes, dump trucks and dredges valued at thousands of dollars, as well as shops for the sale of grocery products. In both

¹⁵ The national minimum wage is S/.930 (\$243).

places, logging, mining, and drug trafficking, along with cattle ranching and agriculture, are important aspects of the local economy.

Investments for mining projects begin with the purchase or rental of land for the sum of S/. 30,000 soles (US\$7,850) per hectare. This payment is made to the owners or holders of the land who are generally community members for the temporary use of land until it is exhausted. One of the persons interviewed disagrees with this practice because land is left infertile and fallow. Lands have been divided, with each household head possessing an average of 6 hectares and cultivating a portion of the land while renting out the remaining portion.

This provides an income-generating opportunity for those who previously had none. However, others feel pressured to sell or rent their land as a result of the presence of miners. Sometimes, 4x4 vehicles are also delivered as part of the payment for allowing mining on indigenous lands.

Workers are paid a daily wage of S/. 120 (US\$31). The work is carried out in three shifts that comprise a 24-hour day throughout the year. Some work without pay in exchange for keeping the production they obtain for one day a week, generating an income that fluctuates between S/. 1200 (US\$310) and S/. 1500 (US\$390) on single occasions. There are times when the land sold or loaned will not produce sufficient gold. In such cases, it is returned to the landowner and another plot is rented. However, this does not seem to occur frequently. It is estimated that each area typically produces at least 10 kilos of gold per month, which is sold in the informal market through gold purchase stores that exist in the district. In other cases, it is transported to other regions for export, however, this situation implies risks of theft and death as a result of the transfer of the mineral.

The Integral Registry of Mining Formalization (REINFO, n.d.) identifies 211 legal and natural persons registered under Law No. 31007 that “Restructures the registration in REINFO of natural or legal persons who are developing exploitative activities or benefit in the segment of small-scale mining and artisanal mining.” 107 have registrations that are currently suspended and 104 have active registrations. However, registration is insufficient and actors are obliged to also obtain approval from the Environmental Management Instrument. One study indicates that until 2021, 89.6% had not complied with presenting said document, 9 were under evaluation, and none had been approved (Velásquez, 2021). The same source indicates that, since 2012, when mining began to be regulated, a total of 30,592 hectares had been deforested. In accordance with Law 31388, which extends the regulation process, miners have until December 31, 2024 to formalize their activities. In practice, this registry is ineffective, because miners do not comply with their final accreditation and tend to evade the system by presenting successive requests under different names in order to save time.

Notwithstanding these findings, informants also mentioned that environmental and labor inspections are not carried out, nor are issues regarding community boundaries or strategies to implement tax evasion addressed.¹⁶ In September 2021, the Regional Council met in the community as part of the work plan of the Investigative Commission, which is responsible for the supervision of the work being carried out by the Regional Directorate of Energy and Mines of the Regional Government (Gobierno Regional Huánuco, 2021). At this meeting, the stakeholders came to a consensus regarding the need for the aforementioned entity to immediately halt mining operations in Puerto Inca by unauthorized agents. The stakeholders requested that authorities such as the Anti-drug Police, the Special Prosecutor's Office for Illicit Drug Trafficking crimes, and the Special Prosecutor's Office for Environmental Crimes intervene in areas where informal mining activity

¹⁶ A study on tax evasion in Madre de Dios's informal mining zone found that numbers fluctuated between \$94 million and \$145 million annually, as well as between \$47 million and \$73 million per mining canon (MINAM, 2016).

is taking place in order to better regulate mining activities and processes. An investigation found that local farmers often obtain authorization from REINFO and rent these to third parties, despite the fact authorizations are not transferable.

These individuals provide their authorizations in exchange for small sums of money or may be deceived about their legal implications. The conversations indicated that the chief of IC 1 has engaged in this practice before and rented or sold land for illegal mining activities (Leonardo, 2022). Drug traffickers often use this tactic to invade communal areas in various locations.

Logging of timber is another economic activity prevalent in the mountainous areas of IC 1, where natural forests are prominent. The timber is processed in the sawmills of Puerto Inca. From there, it is transported to Pucallpa and Lima. Part of the timber production stems from concessions. Deforestation is most severe in the mining areas and directly affects the quality of life of the communities.

The residents of IC 1 primarily engage in livestock and mining; however, the entire province is affected by drug trafficking and organized crime. A recent report suggests “crimes of kidnapping, extortion, homicide, illegal mining, land trafficking, and illegal logging have increased. For some years now, this situation has led this region to become a ‘second VRAEM’ (coca-growing area of the Valley of the Apurímac, Ene and Mantaro rivers) or an area freed for drug trafficking and organized crime (Miranda, 2022).” The entire zone¹⁷ has been in a state of emergency since December 2020. An indigenous leader points out that there is constant pressure to use communal land for drug trafficking. Land expansion and the geographical challenge of monitoring these territories creates favorable conditions for drug traffickers to operate. The Puerto

Inca Police Front, created in 2017 to address the situation, agrees and notes in an intelligence report the rise in criminal activities through drug trafficking, illegal mining, and related crimes (Ibid). Currently, groups have been formed in indigenous communities to monitor the territory, however, the murder of indigenous leaders and their families has increased at both the local and national levels. In the last two years, 29 environmental defenders and community leaders were murdered for advocating for the titling of their communal territory and the protection of forests from deforestation and drug trafficking (OjoPúblico, 2021).

The residents of IC 1 have characteristics that make them vulnerable to human trafficking and other forms of exploitation. Education, which is a vehicle for social mobility, is notoriously lower than the social average. Life expectancy at birth and family income are also lower.

✚ **Female adolescents are victimized in bars, canteens, and nightclubs in Puerto Sungaro and Puerto Inca. This happens in full sight of local authorities. Corruption by relevant authorities allows these activities to occur unrestricted and guarantees impunity for perpetrators.** ✚

A study on the role of corruption in human trafficking shows that officials are complicit throughout all stages of the crime, from recruitment to exploitation through the exertion of control (UNODC 2011). Male adolescents and adults of

¹⁷ Supreme Decree No. 021-2022-PCM (El Peruano, 2022), which extends the state of emergency declared in the districts of Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo and Honoría of the province of Puerto Inca of the department of Huánuco, in the districts of Constitución, Palcazú, and Puerto Bermúdez of the province of Oxapampa of the department of Pasco and in the districts of Raimondi, Sepahua, and Tahuania of the province of Atalaya of the department of Ucayali.

a working age view mining and drug trafficking as alternative economic activities.

These activities take place in extremely complex and dangerous contexts. Workers may be forced to stay in labor camps used for drug trafficking. In illegal mining and logging, working conditions do not meet the minimum standards for the protection of human rights. Workers are not hired formally through contracts and occupational health and safety is nonexistent; in some cases, persons have died and injured workers have had to assume the costs of accidents.

Human traffickers employ various means and ends through direct recruitment for work in bars, agriculture, and mining or through third parties, as in drug trafficking and logging. The transportation, transfer, harbor, and receipt of persons occurs through existing routes to Puerto Inca and neighboring areas such as Puerto Sungaro.

handling of mercury and other chemical inputs, the risk of accidents and the absence of security measures and care for those injured, and geographic remoteness and isolation, among others. In this work, the voluntary nature of the work may differ depending on the associated labor conditions, which include the use of threats or punishments.

✚ **The abuse of a position of vulnerability is the principal means through which persons are victimized; in particular, this is evident in the abuse of the conditions in which indigenous persons live, which is a consequence of State neglect.**



The most common forms of exploitation are for sexual and labor exploitation and forced marriage. Some activities occupy a gray area between crime and labor rights violations. This is evident in the conditions surrounding alluvial gold well extraction, which include: long work hours, exposure to solar radiation of pieceworkers in cultivation areas, the

3.1.b. Vulnerability of people and communities

Indigenous Community 1 has a primary school that offers a mixed education (IE N° 33491) (Estadística de la Calidad Educativa, n.d.). 34 students are enrolled in courses from first to sixth grade, corresponding with the Peruvian education scale. Students attend a morning shift. Since its operations from 2012 to 2020, the school has had one teacher who also served as a director. In 2022, another position was created. There are now two teachers who live and work in the community, with one exercising a director role. As with the entire community, the facility lacks electricity and drainage. In 2022, the director built a water reservoir that extracts water a few meters from the subsoil through a well. This is used to wash hands. Toilets are unavailable, and waste is dumped underground again through a silo. Classes are taught in Spanish, due to the lack of indigenous language specialists throughout the region.¹⁸ The school has a single space for all of the students. Due to the lack of space, it uses a section of a healthcare facility built by the community. All schoolchildren are enrolled in the Qali Warma National School Feeding Program,¹⁹ which provides daily meals during the school year through monthly delivery of food.

IC 1 is approximately one hour away from Puerto Inca by motorcycle. A trail that serves as a road runs through the illegal mining area, however, it is risky to traverse. As a result of the absence of a paved road connecting the two sites, students cannot travel daily to the school in the district's capital (Colegio Luis Benjamín Cisneros) and can only attend the community school. As a result, after completing their primary education, many, particularly women, cannot continue studying due to the cost. Others migrate to the district capital, where a high percentage discontinue their education.

As a result of poverty, those who wish to continue their studies but do not have sufficient financial resources seek alternatives such as employment in the informal labor market. In other cases, they request locals to “sponsor” them. The director of the school reports that this situation results in a large number of students dropping out of school, particularly girls. Even those who manage to access an education suffer multiple forms of discrimination at school due to their ethnicity, language, customs or social norms (including dress), existing level of education, and poverty (lack of economic resources to participate in school activities or purchase educational materials). This discrimination stems from their peers but is also evident from teachers, who show little empathy towards indigenous students and do not adopt a bilingual intercultural education strategy (Ministerio de Educación, 2016).

18 Law N° 28044, General Education, acknowledges and guarantees indigenous communities' right to education on an equal basis to that of the national scale. Law N° 27818, Bilingual Intercultural Education, establishes that the State must acknowledge cultural diversity as a value and promotes bilingual intercultural education in regions where indigenous communities reside. Through Ministerial Resolution N° 629-2016-MINEDU, Peru approved the National Plan for Bilingual Intercultural Education 2021.

19 Entity of the Ministry of Development and Social Inclusion.

In 2022, of six students from the community who were enrolled, four had dropped out in the middle of the year and only two remained in school. One of them is sponsored by a teacher and another engages in an unknown economic activity. A pregnant adolescent was among the group of students who had dropped out.

The school has solar panels that provide internet access at certain times, but this service has been lacking since the end of the first semester.²⁰ The Ministry of Education provided the school with five tablets; however, this is insufficient considering that there are 34 students. Although the community suffers from technological isolation, it is able to attain a level of connectivity through the director's satellite television. Telephone signals are unstable and not permanent, and a large part of the population lacks cell phones and computers.

The community has a structure built from wood that was intended to serve as a medical center, however, it currently operates as a classroom. A trained health worker is present and available to deliver first aid. Although approximately 50% of the residents are minors, there is no periodic monitoring of their development, and preventive health care is practically nonexistent. Furthermore, the community lacks drinking water, and acute diarrheal infections (ADIs) are prevalent. The diet is based on the consumption of cassava; vegetables, fruits, and animal protein are not eaten frequently. Residents point out that anemia is frequent in children. A large group of adolescent mothers visits Puerto Inca for medical check-ups. Many give birth in the community and are attended by their mothers or midwives.

Gender-based violence against young girls and adolescents is a serious concern. The school director and the women interviewed express their concern about GBV as an issue within and outside of the boundaries of their community.

 **The early unions or marriages of girls often occur as a result of sexual and economic violence. However, persons avoid publicly problematizing the practice as “forced marriage,” and the practice is instead normalized.** 

From a gender perspective, roles are highly delineated in the community. Women are seen as responsible for procreation and care, while men are responsible for the provision of resources, which are scarce and cannot sufficiently cover families' basic needs.

From an intersectional approach, low schooling, the absence of support networks, early pregnancy, poverty, and economic dependence are amalgamated (Moreno, 2021). After becoming pregnant, some of the girls are abandoned and are left in the care of their mothers. In other cases, they move in or continue living with their “partners.” Health strategies for sexual and reproductive health, such as birth control and treatment for human immunodeficiency virus and sexually transmitted infections, are absent or have minimal impact. The protection of at-risk children is also absent or minimal. Those interviewed indicate that the average family size ranges between 7 and 8 members.

Adolescents, many of them young mothers, work in childcare in the district capital or other locations outside of the community. A number are handed over to “godmothers” or “godfathers.” And others “work” in bars and canteens located in Puerto Sungaro next to Puerto Inca, where they entertain, consume alcoholic beverages, and have sexual relations with clients. Numerous establishments of this kind operate 24 hours a day. The main clients who frequent these establishments are miners, persons involved in drug trafficking, and other locals. The establishments charge S/.10 (US\$3) for beer and between S/. 70 and S/. 80 (US\$18-21) for sexual services.

²⁰ As a result of not paying for the service

Taking as a reference the Public Ministry's Protocol for the Accreditation of the Vulnerability of Trafficking Victims, the following table displays the socio-anthropological vulnerabilities that correspond with IC 1.

Table 2: Vulnerability Factors in IC 1

Type of Vulnerability	Factors
Age	Nearly 50% of the residents of IC 1 are minors who lack protection. Children are born and grow up in adverse contexts that hinder their holistic development. Basic rights such as nutritious food, health, education, and protection from violence are limited. Authorities throughout the three levels of government show complete disregard for these problems. Age is a contributing factor of high vulnerability from the time they are born; survival is not guaranteed due to the risks associated with births as a result of the lack of maternal health.
Education	Education is not a guaranteed right in the community. Despite the presence of basic infrastructure and teachers, these are not sufficient benchmarks of the fulfillment of State obligations in the area of education. The intercultural bilingual education system has not been sufficient to guarantee this right, and students have not continued onto secondary education. Discrimination, among other factors, affects whether children in the community continue their education in Puerto Inca.
Poverty	The majority of the population lives in extreme poverty, with the exception of those who have rented or sold their land to miners. The precarity of the local economy hinders human development and perpetuates poverty over time.
Language	Arawak is the mother tongue of IC 1 residents. However, the local primary school and secondary school in Puerto Inca both offer instruction in Spanish. Moreover, the use of indigenous languages is socially sanctioned and perceived to inhibit learning in secondary school.
Geographical remoteness	Despite located an hour by motorcycle from the district capital, IC 1 lacks paved roads that facilitate access to services. The trail is often a deadly trap for those who dare to travel unaccompanied. During the rainy season, it is even more impassable.
Ethnicity	National authorities officially recognize IC 1 as a community belonging to the Asháninka people.
Conflict	Between 1988 and 1989, the area was taken over by the terrorist group Túpac Amaru. Extreme violence resulted in a large number of deaths, economic losses, and trauma.
Migration	The population of IC 1, particularly adolescents, are forced to leave the community in order to access education and work. This situation places them in conditions where they are at risk of victimization.

Source: Protocol for the Accreditation of the Vulnerability of Trafficking Victims of the Public Ministry

Other vulnerabilities identified in the community include the unsustainability of livelihoods (land tenure, agriculture, fishing, etc.), an inability to adapt to environmental degradation, health risks due to contamination from mining, and threats to the preservation of the community.

Although disaggregated data on IC 1 cannot be obtained through the Human Development Index, existing data extrapolated from the district indicates a lower HDI than the national average across all areas, which reinforces the argument that indigenous communities are less developed and are more vulnerable to certain conditions compared to the rest of the country's population. This, in turn, means that they are especially vulnerable to human trafficking and modern slavery.

Table 3: Human Development Index (HDI) – 2019, Province and District of Puerto Inca

Indicators	National	Provincial	District	HDI National	HDI Provincial	HDI Local
Population	31,296,142	26,860	6,199			
Life expectancy at birth	75.42	71.35	70.47	0.8404	0.7725	0.7578
Population (18 years) who completed secondary education	67.67	32.28	35.52	0.6767	0.3228	0.3552
Years of education (Population aged 25 and over)	9.14	5.80	6.41	0.5166	0.2814	0.3250
Per capita family income (soles/USD)	S/. 1,032.16 (US\$270)	S/. 649.92 (US\$ 170)	S/. 715.45 (US\$ 187)	0.4045	0.2495	0.2760
HDI				0.5858	0.3873	0.4142

Source: Instituto Peruano de Economía

The residents of IC 1, like many others from surrounding indigenous communities in the district, are abandoned by the State and deprived of the minimum conditions for protection. In this area, persons live between neglect and exploitation, and there are limited paths for community and human development. The situation of girls, adolescents, and women is extremely violent, and they are subjected to “relationships” for which they are not prepared at an early age. Moreover, they are not identified as victims even when in contact with the limited service providers in the area. In this context, vulnerability is latent. Among community residents are persons who have been victimized in various forms of exploitation and those who are at risk of victimization. Ethnic discrimination is prevalent.

✚ Ethnicity is not considered a valuable asset for development and human rights are not guaranteed.



3.1.c. Magnitude of the problem

According to official information, in 2019, the Peruvian National Police received 9 reports of human trafficking. 7 of them involved women and 2 involved men. 5 of the reports involved minors. In 2020, 12 reports were addressed involving solely women, 10 of which were minors. In 2019 and 2020, the Public Ministry received 27 and 13 reports respectively. Among those who were deprived of liberty, 9 were identified in the region's Penitentiary Establishment (INEI, 2021). However, official data (National Police and Public Ministry) on documented cases of human trafficking do not disaggregate by indigenous community.

Environmental impacts are a serious concern in the community, in particular, the deforestation through illegal alluvial gold mining and the contamination of water from streams due to the intensive use of mercury²¹ in illegal mining settlements that are located throughout the territory. These activities affect not only workers but also community residents. In alluvial gold mining, the "movement of large volumes of gravel is carried out with the consequent elimination of the vegetal cover (the felling and burning of forests), the removal of soil, and forced erosion," affecting aquatic life and water channels (MINAM, 2017) through excavation with backhoes that reach tens of meters deep. Land becomes unproductive and contaminated. As a result, residents cannot engage in livelihoods like agriculture or forestry. Mining waste is dumped daily into the subsoil, into the environment through evaporation, or into streams, soil, and water (Velásquez, 2021). Areas lack tailings management systems, which aggravates the situation. Persons interviewed agree that before, the water was transparent and safe for drinking, however, now it has a different consistency and is cloudy.

Indigenous communities have coexisted with nature and acquired extensive knowledge about biodiversity, water, and climate. However, the unfettered presence of informal miners who exploit and degrade their lands has altered this relationship and affected their means of subsistence. Moreover, local chiefs and authorities have been implicated in illegal activities and the perverse cycle of impunity. The entire community assumes the repercussions and is criminalized when its chiefs contravene the principles of care and coexistence with nature in exchange for economic benefits. At the same time, the Amazon is continuously being contaminated in a vicious cycle that repeatedly plunges communities into permanent poverty.

²¹ "It is estimated that in the last 20 years, more than 3,000 tons of mercury have been released into rivers within the Amazon, contaminating water, aquatic organisms, and human populations, which consume water and fish (MINAM, 2017)."

3.2. Ucayali Region, Atalaya Province, Indigenous Communities 2, 3, and 4

Table 4: Ucayali Region, Atalaya Province, Indigenous Communities 2, 3, and 4

Location	Ucayali Region, Province: Atalaya, District: Raimondi	
Area	14,508.51 km (District)	
Ethnicities	Groups: 121 indigenous communities of the Asháninka, Asheninka, Amahuaca, Yine, and Quechua ethnic groups	
Human Development Index (HDI) 2019	0.3376 (District)	0.5858 (National)
Main problems and criminal activities	Deforestation, invasion of communal lands	
Vulnerabilities identified according to "Protocol for the accreditation of the situation of vulnerability of victims of trafficking" of the Public Ministry	Physical, psychological, environmental, socio-anthropological	
Education level	IC 2: Pre-primary, primary, and secondary; IC 3: Primary; IC 4: Primary	
Most vulnerable groups	Girls (including adolescents) and young women (1st) and boys (including adolescents) and young men (2nd)	

Author: Alberto Arenas Cornejo

The district of Raimondi is located at the junction of the Tambo and Ucayali rivers, which converge with the Marañón river into the Amazon river. The indigenous communities that are part of this study reside in this area. IC 3²³ and IC 4²⁴ are officially recognized, while IC 2 has not been officially recognized due to its relocation in recent years requiring migration from a flood-prone zone to a safer location (Ministerio de Cultura, n.d.).

²² Instituto Peruano de Economía.

²³ Directorial Resolution N° 0212-89-UNA-XVI-J, RM N° 0244-93-AG.

²⁴ Directorial Resolution N° 043-89-DD-UA-XXIII-UC, RM N° 0244-93-AG.

3.2.a. Human trafficking and forms of exploitation

A significant percentage of the population has worked in the agricultural sector in cocoa, coffee, ginger, and other farming in contiguous localities, such as Satipo in the Junín region. Agricultural workers report having worked days consisting of 10 to 12-hour shifts. They are paid by piece rate for “full cans,” as in the collection of cocoa, where they receive between S/.17 (US\$4) and S/.18 (US\$5). Recruiters arrive in the community offering immediate work and transport workers in vans. Agricultural work is carried out seasonally and requires a high level of physical effort. As a result, few community members remain in this activity for multiple seasons.

Across the three communities, workers primarily engage in subsistence agriculture; this is especially true for elderly persons with extended families. Women are least likely to access employment outside of the care economy. They are responsible for managing large households in a context of limited resources.

✚ **Job opportunities and income generated from the sale of agricultural crops are insufficient. In this context, job offers in exploitative conditions or contemporary forms of slavery are common.** ✚

Adolescents are sexually exploited 24 hours a day, 7 days a week, in bars and nightclubs by the Atalaya pier. Clients are mostly locals, criminals, and persons complicit in drug trafficking. The commercial sexual exploitation of children happens in plain sight of local authorities; these do not regard the practice as a crime because

the victims frequent the establishments in search of “work.” The number of officials in the area responsible for protection is insufficient, and those who are present are often overwhelmed by the need to tend to other issues in Atalaya. A protective services official for female victims of violence reports that cases of sexual violence against minors have increased. This has resulted in a large number of adolescent pregnancies. In at least 50% of the cases, the perpetrators are known to the victims. The official describes that in these cases, vulnerability to exploitation increases, and pathways for a better life are limited. The official points out that it is impossible to address the few cases that are reported in indigenous communities due to the high cost associated with accessing the communities as well as the security risks to personnel.

Various sources mention that adolescents are hired for agricultural activities in the area, as well as in the neighboring region of Junín. Many are hired on a piece rate basis in exchange for work, food, and accommodation. The working conditions in agriculture are precarious; public entities at the national and regional levels do not monitor occupational health and safety and labor rights. Contractors impose labor regulations. They recruit workers in their communities and transport them to work sites in vans. Men and women engage in agricultural activities on a seasonal basis and for periods ranging from two to three months. Adolescents enrolled in school also engage in agricultural work in exchange for lower pay. When asked about the working conditions, community members preferred to remain silent. A select number of workers fell wood that is then carried out to camps located in mountains several hours away. In these sites, work takes place 24 hours a day through various seasons of the year. This work requires knowledge and experience since it is high-risk and extremely exhausting.

As a result, recruiters do not always hire workers from indigenous communities. A local informant mentions that this activity results in the felling of trees in prohibited areas.

Adolescents and young people from the communities also participate in the cultivation of the coca leaf as well as its transportation through routes along the forest. Despite the secrecy surrounding this fact, various local informants who have engaged in this activity described the process. Recruiters offer wages higher than the local average and hire workers from agricultural areas. Once hired, workers cannot escape the circle of crime, and those who try to flee are killed or persecuted. The promised salary is not always paid. Workers are forced to vow secrecy at the expense of their lives. In coca production, one must be extremely discreet and abide by the limits of work. One person points out that they were forced to work for 3 years without an opportunity to leave. His family thought that he had died. In another case, a family member recounts that his nephew witnessed the murder of farm owners associated with this activity.

The aforementioned reality occurs in a context where local authorities are in a state of oblivion, operating in isolation while coexisting with the issue. An official points out that the Police Station only employs 18 police officers. They work in shifts, meaning that the number of effective personnel is actually halved. Officials responsible for the protection against violence inform that the area has 4 criminal prosecutors. However, they each have more than 700 cases. In the area, a Community Mental Health Center was recently established. The Center is expected to cater to victims of violence and provide essential services.

State presence is weak and insufficient at addressing the needs of the local population,²⁵ and in particular, the needs of indigenous communities. Resources are insufficient and studies depicting the needs and demands of communities, as well as strategies to respond to these throughout the district, are lacking. To reach communities, specific vehicles must be used that can traverse the terrain. The additional transportation costs implicit in going to these communities contributes to their isolation. However, plans and promises to pave these roads with asphalt never materialize. During the fieldwork, it was evident that the first access road was being established. When asked about the plans to finalize the construction of the road that appeared to have been started, informants mentioned that the intention was only to smooth the road using heavy machinery. The limited presence of the State means that many of the access roads are opened by illegal loggers who use heavy machinery to clear the way for their wood extraction operations in the highlands. Communities also rely on these paths.

The acts, means, and purposes that constitute human trafficking are similar to those of IC 1. Recruiters take advantage of the limited employment opportunities and the family burden of adolescents. Persons are transported and transferred using existing roads to the district capital and neighboring regions such as Junín. The most prevalent means of human trafficking are through the abuse of a position of vulnerability and through the extension of job offers. Sexual and labor exploitation are the most common purposes identified.

²⁵ Estimated at 12,000 individuals.

3.2.b. Vulnerability of people and communities

Although the three communities live in poverty and in extreme poverty, residents are affected differently. The majority survive by engaging in subsistence agriculture, especially through the cultivation of cassava and other agricultural crops. Among this group are female heads of households with a high family burden, elderly persons and, in general, those with limited or no access to educational opportunities, many of whom have previously been engaged in exploitative work. A second group consists of persons who, in addition to what has been described, also produce cocoa and other agricultural products on a small-scale. They possess knowledge about basic agricultural techniques but lack access to developed markets and cannot negotiate prices for their products. A minority of the population consists of persons who have had access to formal education and engage in bilingual intercultural teaching or participate in the economic circuits of more developed areas in agriculture, services, and other sectors.

IC 2 has a school with 12 teachers ²⁶ and 155 students ²⁷ and provides instruction at the pre-primary, primary, and secondary levels. Students receive food daily during the school year through the Qali Warma National School Food Program, which delivers food to the school on a monthly basis. The biggest challenges are the lack of adequate infrastructure and educational opportunities at a higher technical level. The school lacks electricity and drinking water. However, it has solar panels that generate electricity and facilitate internet access. IC 3 is the smallest of the three communities studied. It has a primary school run by three teachers, but lacks pre-primary and secondary education. In this community, the leaders are more reserved and do not allow personal interviews. All information must be obtained through community meetings where only the men speak. Students who wish to continue their studies, generally males, must travel to Atalaya and assume costs in Puerto Inca similar to those identified in IC 1. IC 3 has a cell phone antenna, but few people have communication devices. IC 4 has a school that provides instruction at the pre-primary, primary, and secondary levels and employs 16 teachers ²⁸. There is no internet signal, although the school has tablets for students and solar panels.

IC 2 has a health center located in the annex. It is run by an obstetrician and two nursing technicians. There is also a community health worker and a first-aid kit. Although the health center is located in the annex, the access routes consist of unlit trails which must be traveled by foot. These cannot be used during advanced stages of pregnancy or illnesses that prevent mobility. The doctor in charge of the establishment shares a concern for adolescents, many of whom become mothers at an early age, as well as for persons with sexually transmitted infections and HIV who do not receive treatment or follow-ups. Adolescents contract these illnesses in establishments in the port of Atalaya or towns such as Satipo in the region of Junín, where alcoholic beverages and sexual services are sold.

The residents of IC 3 express their concern for their community's health, and in particular, for girls and boys who suffer from anemia, fungi, parasites, and other conditions. The individual responsible for the administration of the first-aid kit mentions that there is a lack of medicine and that people die due to a lack of care. The closest health center is located in Atalaya, 45 minutes away by carriage track, which makes access complex. In addition, Atalaya lacks services or strategies to assist patients' relatives, therefore, relatives from

²⁶ 2 in basic, 4 in primary, and 6 in secondary education.

²⁷ 25 in basic, 60 in primary, and 70 in secondary education.

²⁸ 2 in basic, 8 in primary, and 6 in secondary education.

indigenous communities have to assume additional costs. A person from the community points out that, unlike the countryside, where one is close to nature and can access food (cassava, fish, etc.), in the city, one can die of hunger. Women give birth in their homes, where they are cared for by their mothers or other women in the community, however, there is no guarantee for the safety and health of the mother and child.

The local diet in the three communities is similar and primarily consists of cassava, plantains, and fish. Animal protein is lacking since hunting does not occur frequently. Vegetables and fruits are not consumed. Adults drink masato daily. This drink is made from cooked and fermented cassava and is associated with energy for work as well as with male reproductive health. In IC 4, there is a lack of medical services, and the first-aid kit is out of stock. However, it has a trained community member who administers the first-aid kit. Traditional medicine is typically administered first and doctors are a last resort if all else fails. This situation generates conditions of vulnerability at the individual and community level. The neglect that is experienced largely affects girls and boys who are forced into adverse conditions at an early age.

✦ **In the communities, persons cannot thrive; they are forced to survive using their own means in the midst of a State that is indifferent.** ✦

Discrimination is one of the contributing factors of vulnerability in this context. This is explained by the regard for indigenous persons as second-class citizens. Although national and regional government authorities share a concern about this issue and implemented instruments such as the Regional Plan Against Human Trafficking and Forced Labor and the National Policy Against Human Trafficking and its Forms of Exploitation, efforts are clearly insufficient.

There is an absolute lack of empathy towards mothers and the frustration and pain they feel. They are forced to live a life they did not choose and are worried about the future of their children. Mothers experience physical, psychological, and economic abuse within a patriarchal society where they are forced to marry or live with partners whom they did not choose, who force them to bear children in order to prevent them from leaving.

✦ **A community member who lived outside of the community for a few years affirms “love does not exist here” and calls for an end to the practice of handing over girls to adult men.** ✦

These practices can be explained by the wider vulnerabilities experienced. From an early age, children learn to live in these conditions and the patriarchal roles within society. School is not a place where human rights are endorsed, and the lack of access to online media hinders access to outside information. Persons find themselves in this situation, and girls and boys are most vulnerable.

These vulnerabilities also manifest in the collective. The insecurity surrounding land use and the criminalization of communities who are complicit in illegal logging, often as a result of deception or agricultural subsistence, are some of the ways that discrimination manifests. Communities are also vulnerable when chiefs habitually concede their territories to third parties. Increased threats and assassinations against chiefs who defend their territory or speak out against third-party criminal activities such as drug trafficking are the main risks affecting the area.

Those in surrounding cities share the perception that indigenous persons are “lazy” because they lack initiative and are unwilling to give up their traditional practices. As a result, there is a sense of mistrust and difference. This perception is underpinned by the same prejudice and discrimination that leads to indigenous communities’ neglect. However, the reality in the indigenous communities studied is far from these perceptions. The young generation is aware of the realities affecting their communities and aspire for a better future despite the limitations and taboos in place to silence their voices, especially the voices of women. Some of the community leaders are open to change. However, change cannot occur spontaneously. It must occur through State involvement and knowledge and services that enable communities to access better opportunities.

According to the “Protocol for the accreditation of the situation of vulnerability of victims of trafficking” of the Public Ministry, the following table contains some of the socio-anthropological vulnerabilities affecting the communities.

Table 5: Vulnerability Factors Found in IC 2, IC 3, and IC 4

Type of Vulnerability	Factors
Age	The percentage of minors in all of the communities is close to 50%. Children's situation is especially adverse. The conditions in which children come into the world do not guarantee their survival or development. Food insecurity, as well as the absence of basic services such as drinking water and sewage systems, expose children to various diseases. These are treated through traditional methods that are not always effective. Children lack access to health checkups and to vaccines. They are also deprived of footwear, clothing, stimulation, protection, and other necessities. Children's main activities, in addition to learning from their parents and engaging in agricultural work, are centered on playing soccer. This is a sport where men and women compete as equals on the field. Despite the wide terrain and the great physical effort required, children play happily. However, childhood does not last very long, and at an early age, parents give their girls to unions or marriages; they are forced to live with partners and bear their children. This responsibility emerges at the age of 12 or 13. On average, women in the communities have approximately 7 children.
Education	Education is lacking and access to various levels of education is not guaranteed. Students do not attend classes consistently. They are often absent for long periods of time, typically for work reasons. Teachers condone the behavior in order to discourage drop outs, which reduce the number of enrolled students and diminish the number of teacher positions and food allocated in communities. A teacher mentions having great difficulty providing instruction in the midst of scarce educational resources and poverty. They also describe cases of the commercial sexual exploitation of female students in bars and labor trafficking of students engaged in the cultivation of coca. Another teacher expresses concern over the high number of adolescent pregnancies, which disrupt the continuation of studies. Parents who never had access to education struggle to support their children's schooling.
Poverty	The communities' residents are poor or extremely poor. They are devoid of economic opportunities and are forced to accept job offers that may lead to exploitation. Poverty is not only monetary, it is also of a multi-dimensional nature. It not only limits access to material goods necessary for survival, but also deteriorates the quality of life, and in particular, to a life of dignity. This is the reality for minors. Adolescent mothers and young household heads are trapped in perverse cycles of poverty.

Type of Vulnerability	Factors
Language	Residents in the communities speak Asháninka and Asheninka. However, the education and services provided are not necessarily of an intercultural nature. In this context, language is a significant limitation in schooling and educational continuity. It is a factor used to discriminate and hinder access to development.
Geographical remoteness	The communities are accessed by roads or motorized trails. Their remoteness poses insurmountable barriers for development. Lack of access to communication technologies and services due to geographic remoteness is prevalent. Geographic remoteness inhibits access to justice and the protection of victims.
Ethnicity	The communities studied belong to the Asháninka and Asheninka people.
Conflict	In the 1980s, terrorism was rampant in the communities. Residents recall the lived trauma during this time due to the armed conflict. This included the recruitment of community members for terrorist acts.
Migration	The three communities lack employment and economic opportunities, especially for adolescents and youth. As a result, they are forced to migrate to other areas where they can earn a living. This situation may lead to exploitation or working conditions that violate fundamental labor rights. Residents report cases of adolescents and youth who left their communities after receiving job offers or who left in search of employment in surrounding areas. Some have not returned and their families have lost contact. In this context, migration often represents the only opportunity to get ahead.

Source: Protocol for the Accreditation of the Vulnerability of Trafficking Victims of the Public Ministry

Raimondi district has a Human Development Index with a life expectancy at birth significantly lower than the national average. This may be influenced by the large number of indigenous communities that inhabit the territory. Secondary education and per capita income are 50% lower than the national average.

Table 6: Human Development Index (HDI) – 2019, Atalaya Province, Raimondi District

Indicators	National	Provincial	District	HDI National	HDI Provincial	HDI Local
Population	31,296,142	51,578	32,925			
Life expectancy at birth	75.42	60.88	60.44	0.8404	0.5981	0.5906
Population (18 years) who completed secondary education	67.67	28.23	31.76	0.6767	0.2823	0.3176
Years of education (Population aged 25 and over)	9.14	6.15	6.28	0.5166	0.3064	0.3157
Per capita family income (soles/USD)	S/. 1,032.16 (US\$270)	S/. 522.33 (US\$ 170)	S/. 542.04 (US\$ 187)	0.4045	0.1977	0.2057
HDI				0.5858	0.3264	0.3376

Source: Instituto Peruano de Economía | Author: Alberto Arenas Cornejo

3.2.c. Magnitude of the problem

Similar to what was discussed pertaining to IC 1, official sources of data (National Police, Public Ministry) lack information regarding the number of cases of human trafficking in the area. One of the main challenges that indigenous communities are facing is the right to their territory. This is largely due to logging concessions, which overlap with their lands, in addition to the fact the boundaries of their territories have not been demarcated. This situation creates legal unease for the communities. It also affects their worldview, since they regard themselves as “guardians of nature”²⁹ and everything it contains: water, forest, air, and resources for their livelihood. External pressure on their lands endangers their lives (Encinas, 2014). Fines for the misuse of the forest have been imposed on IC 2 and IC 3. These communities had made agreements with logging companies, who then logged trees in unauthorized areas.

✚ **The implementation of fines does very little beyond criminalizing members of the community, who are deceived and whose vulnerabilities are abused.³⁰ Local chiefs express that they were deceived in these agreements and are now forced to pay fines and face criminal proceedings.³¹** ✚

In IC 2, a portion of the profits obtained from wood production were distributed equitably to each family in the community. Another percentage was allocated to increase access to water through basins in the external part of the community.³² To respond to the situation, the Agency for the Supervision of Forest and Wildlife Resources (OSINFOR) now covers fines for communities that agree to conserve their forests.³³

The risk of modern forms of slavery increase in a context marred by a lack of labor rights, non-compliance with labor regulations, a lack of supervision, and the presence of highly vulnerable populations. The life stories collected throughout the study confirm this.

²⁹ Testimonial of an ex-chief from IC 2.

³⁰ According to the United Nations Office on Drugs and Crime (UNODC), the most significant factors contributing to individuals' vulnerability to human trafficking (which are sometimes indicators for human trafficking) are: sex, minority status, and legal status.

³¹ According to the OHCHR's (2010) Recommended Principles on Human Rights and Human Trafficking, Principle 7 establishes that human trafficking victims should not be detained, charged, or prosecuted for having entered into or illegally resided in transit or destination countries or for having participated in illegal activities that were a direct consequence of their situation.

³² Testimonial of an ex-chief from IC 2.

³³ Directive N° 005-2016-OSINFOR/05.2

Results from the survey indicate that:

89%

of the people surveyed
would choose other work
if they had the option

71%

worked day and night
missed school at least
once to engage in work

33%

mention that they
have not received
the promised wage

83%

are willing to migrate
elsewhere for work

Finally, a portion have characteristics that are reminiscent of indicators of forced labor:

14%

had their
documents
withheld

11%

worked under
surveillance

25%

worked day
and night

14%

were not allowed
to leave their job

21%

received fines or
economic sanctions

10%

were threatened
by their bosses

46%

experienced
accidents

Conclusion

- The public response and the national framework against forced labor is limited to penalization, which is clearly insufficient.
- The four communities that are part of the study experience similar realities given that they have been subjected to systemic and historical violence. These include a lack of access to basic public services and precarious socio-economic conditions, which are fundamental to their economic and social development. The communities are characterized by:
 - an insufficient education that does not guarantee access to various levels or to bilingual intercultural education.
 - health care deficiencies; a lack of medicine, services are not provided regularly, and they are often insufficient or not adapted to different populations (language, culture, distances).
 - extreme poverty and social neglect; the local economy is precarious and hinders human development; poverty is chronic.
 - a lack of job opportunities for youth; as a result, they end up working in extractivist industries that contribute to pollution in the area and that are shaped by dangerous working conditions; these activities are not monitored by national or regional governments.
 - gender-based violence, especially against minors; early unions or marriages are normalized and take place as a result of economic insecurity and sexual violence; this is often accompanied by adolescent pregnancies.
- Some of the main risk factors that traffickers abuse to recruit indigenous persons from the communities studied, especially children (including adolescents), are: economic need, sexual violence, limited education, extreme adversity, and State neglect.
- The limited presence of the State and deficient monitoring mechanisms facilitate the proliferation of illegal activities such as illegal mining and logging, drug trafficking, sexual exploitation, and corruption and impunity.
- High informality in the labor market and criminal activities in the mining sector have increased notably, particularly in alluvial gold extraction, which is a breach of existing regulations and is linked to other illegal activities. Authorities' lack of resources makes it impossible to address the situation.
- Corruption and impunity for crime persist in the communities studied. This normalizes individual and collective rights violations.



- Disaggregated statistical data by indigenous community on cases of human trafficking, forced labor, and other forms of exploitation are lacking. Non-disaggregated data obscure the inequalities that make indigenous communities more susceptible to human trafficking. Designing appropriate strategies for each context and the specific needs of each population is essential. At the public policy level, what is not counted, does not exist.
- The absence of reports and records on cases of human trafficking in rural areas influences existing statistics; official information does not reflect the rural realities or the situation of trafficked persons. Trafficked persons lack access to justice and to protective services. There is a significant underreporting of cases, which means that trafficked persons are not being identified and are at risk of re-trafficking.
- Recruitment into human trafficking is associated with structural discrimination against indigenous communities in the labor market (lack of education, cultural prejudices) and their social exclusion (poverty, geographic remoteness). Persons are forced to accept precarious working conditions that are exploitative and tied to criminal activities such as illegal mining or logging.
- On numerous occasions, indigenous communities and their leaders are criminalized for environmental crimes, regardless of whether these occurred under the presence of coercion, threats, deception, or abuse of vulnerability. As a result, victims of human trafficking may be treated as criminals rather than as victims.
- Indigenous communities are characterized by the absence of clear territorial boundaries, logging concessions that overlap with their land, and constant territorial pressure from those involved in illicit activities such as drug trafficking or illegal mining. Levels of violence have increased, especially against environmental defenders and community leaders who advocate for their territories and forest preservation from deforestation and drug trafficking.
- Deforestation and environmental degradation are accelerating in the areas studied. This severely alters the ecosystem and exacerbates the effects of climate change. Soil degradation diminishes agriculture or forestry, which affects indigenous livelihoods and increases their vulnerability.
- The use of mercury in illegal mining settlements has a serious impact on the health of indigenous communities, especially that of children. Traditionally, indigenous persons have maintained a relationship of care and coexistence with their environment, however, this is being severely altered.
- If we do not understand how human trafficking, forced labor, and other forms of exploitation manifest in particular contexts or affect the human rights of indigenous communities, who have a history of discrimination and marginalization, we will not be able to contribute towards the eradication of such practices. As a start, we must first avoid silencing their voices.

Recommendations

Prevention

Guarantee equal access to essential public services in indigenous communities.

Government and civil society must ensure that indigenous persons have equal access to basic services such as education, health, decent work, and security. It must eradicate structural barriers that contribute to discrimination and exclusion. Access to public services needs to consider the diversity of communities and how culture influences service provision.

Implement policies that promote climate change resilience through environmental protection and regulations on environmentally degrading industries.

The government must address biodiversity and habitat loss in the Amazon to reduce their impact on indigenous communities' human rights. Stringent policies must be implemented to eradicate illegal mining and logging and curb the economic industries with the most environmental impact, according to international environmental standards. This must be done through consultative and participatory processes with indigenous communities. Government agencies must assess and monitor labor rights conditions in these industries in accordance with international standards.

Enhance the public sector's regulatory mechanisms by increasing transparency in regulatory processes.

Responsible government agencies must ensure that they monitor and evaluate mining and logging activities for their social and environmental impact. Inspections and audits must be conducted frequently and incorporate assessments for labor rights violations. This will require increasing the number of trained personnel and collaborating with indigenous communities.

Increase resources for the implementation of national policies that address human trafficking and exploitation.

The government must increase resources to fund the implementation of the National Policy Against Human Trafficking and its Forms of Exploitation and the National Action Plan on Business and Human Rights (2021-2025) at the national and community levels.

Establish programs based on culturally appropriate methods that prevent human trafficking and modern slavery in indigenous communities.

Government and civil society should design and implement awareness-raising and education programs in collaboration with indigenous communities. These must be in local languages and tailored to communities' cultural values and norms.

Protection

Address gender-based violence, especially child marriage and the commercial sexual exploitation of children, in indigenous communities of the Amazon through a comprehensive approach.

Government agencies responsible for social protection must ensure that victims of gender-based violence, human trafficking, and modern slavery are identified and provided with adequate services. This requires mobilizing resources for programs designed for and by communities and organizations of the Amazon.

Rescue, rehabilitate, and reintegrate trafficked persons living in sites where exploitation is prevalent.

Law enforcement and other agencies must increase the identification of trafficked persons and the provision of services through victim-centered, trauma-centered, and intercultural approaches. These actors should also implement a comprehensive child protection policy that prevents the poly-victimization of children. Monitoring and evaluation mechanisms for protection should also be implemented in indigenous communities.



Guarantee human rights for environmental defenders and indigenous communities at-risk of violence.

The justice system must protect indigenous communities' collective legal rights over their territories and responsible agencies must grant them property titles. Indigenous leaders, environmental defenders, and human rights activists must be protected from the risk of violence and granted access to justice in the event of a human rights violation. This requires strengthening the Intersectoral

Mechanism for the Protection of Human Rights Defenders, under the Ministry of Justice and Human Rights, and ensuring that protection reaches communities.

Prosecution

Establish mechanisms in indigenous communities to report and register human trafficking and modern slavery cases.

Law enforcement, in collaboration with local indigenous communities and local, regional, and national government agencies, should set up reporting desks, hotlines, etc. and well-coordinated standard operating procedures to ensure that cases are registered to the authorities.

Strengthen the rule of law and human rights accountability through investigations and prosecutions of corruption cases related to human trafficking and other forms of exploitation.

The justice system must investigate and prosecute cases of human trafficking, modern slavery, and other forms of exploitation in indigenous communities. Cases that are linked with corruption must be addressed appropriately. This requires strengthening the capacity of all justice actors through enhanced human resources and tailored training.

Allocate budgets for crime investigation and processes that prescribe adequate sentences to convicted traffickers and guarantee protection and care for victims.

The government should ensure that the justice system has sufficient funding to undertake thorough investigations and provide survivors with essential protective services during trials.

Partnerships

Conduct studies and establish data collection systems to capture the diverse forms of exploitation affecting indigenous persons in rural and urban areas.

The government should undertake quantitative and qualitative research to measure the prevalence or incidence of human trafficking and modern slavery. They should also strengthen inter-institutional coordination at the local, regional, and national levels to ensure that cases are documented. Statistical data collection should include an ethnic-centered approach; this requires incorporating a variable on self-identified indigeneity and revising and adapting the contents and processes of statistical generation through an intercultural approach.

Guarantee indigenous communities' participation in national and regional coordination efforts against human trafficking, modern slavery, and gender-based violence.

Stakeholders must collaborate on the implementation of the National Policy Against Human Trafficking, National Plan to Combat Forced Labor, and National Action Plan on Business and Human Rights. Especially relevant stakeholders include the Ucayali Commission for the Fight Against Human Trafficking, Multisectoral Regional Network to Fight Human Trafficking in the Huánuco Region, Permanent Multisectoral Commission Against Human Trafficking, and the National Commission for the Fight Against Forced Labor, among others.

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ANNEX 1 Crimes of exploitation in the Peru Penal Code, 2021

- Article 129-C (Sexual exploitation).
- Article 129-D (Promoting or favoring sexual exploitation).
- Article 129-E (Client of sexual exploitation).
- Article 129-F (Benefits from sexual exploitation).
- Article 129-G (Facilitation of sexual exploitation).
- Article 129-H (Sexual exploitation of children and adolescents).
- Article 129-I (Promoting and favoring the sexual exploitation of children and adolescents).
- Article 129-J (Client of the adolescent).
- Article 129-K (Benefit of the sexual exploitation of girls, boys, and adolescents).
- Article 129-L (Management of sexual exploitation of girls, boys, and adolescents).
- Article 129-M (Child pornography).
- Article 129-N (Promoting in the media crimes against sexual liberty against girls, boys, and adolescents).
- Article 129-Ñ (Slavery and other forms of exploitation).
- Article 129-O (Forced labor).
- Article 129-P (Crime of onerous brokering of organs and tissues).

ANNEX 2

Peruvian regulations on human trafficking, forced labor, and related crimes

International legal frameworks signed by Peru

- Universal Declaration of Human Rights, approved by Legislative Resolution 13282, on December 15, 1959.
- American Convention on Human Rights, approved by Decree Law 22231, of 1978.
- International Covenant on Civil and Political Rights, ratified by Peru on April 28, 1978.
- Convention on the Rights of the Child, ratified by Peru on September 4, 1990.
- Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, approved by legislative resolution 26583, of March 11, 1996.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), of the year 1979 and its Optional Protocol, approved by Legislative Resolution No. 27429 in 2001.
- ILO Forced Labour Convention (No.29), ratified by Peru on February 1, 1960.
- ILO Abolition of Forced Labour Convention (No.105), ratified by Peru on December 6, 1960.
- ILO Worst Forms of Child Labour Convention (No.182), approved by Legislative Resolution 27543, on October 11, 2001, and ratified by Supreme Decree 087-2001-RE, on November 19, 2001.

- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography of the Convention on the Rights of the Child, approved by Legislative Resolution 27518, on September 13, 2001, and ratified by Supreme Decree 078-2001-RE, on September 4 October 2001.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Crime, approved by the Congress of the Republic through Legislative Resolution 27527, of October 4, 2001, and ratified by Supreme Decree 088-2001-RE, of November 19, 2001.
- Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power, adopted by the General Assembly of the United Nations in its Resolution 40/34, on November 29, 1985.
- One Hundred Brasilia Regulations Regarding Access to Justice for Vulnerable People, adherence ordered by the Judiciary, through Administrative Resolution 266-2010-CE, on July 26, 2010.

National Legislation

- Political Constitution of Peru.
- Law No. 26842, General Health
- Law No. 27337, Children and Adolescents Code and its Amendments.
- Law No. 27891, Refugee Law.
- Law No. 28983, Equal Opportunities Between Women and Men.
- Law No. 29344, Universal Health Insurance Framework Law.
- Law No. 29414, Law on the Rights of Users of Health Services.
- Law No. 30364, Law to Prevent, Sanction and Eradicate Violence Against Women and Members of the Family Unit, and its Amendments.
- Law No. 28236, Law Creating Temporary Refuge Homes for Victims of Family Violence, and its Regulations, approved by Supreme Decree No. 007-2005-MIMDES.
- Law No. 9024, Law Approving the Code of Criminal Procedures and its Amendments.
- Legislative Decree No. 1428 that Develops Measures to Tend to Cases of Missing Persons in Vulnerable Situations, and its Regulations, approved by Supreme Decree 003-2019-IN.
- Legislative Decree No. 1350 of Migration.
- Legislative Decree No. 1368 that Creates a Specialized National Justice System for the Protection and Punishment of Violence Against Women and Members of the Family Group.
- Legislative Decree No. 1297 on the Protection of Girls, Boys and Adolescents Without Parental Care or At-risk of its Loss, and its Amendments and Regulations, approved by Supreme Decree No. 001-2018-MIMP.
- Legislative Decree No. 957 Approving the Code of Criminal Procedure and Amendments.
- Legislative Decree No. 635 Approving the Penal Code and Amendments.
- Supreme Decree No. 008-2016-MIMP Approving the National Plan Against Gender Violence 2016-2021.
- Supreme Decree No. 002-2018-JUS Approving the National Human Rights Plan 2018-2021.



