



Child Labour in the Mining Sector of Peru

The IREWOC Research Project on the
Worst Forms of Child Labour in Latin America



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IREWOC, the Amsterdam-based Foundation for International Research on Working Children intends to generate more theoretically informed research on various aspects of child labour and child rights, as well as to raise awareness and to motivate action around this complex issue (www.irewoc.nl; info@irewoc.nl). IREWOC is associated with the University of Amsterdam, with the International Institute of Social History and it has a strategic alliance with Plan Netherlands.

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Chapter 1

Introduction

Research on the worst forms

In 1973, the ILO adopted its Minimum Age Convention (No. 138), which requires states to design and apply national policies to ensure the effective abolition of all forms of child labour and to set the minimum age of employment at 14. Despite widespread ratification and international attention the effective abolition of all child labour proved to be a difficult task. Two major considerations became apparent after ratification. First, research illustrated the extent of the child labour problem, which led to the realistic understanding that not all forms of child labour could be done away with instantaneously. Secondly, there was a growing understanding that not all forms of child labour are equally harmful. As stated in the 1997 UNICEF report on The State of the World's Children:

In reality, children do a variety of work in widely divergent conditions. The work takes place along a continuum. At one end of the continuum, the work is beneficial, promoting or enhancing a child's physical, mental, spiritual, moral or social development without interfering with schooling, recreation and rest. On the other end, it is palpably destructive or exploitative. There are vast areas of activity between these two poles, including work that need not impact negatively on the child's development. ... But to treat all work by children as equally unacceptable is to confuse and trivialize the issue and to make it more difficult to end abuses. This is why it is important to distinguish between beneficial and intolerable work and to recognize that much child labour falls in the grey area between these two extremes. [UNICEF 1997:24]

These two realisations resulted in the decision to concentrate on the worst forms of child labour (as morally abhorrent situations under any circumstance or development condition), while continuing to pursue the wider goal of reducing child labour in all its forms and adhering to the age limits.

On 17 June 1999, a global consensus was reached to tackle and eliminate the worst forms of child labour. A new international human rights instrument, the Worst Forms of Child Labour Convention No. 182, was adopted by the ILO in Geneva. Convention 182 defines 2 categories of worst forms of child labour:

- The unconditional worst forms include slave labour, prostitution and pornography, participants in armed conflicts and illicit traders.
- The hazardous worst forms, which are all sorts of work that expose children to danger and jeopardise their physical and moral health, and all forms of work conducted by any child under 18 years of age that equals or exceeds 43 hours a week.

The Convention explicitly calls for immediate and effective measures to secure the prohibition and elimination of these worst forms as a matter of urgency. Because of their harmful nature both categories of work are prohibited for children under the age of 18.

In spite of the breakthrough of Convention 182, an overview of child-centred NGOs suggests that the majority of NGOs are working with children who perform light tasks for only a few hours a day, and who are involved in activities which seem to have no lasting negative consequences on the mental and physical development of these children and which are actually tolerated under the norms of the ILO Conventions. At the same time there seem to be significantly fewer NGO activities for children who find themselves in the worst forms of child labour as defined by ILO Convention 182 [IREWOC 2005]. This leads to the conclusion that for those children whose needs are most pressing, pro-active policies are substantially lacking.

This relative absence of action is paralleled by a lack of information. While most countries have ratified ILO Convention 182, they have not (yet) all complied with their obligation of identifying the worst forms sectors and activities in their country, let alone produce statistical estimates on the number of children working in them. For a number of countries there is no information available at all¹; in countries where studies have been carried out, the numbers and estimates vary greatly². This appears to be due to a lack of a universal definition of child labour and the different methodologies of collecting data. Furthermore, official (governmental) surveys and other current methods, do not particularly lend themselves to finding the children in the informal or illegal labour sectors. Despite the unmistakable progress in enumeration, vast sectors are therefore structurally overlooked and understudied.³ Finally, the *qualitative* material in all studies is very poor. The perspectives of the child labourers and their parents themselves are excluded, thereby underestimating their capacity to analyse and voice their own needs and to propose solutions.

To bridge this lack of information and stimulate policy interventions the IREWOC Foundation proposed to undertake action-based research in the field of the worst forms of child labour.

We specifically decided to focus on the “hazardous worst forms” (the second category within the worst forms as defined by the convention). The activities included in the “unconditional worst forms” are universally accepted as detrimental to children’s moral and physical health, and are not under discussion here. The group of “hazardous worst forms” is, however, still in need of further specification. For example, the exact definition states that hazardous forms of child labour are those types of work that “by its nature or the circumstances in which it is carried, is likely to harm the health, safety or morale of children” (ILO Convention 182, article 3d). However, the specific physical, psychological or social indicators, that should be used to determine whether or not a

¹ For Latin America country specific studies on worst forms of child labour have been carried out by the ILO in Guatemala (garbage dumps), El Salvador (sugar cane, garbage dumps), Venezuela (flowers horticulture) and Bolivia (mining, sugarcane).

² For example, when comparing results of UNICEF and World Bank surveys on child labour in Bolivia in the same year, it appears that World Bank statistics are one third higher across all age and gender based categories [Guarcello & Lyon 2004]

³ Children in domestic service, prostitution and armed conflict are particularly hidden from these common methods of data collection [U.S. Department of Labor 2006]

certain activity is hazardous, are not clear. By conducting a detailed research project in certain worst forms sectors, giving special attention to the physical and emotional consequences of the activities, we aim to add several insights to this specific discussion.

Specific research objectives and research countries

One of the central objectives of this IREWOC research was to map the working and living conditions of children who are working in specific economic sectors and what the consequences of this work are for their physical and emotional well-being. As a result of this analysis we hoped to identify several activities and/or sectors that fall within the group “hazardous forms of child labour”.

The second focus of the study was to investigate the reasons why children are working in these particular worst forms sectors. The research results were expected to give relevant insights into the currently polarised debate between those who state child labour is above all related to cultural considerations and those who state that economical reasons are fundamental to the phenomena of child labour.

The third objective, to accommodate policy making in the field of the worst forms, was to map the different policy initiatives for child labourers in the worst forms and to identify the best practices. In the face of challenges imposed by achieving the Millennium Development Goals (MDG) set by the United Nations, specific attention was paid to educational initiatives. Is education a useful tool to combat child labour, and vice versa, is child labour a significant obstacle to achieving universal primary education?

These research objectives have been translated to the following research questions:

- What are the living and working conditions of the working children?
- What consequences does child labour have for the working children?
- What are the main reasons for the children to work?
- Which strategies to combat child labour have been used by GOs and NGOs in the research communities and what are their successes and shortcomings?

The region chosen for this study was Latin America. In its latest global report on child labour the ILO states that child labour is diminishing, and even more so the children engaged in the worst forms of child labour: “The global picture that emerges is highly encouraging: Child work is declining, and the more harmful the work and the more vulnerable the children involved, the faster the decline” [ILO 2006]. This is even more so the case in the Latin-American context, which is mentioned as one of the continents where the decline has been the fastest: from 17.4 million children working in 2000 to 5.7 children working in 2004 [ILO 2006:8]. This decline even puts Latin America on a par with some developed and transitional economies.

Taking this promising picture into account, IREWOC decided to investigate some of the sectors in Latin-America where the worst forms do still prevail and find an answer to the question why children are still working there. Additionally, it was considered important to identify some of the initiatives that have been successful (and less successful) in getting children out of labour activities.

Research phases and methodology

Three countries were selected: Guatemala, Bolivia and Peru. These specific countries were chosen based on a combination of factors, of which the most important was the estimated incidence of child labour, as the numbers of working children in the selected countries appear to be on the rise⁴. Another selection criterion was the presence of initiatives to eradicate the worst forms of child labour.

To get a better overview of the specific sectors in which children are working and of existing child labour projects, a specific background mapping period was conducted in each research country. In the period October-December 2006, a total of 62 key-resource persons working for child-centred NGOs, UN organisations, research institutes and various ministries were interviewed. In addition, three fieldwork trips were carried out to mining and quarrying areas in different regions in the three countries. Based on this research period the following sectors were selected for this study: coffee plantations and stone quarries in Guatemala; tin/silver mines and sugar cane plantations in Bolivia; gold mines, waste disposal/recycling and fruit/vegetable markets in Peru.

The following research phase was a thorough anthropological study of all selected sectors. Most existing studies are from a macro-perspective, based on statistical and quantitative methodology. Although these methods are useful in getting an overall view of the problem, they are not particularly conducive for an in-depth understanding of local situations and of (cultural) views and motivations of local actors. Precisely this specific information is useful for policy making in a local context. Therefore, in our research project, we collected insights directly from the source, by doing detailed anthropological fieldwork in the communities and “on the work floor”, and by documenting the views and opinions of the children, their caretakers, as well as development workers.

Using participant observation to study the worst forms of child labour often meant enduring extreme situations: conducting fieldwork in icy mining shafts, on a glacier at an altitude of 5.400 meters in the Andean Cordillera, living with migrant labourers in desolate shacks on a sugar cane plantation in the lowlands of Bolivia, lacking all hygiene and privacy, or picking coffee for hours under the burning sun on coffee plantations in the Guatemalan highlands. Although they demanded the best from our researchers these experiences certainly brought us closer to our “informants”, obtaining their trust and confidence and allowing us to observe more than just the socially accepted answers and behaviour.

The study also involved more formal methods, such as structured interviews, and alternative methods, such as taking photographs with the children and filling in questionnaires in a playful

⁴ In Peru, according to the data of OIT and INEI, between 1993 and 2001, the amount of working children in the age category 6-11 increased from 2.5% to 21.7% and was expected to increase to 32% in 2005 [CPETI & MTPE 2005]. In 2008 a new census on child labour was carried out and although there is still no official publication, ILO personnel in Lima told us that statistics again show an increase reaching an estimate of over 2 million child labourers. In Bolivia, according to ILO, in the year 2000 there were 248,236 children between 10 and 14 years economically active [ILO 2001b], while the national census of 2001 shows that 354,742 children between 10 and 14 years were economically active [INE 2003]. UCW also estimates that in Guatemala the amount of child labourers is on the rise, from 14% in 1999 to 20% in 2000 to 23% in 2003 [UCW 2003:2]

manner. The research revealed that these alternative methods in particular can lead to interesting additional information on how children perceive their living and working conditions.

Collaboration

To gain access to the different sectors, and to the children and their caretakers, we were thankfully helped by several local NGOs. They not only offered us their kind collaboration in making initial contacts, but were also willing to have their initiatives related to child labour scrutinised. We are greatly indebted to them. We would also like to express our gratitude to the working children and their families for their time and sharing of ideas. Their voices are at the core of this project. The recommendations that resulted from our research were discussed at several workshops in the research countries: at local presentations with the working children and their families, at national seminars with policy makers from governmental and non-governmental organisations, and at public meetings. A special thanks goes to the local NGOs that helped us prepare these meetings: Childhope in Guatemala, Terre des Hommes Netherlands in Bolivia and GIN in Peru. These workshops enabled us to evaluate our conclusions and recommendations and gave us the very special opportunity to discuss the policy implications of our research results with the most important actors in the field. We are also grateful to the Dutch Ministry of Social Affairs in The Hague, Terre des Hommes Netherlands, Kerk in Actie, ICCO, Stichting Kinderpostzegels, Edukans and Plan Netherlands for financing this research, and for their ongoing support and advice. By realising this research project in close collaboration with the funding agencies as well as with the local NGOs, we hope to bridge the gap somewhat that often exists between scientific research and policy implementation. Hopefully the results of our research project will have a direct impact at the local level for our “informants”.

August 2008

Marten van den Berge

Project coordinator

Chapter 2

General Background

The findings of this research on child labour in mining in Peru should be seen within the general context of child labour in Peru. This chapter presents the official data on child labour, national and international legislation that applies to child labour, and a description of the mining sector in Peru. Finally, the communities which were involved in this study are described.

2.1 Child labour in Peru

Peru has a relatively young population. Among the 27 million inhabitants in 2002, 10.5 million were below 18 years old (39%). The recent UNICEF report “The State of Peruvian Children” considers the situation in which children are growing up in Peru critical and relates it directly to poverty, which affects children more than adults [UNICEF 2002:10]. 2001 statistics from the National Institute for Information and Statistics (INEI) show that 6.5 million children (65%) live below the poverty line [INEI & OIT 2002]. UNICEF states that “two out of every ten children live in circumstances that can be labelled as extreme poverty” [UNICEF 2002:10]. The consequences of children’s poverty can be found in several areas; child mortality is higher in Peru than in most other Latin-American countries, and only Haiti and Bolivia have a higher child mortality rate. Only five out of every ten children from poor families in Peru attend a doctor [UNICEF 2002:11,34]. Children’s education is also affected by poverty; although some progress has been made in the last years, there are still huge inequalities in school attendance between poor and rich children. 41% of the children between 6 and 17 years old don’t attend school due to economic reasons [INEI & OIT 2002].

There is a clear relationship between poverty and working children. According to UNICEF 39% of working children in Peru come from extremely poor families, whilst 22% come from poor families. There is, however, a lack of recent data on the magnitude and with details of the working children in Peru. In 2001 the National Inquiry about Living Conditions and Poverty (ENAHO) registered almost two million children, between 6 and 14 years old, who were involved in economic activities; this amounts to 29% of all children in this age group. Considering that the same inquiry registered 16% of these children working in 1996, we can conclude that child labour has increased significantly in a short period of 5 years. In fact, between 1993 and 2001, child labour in Peru tripled. According to INEI estimates, the rate of working children between 6 and 17 years old would be 32% in 2005. The economic activities of children between 6 and 11 years old has specifically increased, while working adolescents have increased relatively little [CPETI & MTPE 2005, referring to INEI & OIT 2002].

70% of the working children in Peru are found in rural areas, with a clear overrepresentation of children between 6 and 13 years. Child labour is particularly present in the *sierra*⁵ regions of Peru and the majority of working children and adolescents are involved with farming or herding. In absolute terms, the regions of Peru with the highest numbers of working children are Cajamarca, Puno and Lima province; together they host a total of almost 750.000 working children. The regions Puno, Huancavelica and Apurimac have the relatively highest rates of child labour; 60% of children between 6 and 17 work. Finally, the most working children under the legal working age of 14 are found in Cajamarca, Puno and Cuzco regions.

The work of children and adolescents is generally categorised as “non-remunerated family work”. This means that many children (especially the youngest working children) work with and for their parents, and are often exposed to the same risks as their adult parents. There is little gender difference in the numbers of child workers; 54% are boys and 46% are girls. There is, however, a gender difference among the types of activities; more will be said about this below when discussing the specific sectors [CPETI & MTPE 2005].

2.2 Worst forms of child labour in Peru

Not all forms of work are per definition harmful for children. International conventions, such as the ILO Conventions on Child Labour and the Declaration on the Rights of the Child, state that millions of children and adolescents perform legitimate work in accordance with their age. Work is acceptable if it does not harm the child’s education, or his/her physical, mental, spiritual, moral and social development. Harmless activities can in fact offer children useful experiences and teach them responsibility. The distinction between harmful and harmless work for children is therefore important. Peru has no official register to document the magnitude or types of activities that fall within the category of “worst forms of child labour”, but several studies reveal the existence of a relevant problem in this area.

Although several regions of the country encounter commercial sexual exploitation of children (involving child trafficking, where children from rural areas are brought to the cities to work in the commercial sex industry, or child and adolescent pornography), in terms of volume, most cases of worst forms of child labour in Peru involve dangerous jobs other than those related to sexual commerce or forced work.

Work can be dangerous either due to the nature of the activity or due to the conditions in which it is performed. Most risks of child labour in Peru are related to the nature of the activity and the age of the child or adolescent involved. Some examples include bar work, waste sorting, artisanal mining, domestic services, bricklaying, and carrying heavy weights. However, even activities that are seemingly innocuous, like selling in the streets, can be dangerous when performed in a particular context [CPETI & MTPE 2005]. The statistics will be further discussed below, when exploring the specific labour sectors.

⁵ The *sierra* regions, or highlands, are those that lie in the Andes Mountains; they comprise high plateaus known as the Altiplano, and high peaks.

The consequences of the worst forms of child labour can be found at the personal, familial and social levels, and express themselves in the long-, medium- and short-run. Many worst forms of child labour, for example, affect a child's health; specific consequences depend on the activity, but most registered complaints refer to physical health. When work affects a child's school attendance or school results it is in effect harmful to the child's development. INEI statistics show that 5.4% of children between 6 and 17 years old don't attend school due to work. This seems low, but it should be a serious concern that 20% of all working children in Peru are excluded from education. In addition, 4.1% of all Peruvian children within this age group don't go to school, but don't work either (these children mainly live in the *selva*⁶ of Peru, and rarely in urban areas). It is also relevant that 21.1% of the children between 6 and 17 combine school and work, and are likely to be performing below their ability. The remaining children go to school without working on the side [INEI & OIT 2002:22]. Dropout from school is highest for the group of adolescents between 14 and 17. While 41% of the working adolescents don't attend school, this percentage decreases to 13% for the adolescents who don't work. A working adolescent thus has three times more chance to leave school than an adolescent who doesn't work. According to the ENAHO of 1999, half of the working adolescents had an educational delay, while the percentage lowered to 32% for not working adolescents [CPETI & MTPE 2005:19].

2.3 Legislation on child labour in Peru

Peru is governed by several national and international laws, rules and conventions, which relate to child labour. The most important international agreements are based on the Convention on the Rights of the Child (CRC; a component of the United Nations Universal Declaration of Human Rights [UN 1989]) and the International Labour Organisation Conventions 138 and 182 [ILO 1973, 1999]. Peru signed the CRC in 1990, in which article 32 deals specifically with child labour: "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Member States also commit themselves to:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article" [UN 1989].

In 2002, Peru signed Convention 138⁷, which obligates member states to "pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". Of particular relevance to Peru is that "The minimum age specified

⁶ *Selva*, or jungle, is a wide expanse of flat terrain covered by the Amazon rainforest. Almost 60% of Peru's area is located within this region.

⁷ The Peruvian parliament approved C138 in 2001 and ratified on November 13th 2002; <http://www.ilo.org/ilolex/cgi-lex/ratifcs.pl?Peru>

in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years” and “a member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years” [ILO 1973]. The Peruvian state initially established a minimum age of 12, but in the modification of the Children and Adolescents Code in 2001 the new minimum age for legal work was raised to 14 years old.

ILO Convention 182 focuses on the worst forms of child labour and was signed by Peru in 2002⁸. This convention obliges its members to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency”. Worst forms of child labour are understood as [ILO 1999]:

- All forms of slavery or similar practices;
- The use of children for prostitution or pornography;
- The use of children for illicit activities;
- Work that is by its nature or its circumstances likely to harm the health, safety or morals of children.

The present study is concerned with the work mentioned last on the list. More specifically, Recommendation 190 of the C182 defines hazardous forms of child labour as work that exposes children to all forms of abuses, work carried out in dangerous locations, in an unhealthy environment, and with the use of dangerous machinery and tools.

In practice, all child centred NGOs and other institutions that work in the field of child labour in Peru are somehow involved in the polarisation between the *erradicacionistas* and *regulacionistas*. These two schools of thought oppose each other on two main issues: child labour and child participation. The *erradicacionistas* argue in favour of the eradication of all forms of child labour, with the worst forms as the priority, and are supported in their position by international institutions such as the ILO and UNICEF. The *regulacionistas*, however, advocate the right to work for children, as long as this is considered to be dignified work. This movement sees child labour as a necessary evil, which has become inescapable with the advance of neo-liberal policies. Work strengthens people’s characters and confidence as long as conditions are good; the *regulacionistas* find that this applies to children as well. Therefore, they prioritise the improvement of children’s working conditions. In addition, the *regulacionistas* emphasise children’s participation or *protagonismo*, while the *erradicacionistas* take a more protectionist stance. *Regulacionistas* consider the dominance of adults in programme design and implementation as a violation of the Convention on the Rights of the Child, which gives children the right to fully participate in issues that concern them [Van den Berge 2007]. In practice, however, the differences between the two camps are less well defined than in theory; even the *erradicacionista* organisations employ *protagonismo* and work on the improvement of labour conditions, and the *regulacionistas* admit to also desiring a world without child labour.

⁸ The Peruvian parliament approved the convention in 2001 and ratified on January 2nd 2002; <http://www.ilo.org/ilolex/cgi-lex/ratifcs.pl?Perú>

The Peruvian state supports the *erradicacionista* point of view and has designed different legal agreements to protect children from illegal or dangerous forms of child labour. There are basically three forms of national legislation that regulate the work of minors. The Political Constitution of Peru declares in article 23 that “the state protects especially children, mothers and handicapped persons that work” [CPETI & MTPE 2005:22]. The Code of Children and Adolescents specifies that children who work for another person, may do so at 15 years old if the work concerns non industrial agricultural work; at 16 years old in cases of industrial, commercial or mining work; and from 17 years old onwards in the fishing industry. For all other forms of work children must be at least 14 years old. A judge, however, has the authority to make exceptions and allow a child to work at 12 years of age, but only when the activities involved don’t harm the child’s health or development, don’t interfere with his or her school attendance and do allow his or her participation in formation or orientation programmes” [‘Nuevo Código de los Niños y Adolescentes’ 2000 Art. 51].

Young workers of 12 years old are only allowed to work when it concerns “light activities”, which are unfortunately not specified in the Code. Because the legal minimum age was 12 years old up until 2001, this grey area in legislation leads to some confusion in practice.

The Code establishes a set of norms to ensure the wellbeing of working children. Children between 12 and 14 are allowed to work for only 4 hours a day, during the daytime, with a maximum of 24 hours a week. The work of youngsters between 15 and 16 may not exceed 6 hours a day and 36 hours a week. Work during night, i.e. between 19:00 and 7:00, is only allowed if authorised by a judge and for boys and girls between 15 and 18 years old, for a maximum of 4 hours a day. Economic activities that take place under ground, that involve toxic substances, that require carrying heavy weights, that are in any way harmful to a child’s health and moral being, are prohibited for all children below 18 years old. It must be mentioned here that the Code of Peru is the only one in Latin America that legally recognises the adolescent’s right to work. The officially employed adolescent has the right to receive social security, such as health care, and the same salary as older workers who perform similar activities, from his or her employer [‘Nuevo Código de los Niños y Adolescentes’ 2000 Art. 56-64].

The Code also specifies several civil rights, such as the right to freedom, the right to an identity, the right to birth registration, the right to live in a healthy environment, the right to grow up in an adequate familial environment, and so forth [‘Nuevo Código de los Niños y Adolescentes’ 2000 Art. 1-13]. The Code also defines social economic and cultural rights such as the right to education, culture, sports and recreation or the right to health care. A very significant article within the Code states that children have the right to special hours of education that allow working children to attend school [‘Nuevo Código de los Niños y Adolescentes’ 2000 Art. 14-22]. (The Code is currently being revised to raise the legal minimum age for mining to 18; the Ministry of Energy and Mining have already raised the minimum age to 18 for artisanal and small-scale mining).

The third legal instrument at a national level that regulates child labour is the 1991 Penal Code, which states in article 128:

[T]he person who exposes the life of a person that is placed under his or her authority, (...) such as to submit this person to excessive or inadequate work (...), will be sanctioned with one to four years in prison. In case the agent has a parental link with

the victim, or the victim is younger than twelve years old, the sanction will be two to five years” [CPETI & MTPE 2005:30-31].

In 2003 the Peruvian government created the National Directive Committee for the Prevention and Eradication of Child Labour (CPETI), with the intention to coordinate, evaluate and follow up the efforts made towards the progressive eradication of child labour. Its most important task is to enhance the National Plan of Prevention and Eradication of Child Labour with detailed plans of action [CPETI & MTPE 2005].

There are a number of ministries and governmental institutions that are in charge of supervising the population below 18 years old. The Direction of Children and Adolescents (DINNA), which falls within the Ministry of Women and Social Development (MIMDES), is in charge of the programmes for the wellbeing of children and youths and participates in the CPETI. The DINNA coordinates the Defensorías Municipales de Niños y Adolescentes (DEMUNA), or Ombudsman, a public service that defends children’s rights and denounces crimes committed against children. “Street Educators” also falls within MIMDES, and is a programme that was formerly coordinated by the INABIF⁹. The goal of the programme is to assist working- and street children at the national level and to mediate between them and institutions. In the same way, the Ministry of Internal Affairs (MININTER) coordinates “Colibri”, another programme focussed on working children on a national scale. The Ministry of Employment presides over the CPETI and has two main programmes for youths. Through the Direction for the Protection of the Minor and Security at Work it authorises work for adolescents and it implements awareness raising campaigns concerning the child labour problem. Through the programme “Projovent” the ministry facilitates adolescents with limited possibilities with their entrance into the labour market. Working children and adolescents are given the opportunity by the Ministry of Education to attend school with an alternative schedule (Programme EBA¹⁰). Finally, the Ministry of Public Affairs is responsible for the protection of CPETI; for example, it must implement inspections on the work floor to check if the norms are respected. Unfortunately, there is a strong focus, by national institutes, on the young population in Lima, while those in rural areas are relatively ignored.

2.4 The mining sector in Peru

Peru has a huge variety in metallic deposits, such as gold, silver, copper, mercury and lead, and many of them have been exploited since before the Inca Empire. Since the beginning of the Republic the exploitation has grown to meet the demands of the North American and European markets. Mining in Peru has always been concentrated in the highland regions of the Andes, but there is also mining activity in the rest of the country. Large scale operations take place in the central highlands, while most small scale and artisanal mining activities are found in the southern coastal areas of Peru and the highlands of the Puno region. All these mining regions are zones of extreme rural poverty.

⁹ Programa Integral Nacional para el Bienestar Familiar

¹⁰ Educación Básica Alternativa

The mining sector in Peru is principally oriented towards the foreign market; approximately 45% of total exports come from mining. However, the sector represents only 4-5% of the Gross Internal Product (GIP) and 2-3 % of the employment in the country [Glave & Kuramoto 2002]. It is important to realise, however, that this percentage only represents the directly employed and not the subcontracted personnel, because even though the amount of employees in the Peruvian mining sector seems to have decreased, the number of subcontracted labourers has in fact increased. In the last decade the mining operations have grown in scale and many small companies, which are the most labour intensive, have disappeared. Simultaneously, national laws changed and allowed subcontracting of labour that was formerly realised by the company itself. The subcontracted labourers are considered to be informal miners and often work in an artisanal manner. Between 1991 and 2004 the GIP from the extraction of minerals increased; this was principally due to the production of gold, increasing with 11% and surpassing the production of zinc and copper. Because of the discovery of some important gold deposits, the production of gold multiplied nine-fold in these years [Romero et al. 2005]. The most significant increase occurred in 1994 when the large company Yanacocha in Cajamarca began its operations. Another impressive increase occurred in 1999, one year after the exploitation of the Pierina mine by the company Minera Barrick Miquichilca (in the Ancash province) commenced [Romero et al. 2005].

The Peruvian state has an interest in promoting private investments in the mining sector, mainly because it offers employment. The governing entity responsible is the Ministry of Energy and Mining (MEM). The ministry is in charge of the energy and mining sector of Peru, and coordinates the distribution of energy in the country. It also administers the petitions and concessions of mining areas. The ministry is highly valued because of Peru's share in the mining sector within the continent [Glave & Kuramoto 2002].

Traditionally, the mining sector was classified into large scale, medium scale and small scale mining. However, in 2002 artisanal mining was officially added as a classification. The MEM estimated that, in 2002, there were approximately 22,000 informal and/or artisanal miners working in Peru [Glave & Kuramoto 2002], and the GAMA project¹¹ identified 30,000 informal miners in 2005. There are also an important amount of women and children working in artisanal mining, who don't appear in the official numbers. According to a study of the ILO, there are around 30.000 families or 150.000 persons directly or indirectly involved in artisanal mining [Cruz et al. 2005]. Artisanal mining began to increase in the '80s due to a combination of factors: a general economic recession, a crisis in agriculture and unemployment, political violence (especially in the countryside) and the increasing price of gold. These developments caused migration into areas with gold deposits. Gold exploitation is particularly associated with artisanal mining because of the low investments needed to initiate work combined with the high price for the product. Currently, most activity occurs in the regions Ica, Arequipa, Ayacucho, Puno, Madre de Dios and La Libertad. Gold exploitation has become a more important economic activity than agriculture or pasturing in many of these areas. The total gold production produced by artisanal mining should not be underestimated. In Peru, the principal gold producer in Latin America, 12% comes from artisanal mining [Romero et al. 2005:23]; this corresponds to 20 tons or 240 million dollar [Cruz et al. 2005].

¹¹ Gestion Ambiental de Minería Artesanal.

Artisanal miners form a heterogeneous group of individuals who exploit principally gold deposits using very rudimentary technology like hammers and chisels instead of machines. The types of deposits they work in require these basic techniques to be employed, and a lack of money prevents them from being able to invest in anything more substantial. Artisanal miners exploit deposits without title possession or any other contractual agreement, generally in isolated places with a weak state presence. The mining activity functions in this way as a survival strategy for unemployed people. Artisanal mining contributes, mainly because of the lack of intricate technical requirements, much more to the provision of employment than large scaled mining does. Around one third of the miners in Peru work in an artisanal manner [Glave & Kuramoto 2002].

Peruvian legislation only started to take notice of artisanal mining in 2002 because of the influx of money and people involved. In the 1990s the state modernised legislation for the large and middle scaled mining organisations, but ignored the existence of artisanal mining. In this manner, artisanal miners have always been working informally and illegally, which has caused several problems for them and their families. Working informally means a lack of measures and rules concerning safety, hygiene, pollution and other conditions. An artisanal miner is unable to obtain credit because he has no legal property; he can't buy legal and safe explosives; he can also easily be exploited by the land owner or processing plants. In addition, the activity causes high degrees of environmental pollution because of the use of inadequate techniques. This can have serious consequences for the miners' health as well. Artisanal miners live and work with insecurity, which often results in unorganised, inefficient and temporary exploitation. At the end of the 1980s, spontaneous settlements of artisanal miners began to emerge, and have continued to do so ever since. The settlements are usually very poor, and lack good basic facilities such as education, health care and security. Authorities have little control in most of these settlements and levels of violence are high. As long as the miners remain living and working in an informal manner, this situation is unlikely to improve [Cruz et al. 2005].

At the end of 2001 a new law in Peruvian legislation improved the legal position of artisanal miners and their families; the Law of Formalising and Promoting Small Scale Mining and Artisanal Mining was established. This law recognises artisanal mining and puts its execution into a legal framework. It also specifies that the state should protect and promote artisanal mining. To be recognised as a formal artisanal mining community, a group of miners needs to register with the MEM and present a Declaration of Environmental Impact. The miners only receive this declaration if their village complies with the environmental standards according to an expert. The existence of the law is recent and has to be adjusted, but many artisanal miners have already experienced an improvement to their situation. The law presents an opportunity for a group of miners to organise themselves into a formal society and obtain the mine concession, or to enter into a contract with the concession owners. It allows them to legally buy explosives and occasionally receive environment and health friendly mining equipment. Registered artisanal miners are also given discounts when paying user rights, taxes, fines or penalties. Finally, the law also gives preference to state owned terrains when granting concessions. The establishment of the law has, according to GAMA, significantly decreased the amount of conflicts between artisanal miners and property owners [Cruz et al. 2005].

Although artisanal mining is traditionally a male dominated sector, nowadays the participation of women and children is significant. Mining, however, is considered by both international and national laws to be a worst form of child labour. Nevertheless, the ILO has found that one third of the

150.000 persons working in artisanal mining of gold are children [ILO 2003b]. Minors are involved with different activities in gold mining. They work mostly in a family context, which facilitates child labour since the child is not formally contracted and rules are difficult to establish. Enforcement of child labour laws depends greatly on the legal and formal nature of the local employers; child labour is more likely to occur and persevere in informal settings.

2.5 The research communities

Artisanal mining in Peru occurs mostly in remote areas where informal labour is more likely to occur because of poverty and a lack of state presence. The selected research communities are clear examples of this. However, the two villages also present significant factors that have consequences for the development of a village in general, the development of the mining sector and the existence of child labour. Both villages are described below in terms of their history, population, and political and social organisation.

2.5.1 Santa Filomena

The mining community Santa Filomena lies at 2400 metres above sea level in the Sancos district of the Lucanos province, which lies in the Ayacucho region (south-central Andes). This region produces 1.5% of the national gold production and 12.7% of the total artisanal production [Romero et al. 2005:26]. In the 1950s a foreign mining company constructed the first mining shafts to exploit gold. However, when gold prices decreased the company left and the mines were abandoned until the 1980s. In 1985 some men from nearby villages in the Arequipa and Ica regions travelled to Santa Filomena to work as artisanal miners. Since there were no houses, water or other basic facilities, they worked in *campañas*¹² and then would return to their villages with their gold. In the beginning of the 1990s the miners started to stay on for longer periods, and worked on building facilities such as houses and roads, which made transport of people, water and mining materials between Santa Filomena and the villages possible. Subsequently, they started to bring their families. In 1998 the first census revealed a population of 1500 men, women and children. According to estimates the current population is approximately 2000.

According to the census undertaken by the NGO CooperAcción, 496 inhabitants of Santa Filomena were younger than 18 in 1998 [ILO 2003a]. Most of these children were younger than 15 years (466 children) and the majority of them were younger than 12 [ILO 2002]. There was no secondary school and so made many adolescents studied and lived outside Santa Filomena. There has never been a census concerning working children. Taking growth into consideration, there are at present approximately 700 children in Santa Filomena. The number of adolescents has, however, grown since the establishment of a secondary school.

Santa Filomena has the status of a *caserío* (literally translated as “small village”) and is part of the Sancos municipality. There is a mayor, who is officially recognised and registered in Sancos and in Lima. However, because of the village’s status as *caserío* the mayor doesn’t receive any public funds for the development of the village or for his own salary. To earn a living he too works in the

¹² *Campañas* are set periods of time, normally of one month, in which miners work continuously.

mines. The main tasks of the mayor include controlling and administering public funds, and solving problems such as divorce, delinquency or death.

Santa Filomena is a relatively young village, located in the middle of a desert, and therefore lacks many basic services. At present it has a crèche, one primary and one secondary school. There is also a health post. There is no running water, and so water is supplied by trucks; people complain, however, that supplies are too low for the number of people. Since there is no sewerage, toilets generally come in the form of latrine pits. Garbage is collected and picked up every Sunday by a truck that deposits it far away from the village. The roads are not paved, which hinders the entrance of cars and stirs up a lot of dust. There is electricity for all families between six in the morning and ten in the evening. There is even a place where people can access the internet.

An important development in the history of Santa Filomena, making it different from many other mining communities, was the organisation of the miners into the *Sociedad de Trabajadores Mineros de Santa Filomena* (SOTRAMI) in 1991. This was not an easy process since legislation for artisanal mining did not yet exist, but once achieved it brought many advantages. The miners became formally recognised as the legal exploiters of Santa Filomena; they received a certificate of operation and officially obtained the concession of the mining area. Furthermore, it allowed them to legally use explosives and to improve the transport of the gold ore. The artisanal miners in Santa Filomena became owners, bosses and workers, all at the same time.

At the time of the research (May 2007) 163 artisanal miners in Santa Filomena made up SOTRAMI. The members choose a board of directors every year, with a president at its head. The board makes decisions about all important developments and rules concerning mining. It established a set of safety rules, such as the obligation to wear a hard-hat, mining shoes and gloves, to use only legal explosives, and set a ban on the consumption of alcohol during the week. Also, anyone below 18 years of age is not allowed in the mine or to participate in any other part of the mining process. Five members of SOTRAMI constitute a safety team and check the workplace on safety. A few years ago SOTRAMI also started to contract engineers to work as technical advisers in the mine, hoping to improve the safety conditions and the professionalism of the mining process. All miners in Santa Filomena are obliged to pay 5% of their earnings to SOTRAMI; for those who don't work in the mine, but who have their business in processing the gold, this amount is 2%.

In 1991 SOTRAMI established its own company. At the time of research, 80 miners generated income that was invested by the company. In the central mine, the income is used to arrange facilities that alleviate work conditions; these facilities include light, water, and small lifts to carry the ore. Administrative staff, accountants and engineers are also paid with this money. A small percentage of the income is invested into the community, such as the installation of electricity for the entire population. Support for the general population does not only come in the form of money, but also in the form of goods. For example, the cars that SOTRAMI uses to transport the ore to the processing companies are also used for community purposes; when the health post needs to transport somebody to the hospital or when the schools need to transport material for new classrooms, the SOTRAMI cars are made available. This way, the miners' society fulfils a social role as well as the role of a leader in Santa Filomena.

2.5.2 La Rinconada

La Rinconada is a *centro poblado*¹³ in the Ananea district of the San Antonio de Putina province, which is located in the Puno region, one of the poorest regions of Peru. It is the second most important region for gold production in Peru; in 2004, Puno produced 1.6% of the national gold production and 14% of the artisanal production [Romero et al. 2005]. La Rinconada has been exploited since before the Inca Empire, and there have always been mining activities. However, the permanent settlement of miners and their relatives is a comparatively recent occurrence. At the end of the 1970s people started to migrate to La Rinconada because of the high incidence of unemployment in Peru and the increasing prices of gold.

A large section of the population is considered to be temporary, and thus exact numbers of residents are difficult to determine. Numbers fluctuate between different periods of the year, depending on the harvest and on holidays. The price of gold also affects the numbers living in the settlement. Estimates of permanent residents include 10.122 [Red Titikaka 2006] and 10.114 [Care Peru 2004]. Red Titikaka revealed that 2% of the permanent population are children younger than 12 (2.463 in absolute numbers) and that 8.1% are adolescents between 12 and 17 years old (794 in absolute numbers) [Red Titikaka 2006].

Since La Rinconada has been recognised as a *centro poblado* (a slightly higher status than a *caserío*) it is its own “minor municipality” with a mayor. The mayor gets paid for his work, but has little additional funds available for investment in the community¹⁴. The current mayor began his service in January 2008 and will stay for a total of 4 years. The mayor that was in charge until December 2007 often found himself in conflicting situations with NGOs and local organisations; the organisations argued that he wasn’t willing to cooperate or work for the community.

Near La Rinconada lies the community of Cerro Lunar, also a *centro poblado* with its own mayor. The communities are so close to one another that they practically make up one town. Cerro Lunar is older than La Rinconada and therefore has some additional facilities, such as houses made of stone instead of corrugated iron; most conditions are, however, the same as in La Rinconada. Both communities exploit the same mines and work areas are shared.

The living conditions in La Rinconada are extreme, both geographically as in terms of a lack of services. The village is located at an altitude of 5400 meters above sea level, and has temperatures ranging between -15° and 15°. Especially between April and August there is heavy snowfall, hail and strong gusts of wind. The situation is specifically difficult because of the poor social and economic conditions of the inhabitants. Recent migrants are particularly affected, as they lack decent housing.

The environment is heavily contaminated for several reasons. Firstly, the artisanal mining activities and the lack of protective measures, especially regarding the use of mercury, contaminate the earth and rivers. Secondly, the lack of an organised garbage system results in arbitrary garbage

¹³ A *centro poblado* can be translated as ‘village’ or ‘hamlet’; it is smaller than a town but bigger than a *caserío*.

¹⁴ In Peru only district and provincial municipalities receive a budget; these are supposed to assist the *centro poblados* and other communities, but in the majority of the cases, this doesn’t happen.

deposits, including in people's living space. Finally, there is no sewer system and although there are a few public toilets, people generally use public spaces. There is no running water and the inhabitants of La Rinconada obtain water from wells or from the melted ice, which is often contaminated.

The services in La Rinconada don't suffice for the entire population. Currently, there are several possibilities for children and adolescents to attend school. There is a child care centre, a crèche, and public and private primary and secondary schools. Despite the huge numbers of people, there is only one small health post. Roads are unpaved, both in the village itself as between the village and the rest of Puno, with negative consequences for safety. Recently electricity was established for the biggest part of the village; only the border sections are not yet connected. Because of a large population growth, companies have started to see business opportunities in la Rinconada; products are transported from Puno and nearby villages and commerce, both in goods as in services, is growing. During the research, the first mobile phone company was establishing a network at this extreme altitude. Since there is no police control of inhabitants, La Rinconada is known for its presence of people with a criminal past, large amounts of alcohol misuse, prostitutes, illegal nightclubs, and general fear among the population.

The mining system in La Rinconada differs from Santa Filomena, not only in size, but also in terms of organisation. Generally one could say that there is less organisation and more informality among the miners in La Rinconada. Another big difference is the presence of a private mining company, which has its main office in Lima. This company, la Corporación Minera Ananea S.A., is the legal owner of the mine, but exploits just a section of it for its own production. These areas are relatively professional, mechanised and safe. The rest of the terrain is outsourced by the company to the so-called contractors. The contractors are independent miners who take care of a part of the terrain. They invest in the construction of shafts and the employment of personnel, and have to give a certain percentage of the earnings of their mine to the company. Since the contractors can be seen as owners and managers of their terrain, they contract labourers to work in the mine. These sections vary from thoroughly mechanised to entirely artisanal, depending on the funds, machines and professional knowledge of the contractor in charge. In general, in terms of health, safety and income security, conditions are harsher than in the company's area.

The relationships between the different actors involved are not without their problems. According to the company, the contractors don't comply with the rules, such as paying a percentage of their income and complying with safety and environmental regulations. The contractors blame the company for the low earnings and the lack of liberty. The miners often conflict with the contractors because of rules, earnings, unequal relations and lack of trust.

The contractors are organised into three groups: Cooperativa Minera San Francisco Ltda, la Asociación de Contractors Cerro San Francisco and la Asociación de Contractors Cerro Lunar. After two years of bargaining, the Central de Cooperativas de Mineros en la Rinconada (the union of the three groups), was formalised in August 2007 and now legally owns the concession. This is seen as a first step towards the contractors' entrepreneurial development. A Transference Commission

supported the process¹⁵. This could eventually imply the same construction as SOTRAMI in Santa Filomena. A very important difference is, however, that the real labourers are not included in the mining organisation and only the contractors are the owners of the mines. Unequal power relations will thus be maintained to a certain extent. It is remarkable to observe the lack of organisation in La Rinconada among the labourers themselves.

While SOTRAMI in Santa Filomena is concerned with the population and takes care of the necessary services, to a certain extent, in La Rinconada no form of organisation exists with the means and the willingness to invest in communal needs. The earnings of the company go to the central office in Lima. The contractors invest their earnings in personal goods; the more they earn the more distance they take, also literally, from the community and its population.

¹⁵ The fieldwork in La Rinconada was concluded before August 15, 2007. In this report it was therefore not possible to include remarks about the impact in practice of the formalisation and process of transference. All observations about the relationships between the contractors, the company and the labourers are based on fieldwork before the formalisation.

Chapter 3

Conditions for Working Children

The two studied communities diverge in many respects, and differences in social and political organisation create variations in the production chains of gold mining; the working children of the two communities therefore experience dissimilar work and living conditions. This chapter first describes the various aspects of the production chain and the role of children within them, and then concludes with an analysis of their conditions in relation to the law.

3.1 Living conditions of working children

Working children's living conditions are described here with a focus on family life, education and health. It is important to realise that many of these living conditions also apply to most other children in the mining villages.

3.1.1 Family life

Both research communities are migrant villages, and people from neighbouring areas usually come to the villages in search of work. In Santa Filomena the move normally entails a permanent settlement, with the exception of the migrants who come only during holidays. Most people are originally from the regions Arequipa, Ayacucho, Apurimac, Ica and Cuzco.

In La Rinconada, migration is more frequently on a temporary basis. Mostly men move to the mining community for work and return after some time to their hometown. It has become increasingly common that men stay for longer periods in La Rinconada, and in those cases they bring along their wives and children. Some people have already lived in La Rinconada for twenty years. Around 96% of the residents are from the Puno region [Red Titikaka 2002]. There are also people from other nearby regions, such as Cuzco and Arequipa, or even from Bolivia. The majority of the residents keep saying that they will leave one day, but only people who, in their own opinion, have earned enough money or who have found alternative opportunities elsewhere, do finally leave La Rinconada. In this respect, only poor and unsuccessful people stay.

In both villages many of the children consider their "home" to be their place of origin, and not the mining community, although this is more common in La Rinconada than in Santa Filomena. They travel to their hometown about once a year and portray it as a much nicer place than the mining communities, especially La Rinconada. In both villages children complained about the lack of vegetation. In Santa Filomena complaints also included the lack of water and, for adolescents, the lack of recreation. In La Rinconada children complained primarily about the cold and the snow, sometimes about the contamination and some girls mentioned the lack of safety. When I asked children what they do like about the village, they often answered "the fact that there is lots of gold", and "friends and relatives living around us".

The families are poor and live in difficult conditions; the majority of the families in both villages live on a very low income, and about 80% of the families in La Rinconada live below the poverty line. According to a Red Titikaka study, the majority of the income generators (54.6%) earn between 251 and 500 sol (85 to 125 euro) per month and a large number (36.9%) earns even less than 251 sol a month [Red Titikaka 2006]. As in most poor Peruvian families, there are generally many children per family. According to an analysis by Red Titikaka, the average number of children per family in La Rinconada is 3 [ILO 2001a]. Households keep growing in size as new relatives join them, and as children are born. However, the high levels of divorce in the villages also result in many broken, and thus smaller, households.

Santa Filomena is such a small village that there is little variation in living conditions in different sections. Working children and non-working children live in the same kinds of houses with more or less the same facilities. Houses are mainly constructed with straw, sometimes covered with plastic from the inside, to protect from wind and cold. They are small and offer little protection, but the weather is always quite mild in Santa Filomena. Unlike in La Rinconada, where the sections Riticucho (“ice corner”) and Ritipata (“on top of the ice”) are the most uncomfortable places to live because of the cold, lack of safety and poor facilities. These are also the areas in which most children work. As their names imply, these areas of La Rinconada lie very close to the snow-covered mountain, which does mean closer to the gold, but also to the cold, and further from facilities in other sections of town. The majority of the houses are made from corrugated iron, sometimes lined with cardboard to withstand the cold. Nevertheless, these materials in no way protect the families from the strong cold in the winter season.

Income inequalities exist due to different levels of success that miners have. Also, families in which multiple adults work are economically better off than single-income households. The most common activity for women, in both villages, is *pallaquear*¹⁶; this earns them a very low income. Children whose mothers run a shop, a restaurant, or who provide another service, or children whose parents are teachers, are normally a bit “wealthier”. In La Rinconada, contractor families are in the best financial position. In both villages, single parent families are generally the poorest, then come the two-parent families in which both adults work regular mining jobs, and then the two-parent households in which the adults perform special jobs. Children without any relatives live in the worst conditions and are also most likely to work fulltime. Single parent households are the result of a divorce, migration or a death. Divorces are common because of social problems, especially in La Rinconada. Sometimes only some household members migrate, leaving the children behind without both parents. Men have, due to the nature of the mining activities, a relatively low life expectancy; working in the mines can lead to serious, if not fatal, health conditions, and workplace accidents frequently result in death. Several children told of their fathers’ deaths from falling rocks or *gaseamiento* (gas intoxication). In Santa Filomena accidents are less common because of better safety conditions.

Migrants live in financially insecure situations, which lead to various social problems within families. La Rinconada is especially notorious for its high incidence of domestic violence. Many mothers

¹⁶ Sorting leftover ore from debris; this is further explained below in paragraph 3.2

mentioned the fact that they don't like to leave their children alone because of a fear that something will happen, either outside or within their own home. The doctor at the local medical centre also reported an extremely high incidence of domestic violence. Especially the men are violent towards their wives and children. A Red Titikaka inquiry among 86 women discovered that 33 of them had a violent relationship with her partner in which physical aggression and insults occurred. Only 21 women had relationships without violence [Red Titikaka 2006]. The violence is often related to the high incidence of alcohol abuse; however, most incidences are prompted by worries and arguments concerning money. Women complain a lot about men not earning enough or spending their earnings on alcohol or other illicit activities; they also complained about their husbands' unfaithfulness. Women are in constant fear of being abandoned and having to raise their children alone; unfortunately this happens a lot.

The atmosphere in households can be tense because of the large number of relatives sharing the same space. Children are aware of the problems at home, and they often feel in some way responsible for improving the situation. Helping your parents, being obedient, studying, not being lazy and not complaining are generally considered signs of good behaviour. Some twelve year old boys explained why they felt the need to help their fathers:

My father works the entire day, and when he comes home he is very tired. He should rest well, because when he is tired at work, he could fall, make mistakes or even die. Therefore we should help our father when he comes home, serve his dinner and do what he tells us.

Children generally feel closer to their mothers than their fathers. Most men are away from home a lot, and so children don't spend much time with them. Although, in an inquiry among mothers it became clear that many mothers are also unable to spend enough time with their children because of work. Out of 86 women only 44% have regular conversations with their children, and are able to support and guide them [Red Titikaka 2006]. Some children associate their fathers with strict rules, drunkenness and violence. A number of eleven year old school boys mentioned that they won't drink alcohol when they grow older, because "it is a waste of money and you don't control yourself anymore". There are similar situations involving other male relatives or neighbours. Eight-year-old Miriam described her living situation:

I live with my mother, father, brothers and sisters, but my father is not home so much because he works a lot in the mine. We also have a neighbour who lives alone. He is often drunk and then he bothers us. He knocks on our door the entire night and fights with other men next to our house. Sometimes he asks me to enter his house and to buy beer for him. I don't like that but when he tells me, I do it.

Home environments are often problematic. Girls are at home more than boys because their mothers don't allow them to go outside too often, but all children prefer being at school than at home.

In Santa Filomena family situations are better, but there are still multiple social problems. Excessive use of alcohol is controlled here by regulations set by SOTRAMI, and most men and all women regard this as a positive measure. Unfortunately, here too are cases of men leaving their wives and children and also, although less, domestic violence. Since there is better organisation in

Santa Filomena than in La Rinconada, and since the village is much smaller, problems are easier to solve or pre-empt. People, especially women, support each other in cases of extreme poverty or violence. There was an incidence, for example, where all the women took a violent husband into the main street, took off his clothes and beat him, in order to teach him a lesson. These kinds of initiatives also exist in La Rinconada, for example, to combat the illegal nightclubs or violence against women and children, but the lack of strong authorities and the lack of safety together with the majority presence of men, make these actions much more difficult to realise. Many adolescents commented that Santa Filomena is a relatively safe place for children, and the less violent environment positively affects living conditions at home.

3.1.2 Education

There is primary and secondary education available in both research communities. In Santa Filomena there is, because of its size, only one primary school and one secondary school. This is sufficient for the number of children in the village, and the principal claims that he never needs to refuse a new student. Both schools are public, and are funded by the Ministry of Education. There is also a public kindergarten and a crèche established with private funds by the women's organisation. La Rinconada has one public primary and one public secondary school. Since these don't suffice for the entire children population, many private educational centres have been initiated; there are three private primary schools in La Rinconada and one in the neighbouring village Cerro Lunar, and there is one private secondary school. Younger children can attend one public crèche, one public kindergarten, or three PRONOEI's¹⁷, of which one is private and two are public. Attendance at the various institutions varies, and generally depends on their capacity.

According to information from parents and school personnel, all children in Santa Filomena attend primary and secondary school, and usually also kindergarten. A common problem for schools in remote areas is availability of teachers and other staff. At all levels of education, schools start later than planned, or start on time but with too few teachers. Many parents find this a reason to keep their children home during the first weeks of the new school year. The crèche is privately organised by the women in the village; during the time of this research the crèche was not functioning because there were no suitable women available to care for the children.

Teachers commute from other places, which means that they often arrive late on Mondays or leave early on Fridays, which decreases their teaching time at school. Another problem is the infrastructure, although this is not a reason for parents to keep their children home. The schools are constructed with basic materials; they lack fundamental elements such as furniture and sanitary facilities. Most parents in Santa Filomena complained about the education in their village. They find education important, but are not satisfied with the quality on offer. They argue that the lack of control on teachers negatively influences the quality of education and that children from other towns are better prepared for their future educational careers.

In La Rinconada there is more variety to the available educational institutions. Most parents first try to enrol their children in the public institutions because costs are lower, although not by much. If

¹⁷ PRONOEI stands for *Programa No Escolarizado de Educación Inicial* and can be translated as Non-School Programme for Initial Education. It functions as day care for children in impoverished areas.

the public institutions are full then children are sent to the private schools. Some parents, though, prefer the private schools because of the better quality of education and attention given to the children. However, both public and private schools lack satisfactory infrastructure, which is problematic in the harsh weather conditions. Most classrooms, except those in the public school, are constructed from corrugated iron, which hardly protects the children from the cold.



Photo 1: The poorly constructed school in La Rinconada barely shelters children from the cold

Schools in La Rinconada have similar problems concerning staff. During the research, it was not uncommon, especially at the public schools, to see classrooms full of children without a teacher. To make things worse, teachers do not enjoy working in these schools, and so as soon as they find an alternative, they leave La Rinconada. The frequent turnaround of teaching staff leads to strained relations between parents and teachers. The parents in La Rinconada also complained about the quality of education compared to the education in other regions and blame it on the lack of control. Those families that are able therefore send their children to attend secondary school elsewhere.

Non-enrolment and non-attendance are more of a problem in La Rinconada than in Santa Filomena. Kindergarten is not considered very relevant, and many parents only enrol their children in primary school after the recommended age. Girls tend to drop out of secondary school prematurely; often because they marry or become pregnant. There are also a number of children who have no (supporting) relatives, and who must work for a living.

A Red Titikaka study conducted in 2006 revealed that 17% of the children between 5 and 9 are not able to read or write [Red Titikaka 2006]. This is likely to be a combination of non-attendance and poor quality education. Despite being of school-going age, 5.5% don't follow any form of education. Illiteracy decreases to 2.2% for the age group 10-19, but affects girls in particular. Thanks to a private initiative, an institution has been offering secondary education to people, aged 15 and older, who haven't finished their studies yet. The average age of these students, according to the principal, lies between 18 and 25 years old; he added that most didn't grow up in La Rinconada, but in the surrounding countryside.

Another problem in La Rinconada is the path children have to take to get to school. In winter the roads can be dangerous because of the ice and snow. The children who live near *Ritipata* or *Riticucho* have to cross a mountainous path that is icy in the mornings and afternoons. It was reported that the roads are unsafe for girls for more than just weather-related factors, and so girls normally walk in large groups to improve safety. It gets dark around six and people feel very unsafe. Children who live in the remote parts of the village prefer to skip school on days when the weather is bad. Schools advise these children not to come on those days and even close when the weather is particularly bad. The situation is completely different in Santa Filomena, where everybody knows each other and the distance to school is never longer than a 10 minute walk. Only a few children from nearby villages walk more than half an hour, but the road is safe and the climate is usually mild.

There are a number of other factors that affect children's school performance. Children live in very basic houses with little space or privacy to adequately do homework. There are still parts of La Rinconada without electricity, and in Santa Filomena the power is cut at 10 pm. According to children, parents are willing to help their sons and daughters with their homework, but are often too busy or tired. However, most children also commented that they do normally have enough time for their homework and like studying. In fact, all the children in Santa Filomena and in La Rinconada were very positive about school. They like to be with their friends at school and feel that they have more space than at home. For girls especially, school is also a place where they have "free time", as a nine-year-old girl from Santa Filomena explained: "I prefer being at school than being at home. At home I feel a bit enclosed and at school I can play a lot and meet my friends". Children in both villages also explained that they like to learn new things, they like the teachers, and that they want to prepare themselves for the future. They didn't mention the lack of facilities as a negative experience.

3.1.3 Health

The research communities both have very limited health services, especially in comparison to the number of residents and their levels of health. In Santa Filomena the small health post is run by two women, of whom one is an obstetrician and the other a nurse specialised in vaccinations. The women are always busy, but the facilities and resources are unfortunately extremely inadequate. Both the women expressed the need for a general doctor. The miner organisation's car is at their disposal in case of an emergency; it is their only means of transport. The nearest hospital is in Nazca; 4 hours away by car.

La Rinconada's situation is more extreme. There is only one health post in a village with more than 10.000 inhabitants. There is only one general doctor, supported by two nurses, one obstetrician and

two assistants, who take care of general tasks such as taking temperatures and client administration. In addition, the post sometimes has interns or volunteers. The doctor reported several urgent needs, such as a car to bring emergency cases to the nearby hospital, more instruments, and more personnel. The function requires too much from one man and the overload of work negatively affects his energy and enthusiasm for the job. On weekends he travels to his home in Juliaca, and leaves the post unattended, besides the nurses and assistants. There is no transport available in case of an emergency. By car it takes about five hours to arrive at the nearest hospital in the village Huanané. For more urgent or complicated cases, people need to go to the hospital in Juliaca or Puno, which takes at least seven hours by local transport. The doctor in La Rinconada reported that at least once a week someone needs to be brought to the hospital after an accident or after contracting a serious disease.

The lack of sufficient and adequate health services is a problem for the populations in both settlements. The main health problems are poverty-related, which especially affects children's health, or work-related, which are more common for adults. In Santa Filomena the health problems of children are mainly caused by the lack of hygiene. There is lots of dust and very little clean water available, so it is difficult to protect children from infections. Since the community is remote and there is no permanent electricity for refrigerators, people don't always have fresh food. Finally, because of poverty, children quickly become malnourished, which in turn affects children's growth. According to a 1999 diagnosis by ISAT, the population, especially the children, suffers from chronic health problems caused by living conditions, work, and pollution [Romero et al. 2005].

In La Rinconada the majority of children's health problems are caused by its extreme geography and climate, the lack of protection, the pollution and the poverty in general. Especially in winter, children are not sufficiently protected against the cold due to a lack of adequate housing and clothing. The altitude also has a negative influence on the population's health. In addition, parents are often not able to provide their children with the necessary nutrition. Children suffer from malnutrition, growth problems, and respiratory infections. According to a study realised by ISAT in 2002, there is an alarming number of chronically undernourished children, a significant number of children with nervous system problems¹⁸, and children with a below-average intellectual capacity [Red Titikaka 2002:18]. Furthermore, children easily contract infections and diarrhoea because of the abundance of garbage and raw sewage. A Red Titikaka inquiry shows that 87.2% of the people with families living in La Rinconada find that the situation in some way affects their health and the health of their families. Most complaints were about the climate, followed by a lack of good nutrition [Red Titikaka 2006]. Our research also found that most people blame their health problems and that of their children on their living conditions.

Most people in Santa Filomena and La Rinconada have the right to sign up for a state health insurance or SIS (Seguro Integral de Salud). This is an insurance policy for men, women and children of any age living in conditions of extreme poverty and without health insurance. Participation is free. The insurance covers the most important health issues for parents and children, such as pregnancy controls, deliveries, immunisations, vitamin supplements, general consults, transport in

¹⁸ Children suffer from neck pain, pain and tingling in arms and hands, and pain in the lumbar region, etc., probably caused by pressure on the vertebra as a result of heavy lifting and poor posture.

case of an emergency (to a certain amount), and hospital stay under certain conditions. People like teachers, contractors or *quimbalete*-owners (mill-owners) and their children are excluded from participation, but most residents in the research communities are included in this state service. However, some people in La Rinconada have more confidence in traditional, natural or Chinese health care than in the regular doctors, and therefore do not participate in the free health care system. There are some alternative health centres available in the village and in some cases people consult the *Pacha Mama* (Mother Earth), who is according to tradition, paid in goods. Especially for unknown diseases many people rely on traditional beliefs rather than visit the health post. Children depend on their parents and often miss out on the free services to which they have a right.

In Santa Filomena there has never been a municipal ombudsman for children and adolescents (DEMUNA) and there is only one in the district Lucanas to which the village belongs. Some women were convinced that its presence would improve the situation of children in the cases of hidden maltreatment. In La Rinconada domestic violence is relatively common and this affects children in particular. A DEMUNA was established in 2003 so that children's rights would be protected. However, it ceased to exist in 2004 already. Currently, there is only a local and informal organisation, established by women in La Rinconada, which struggles for the improvement of the situation of women, children and adolescents. The women in charge, however, argue that it is a difficult task since there is barely any support from authorities.

3.2 Participation of children in gold mining and processing

Gold mining activities are similar in both Santa Filomena and La Rinconada; the differences that do exist are mostly organisational in nature. In general, the chain of production includes the following processes: mining the gold ore, sorting the ore from the debris (*pallaquear*), grinding and amalgamation, and selling the gold.

In both Santa Filomena and La Rinconada there are several stages of the chain in which children and adolescents can and do participate. A distinction, however, should be made between participation during holidays and participation throughout the year; child labour is much more present during holidays. There are also clear age-related differences in the participation of children; generally, the working children can be divided into three groups: children from 1-7 years old, children between 8 and 14, and adolescents from 15-18. In Santa Filomena, there has never actually been a survey done on working children, but the IPEC's project to eradicate child labour from artisanal mining in Santa Filomena determined that the entire population of 500 children were considered as "working or at risk" [ILO 2002]. In La Rinconada it is also difficult to state exact numbers of working children. A Red Titikaka study in 2002 showed that 20% of the children below 15 years old were directly involved in the mining processes. (Personal observations revealed that the participation of youngsters between 15 and 19 is probably higher.) 90% of randomly inquired children had at one point participated [Red Titikaka 2002].

3.2.1 Extracting gold ore from the mines

At the SOTRAMI concession in Santa Filomena there is one main mine and several smaller mines, administrated and controlled by SOTRAMI. People ordinarily work the mines in societies; a society is a group of two or more men that, by registering at the SOTRAMI office, is given permission to

exploit a certain section of the concession, whether in the main mine or a new area independent of the main mine.



Photo 2: Miners lifting the debris and ore into the trolley. The winche mechanically lifts the trolley out of the mine along a set of rails

In La Rinconada mines are either controlled by La Corporación Minera Ananea, or by individual contractors. Also here, miners work together in groups, which differ in size. Contractors are registered with the companies that own the mine, and are given permission to exploit the mine; individual labourers are not registered with the company.

The work inside the mines consists of three steps: the perforation, the blast, and the transport of ore and debris out of the mine. Perforation is traditionally done with big hammers and chisels, but when a society, contractor or company has earned some money they normally invest this in electric drilling machines to accelerate the process. The blast is performed with the use of explosives to open a new part of the rock. In the main mine in Santa Filomena blasts can, for safety reasons, only take place between certain times of the day. Perforation and blasting result in deposits of ore and debris, which need to be transported out of the mine. This used to be done manually, but since

1999 a *winche*¹⁹ has been in place in the main mine to help with the process. The *winche* accelerates the cleaning process, and creates more space for miners to work in. It has also replaced the children who used to perform this task. Unfortunately, the *winche* can not be accessed from all parts of the mine.

People of both communities state that children and adolescents are not allowed into the mines. SOTRAMI established a rule, around 1998, prohibiting anyone under 18 years old from entering the mines. Since there is only one entrance to the main mine, which is protected by a security team, this rule is respected. Even without the guards, miners generally agree with the rule and don't try to break it by taking their children with them. The mines in La Rinconada are owned and exploited by the Corporación Minera Ananea; since this is a legal company, labourers are registered, and no one younger than 18 can register.

In Santa Filomena SOTRAMI also checks the smaller mines on safety and child labour, and here it is more common to find children participating, particularly during holidays or weekends. The children who work in the smaller and independent mines are always boys, from 12 years old and up, but most are between 14 and 18. The boys work in officially registered mines owned by their fathers, uncles or other relatives. During the holidays, SOTRAMI authorises boys of 15 or older to work in the smaller mines, because it recognises the boys' need to work during the holidays. Besides being less strict in their controls during school vacations, SOTRAMI also directly offers young boys, aged between 15 and 18, above-ground jobs for a few months. During the rest of the year, all children under 18 are prohibited from participating in any and all mining-related activities.

Those adolescents in Santa Filomena who do go underground during their holidays assist with manual or mechanised perforation, carrying the ore and debris out of the mine using a manual *winche* or on their backs, and with pulverising the ore with a hammer. SOTRAMI tells all miners to use helmets, good shoes, gloves and masks when necessary, but people don't always follow the good advice. 15-year-old Mario commented:

I worked during the summer for three weeks in my uncle's mine. We worked in a team, most of them were adults. My tasks were most of the time entering the mine, and carrying the debris and the ore out. I was wearing a helmet, to prevent stones from falling on my head. I wear normal sneakers. It is not such a deep mine, so it is not dangerous. They won't make you wear other shoes; most of the men work with those shoes.

Since adolescents work temporarily in the mines, they usually have no special equipment. When breaking the ore with a hammer, they often use a cloth to cover their mouth, to protect them from the dust that comes free. Control is less frequent in the independent mines, especially those that are located far away from the village, and the conditions of many mines leave a lot to be desired. Many entrances are very small and narrow, which limits fresh air to breathe. Even when mines are

¹⁹ A *winche* is the mechanised system of a miners' trolley that is pulled by a cable along a set of rails and lifted out of the mine. In places without a *winche* miners operate a hand driven windlass to heave out smaller containers of debris and ore.

steep, miners go down them using simple ropes. There are no safety regulations in place, as in the main mine, and the construction of the smaller mines is often of lesser quality.

Mining is organised according to *campañas*: set periods of time, normally about one month, in which miners work continuously. Adolescents work during holidays for one or more *campañas* and get paid per *campaña*. The earnings vary between *campaña*, depending on the amount and quality of gold that the society finds. During a group conversation with several boys from 4th grade, they agreed that a 15 day *campaña* would earn them between 750 and 900 sol (approximately 200 euros). Boys in grade 3 estimated that for one day of work in a small independent mine, the owner would pay them between 25 and 30 sol (about 7.50 euros). Earnings are the same for all workers; if a boy only helps occasionally, his father or uncle will give him a small amount. Working hours are between eight in the morning and five in the afternoon, and include a lunch break between twelve and one.

There are some boys in Santa Filomena who started to dig for gold informally, together with friends; but this is, however, less common. In these cases the mines are very shallow and small, and their activity is not registered. They normally look for a place further away from the village and work for some hours when they have a free day or afternoon. They don't use mechanised tools and work in a rudimentary way. Their earnings depend on the gold they find.



Photo 3: Miner exiting a small mine in Santa Filomena

In La Rinconada the formal mining company, la Corporación Minera Ananea is, just like SOTRAMI, responsible for all mining activities that are carried out on their terrain; la Corporación is, however, unlike SOTRAMI, less concerned with controlling or safeguarding any mining activities that lie

beyond their direct scope. It has established regulations for in its own main mine, and for contractors to apply in the mines they exploit. A safety team is in place, comprising a company representative and three contractors, who determine the general rules for the mines. These rules govern safety and the prohibition of child labour. Since the company can't or doesn't want to control all contractors, the responsibility to apply the rules is, in practice, left with the contractors. It is, however, very difficult to monitor all contractors, and the rules are extensive, thus resulting in little direct control in the mines, and little clarity about whom exactly is responsible.

Somebody who wants to exploit a new shaft in La Rinconada has to be a contractor and must join one of the cooperatives. The contractors are normally miners or people from outside the village with some money to invest. The existence of very small independent mines is, therefore, not very common in La Rinconada. Each mine normally has a *capataz*: a person who supervises the mine and its workers. This is also the person who has the most direct influence on whether children enter the mine or not. Unfortunately, no one takes full responsibility for the involvement of children; neither the company, nor the contractor, nor the *capataz*. All simply state that children are not allowed to enter the mines, and that they won't permit it.

Despite the rules, there are therefore adolescents working in the mines of contractors in La Rinconada. According to the people living in La Rinconada, contractors accept male labourers of 15 years and older, especially during holidays. The young workers are mostly boys who permanently live in La Rinconada, or migrants from Puno, Juliaca and other nearby towns and villages. It is also common for secondary school pupils or university students from Puno to spend their holidays in La Rinconada to earn some money for the following year. When pupils complete their schooling, normally at about 16 or 17 years old, it is common for them to either work for a few months to save up some money, or to go in search of a fulltime job. Due to unemployment levels in the Puno region, mining in La Rinconada is often their best option. A mother in La Rinconada explained: "My son studies law in Puno. During summer he comes to La Rinconada and works with his father in the mine. I don't like it, but he wants to earn his money." There are some exceptional cases in which boys younger than 15 enter the mine; some boys of about 12 reported having been in the mines with their fathers. This was, however, not to work, but merely to see the place for themselves.

When children or adolescents do participate in the mining process in La Rinconada they are normally deployed to work as a *saquero*: the person who carries debris and ore out of the shaft. This is considered to be relatively easy work; it is also the most common economic activity for male adolescents. An estimated 40% of the working children between 15 and 19 years old work as a *saquero* [Red Titikaka 2006]. The adolescents use a wheelbarrow, a small trolley on rails or carry it in bags up to the entrance of the shaft. In all manners the work is heavy, especially since the boys work at a fast pace and barely take any breaks (see photo 4). The general conditions of La Rinconada, such as the altitude and the climate, make the work even harder. The most difficult places to work are in the mines closest to the snow-covered mountain, where shafts are cut into ice, the floor is slippery and temperatures are very low.

Earnings for *saqueros* and other miners are allocated according to an exceptional system; the system comprises a period of time in which all extracted gold goes to the contractor, and a shorter period of time in which all extracted gold goes to the miners themselves. The duration of these periods depends on the contractor in charge, as too does the possibility of having free days, taking a break and other work related arrangements. There are no formal rules concerning these worker

conditions. After a period of 26 days it is common for a miner to then get one or two days to work for himself. On the other hand, the system can also give the miner one hour for himself, after having worked for the contractor for two weeks. Whatever the exact arrangement is, the time that a miner gets for himself is always very short. Depending on the quality of gold, miners have an average income of approximately 700 soles a month (around 160 euro). The *saqueros* work with the remaining debris and inferior ore, and thus they earn less. Monthly incomes are uncertain; a miner can earn up to 2000 soles a month, but he can also work the entire month and not earn a thing. This system clearly illustrates the informal and unmonitored system that rules in La Rinconada.



Photo 4: Young saqueros in a mine in La Rinconada

Although this system of work and payment doesn't appear to be in favour of the labourers, the miners claim to prefer this system above a fixed salary. They always hope to *golpear* (have a fortunate day) and earn a lot of money all at once. This is very rare, as the story of a young miner's wife illustrates:

I came here a year ago with my husband and children. We lived on the countryside and hoped to earn more money in gold mining. I don't like it here, my children get easily ill due to the weather, but my husband hasn't earned enough yet to go back home. He is waiting to *golpear*, but until now he hasn't earned anything. We don't even have enough money to travel back home.

Nevertheless, many poor miners insist on the advantages of staying independent. For the contractors this is convenient. They argue that they have to invest lots of money in the opening of a

mine and, moreover, pay a part of their earnings to the company; fixed salaries would be difficult for them to maintain. The Corporación Minera Ananea, in turn, complains that a large number of contractors don't have the proper authorisation to exploit the mine and don't actually pay the required percentage to the company either. This percentage should be paid in gold, but is minimal, according to the engineers. What becomes clear is that the miners are at the end of the chain, with the fewest rights, the lowest incomes and very little decision-making power. Working children and adolescents are victims of the situation because of their parents' poor position.

3.2.2 *Pallaqueo*

In Santa Filomena, there is only one *winche*, and it is regulated by SOTRAMI. Above ground, the debris is loaded onto a truck, and transported to a central location where the *pallaqueras* gather. *Pallaqueras* are women who sort, by hand, the ore from the rest of the debris. The ore, of differing quality, is collected in a bag and taken home for further processing. The leftover debris is thrown away. In independent mines the debris is either left below ground or carried outside, manually or with a small *winche*, and left aside. *Pallaqueras* are also found in La Rinconada, normally at the entrance to the mine shafts. There is, however, less cooperation between them and the miners, than in Santa Filomena.

Children's participation in the *pallaqueo*²⁰ is impossible to measure and even more difficult to judge. Even when children are present at the *pallaqueo* site, it is unclear whether they are working or not. There are also noticeable differences between the two villages, clearly related to their varying structures, organisation and services.

Although in the past it was common for mothers in Santa Filomena to bring their children to the *pallaqueo*-site and to let them participate in the work, this has changed in the past few years. Nowadays the *pallaqueras* are organised into two groups and work every other day; this means that there is always enough work for the women when it's their turn, and the women who are not working look after the children of those women who are. The *pallaqueras* at the central site work only in the afternoons, and their children attend school only in the mornings. Children, seven years and older can stay at home alone and care for younger siblings. This system is possible in Santa Filomena due to its sociable nature and relatively small size; most people are surrounded by relatives, and most people know most others; this creates a safe environment for children.

There are, however, still some exceptional cases in which children do join their mothers when they work. This, however, never occurs at the central *pallaqueo*-site. The *pallaqueras* organisation made a deal with SOTRAMI: the debris is deposited for the women every day around the same time at the same relatively convenient place; the women in their turn promise to follow the safety rules, which include wearing protective clothes and not bringing their children to the site. However, when women go to other places where miners have left debris, like next to an independent mine, they are not obliged to follow these rules. Even though the *pallaqueras'* president tells these women to keep their children away from the site, it is not a strict ban. Women go to places other than the central site for different reasons; in most cases they don't want to follow the safety rules, or they want to work more than the organisation of *pallaqueras* permits (i.e. every day). It is important,

²⁰ The *pallaqueras* are those who sort (normally women); *pallaqueo* is the act of sorting.

however, to realise that most children who join their mothers do not actually participate in the work activities; mostly, they are just playing. Although they are still exposed to the worksite, and its unhealthy conditions such as dust, it is to a lesser extent.

It is more common to see children above 7 years old working in *pallaqueo* during the summer holidays; either with their mothers or in very few cases alone. These children are mostly girls, as boys tend to perform other activities. When children work they go to sites relatively far away from the village. Safety rules and regulations do not apply at these locations. In addition, there is no structured work schedule at these informal sites, as debris is deposited throughout the day; at the central site, debris is delivered only in the afternoons.

15 year old Sandra commented on the work: “I like the work. *Pallaqueo* is not too heavy and I like to be together with my mother, brothers and sisters. My youngest sister doesn’t work, she plays and we care for her.” In cases where entire families work together during the holidays, work and play can often be combined. The older the children are, the more they work. A 13 year old boy from Santa Filomena explained: “I worked during 2 months in *pallaqueo* and earned 150 sol (around 38 euro). I liked the job a lot, especially because I earned so much!”



Photo 5: Pallaquera women in La Rinconada; this photo shows the steepness of the hillside they work on and the abundance of loose stones, which increase risks of slipping, and threaten to tumble down onto the workers.

In La Rinconada the situation is different. There are many sites where miners leave debris, and many groups of *pallaqueras*. The women have to ask the contractor for permission to do their work, but the debris is not, like in Santa Filomena, deposited at a relatively convenient place. Working conditions are therefore tougher; the *pallaqueras* have to sometimes work on very steep hills. This is especially dangerous in times of rain and snow. La Corporación Minera Ananea tells the women not to bring their children to work, but this is not a formal rule. There are no safety conditions established by the company, the contractor or the women themselves. Most women use gloves, but this is not compulsory.

Also in La Rinconada, most participation of children occurs during holidays. During the rest of the year their presence is mostly limited to very young children who don't go to school and so join their mothers at work. Occasionally they help, sometimes they play with others, and at other times they just stand and wait by the side of the *pallaqueo*-site until their mothers are finished working. One of the *pallaqueras* in La Rinconada commented:

I always go early to the *pallaqueo* place, around 5 in the morning, but you can go whenever you like. Sometimes my son goes with me. He is seven but knows very well the difference between ore and debris. That is good, he has to learn it! There are also children that don't work; they are younger and just wait for their mothers. Sometimes they bring some water to their mothers to help them.

Conditions are harsh; it is cold and can be windy, with lots of snow and rain. It is also very dusty and the *pallaqueras* run the risk of sliding down the hillside or being struck by falling stones. Thus, even if smaller children are not working, conditions are far from ideal.

Older children also participate in *pallaqueo*. According to a Red Titikaka study, about 40% of working children between 6 and 14 years old and 16% of working children between 15 and 19 are involved with *pallaqueo* [Red Titikaka 2006]; *pallaqueo* is the most common activity for young children. Women often start *pallaqueo* at 5 in the morning. Children who attend school in the afternoons are able to join their mothers and go to school after work. Some girls, especially between 8 and 15, also help their mothers in the weekends.

The earnings of the *pallaqueras* vary from day to day. Certainly, for a *pallaquera* who is a single mother, it is a very low income to manage the household. Most children who regularly participate are children from single mothers. The work is done together and the earnings are for the entire family. No distinction is made between the child's earnings and the mother's. In Santa Filomena the earnings are normally lower for the same amount of work, because the ore is of a lesser quality (lower concentration of gold). On the other hand, the working conditions are better.

3.2.3 Amalgamation

Once the ore has been collected it has to be processed further to isolate the gold from the rock and other minerals in which it is embedded. Although there are various processes available, in these mines they mainly use amalgamation. This process can vary in each village and in each setting. However, in general, the ore is ground down with water, and then mixed with mercury to create an amalgam. The mercury dissolves the gold, separating it from the surrounding rock and minerals.

The ore collected by the SOTRAMI workers is transported to their own processing plant, which has existed since 2004 just outside Santa Filomena. Having their own plant helps them receive relatively good prices for the gold and protects them from exploitation. This plant, however, doesn't have the capacity to process all the ore for all the miners in Santa Filomena. Therefore, the majority of the miners bring their ore to the closest alternative, a plant belonging to a private company in the nearby village Laitaruma, where they pay the miners lower prices for the gold. This plant will only accept large amounts of ore, so miners collect enough before transporting it. The third option takes place in Santa Filomena itself and involves inferior machinery and more manual work. This variant makes use of a so-called *quimbalete*. *Quimbaletes* are homemade constructions comprising a massive stone laid into a bath-like structure, also made of stone. In Santa Filomena there is a long and thick wooden plank fixed horizontally to the top of the stone. The ore is placed into the stone bath, and then mixed with water and mercury. One, two or more people seesaw the wooden plank, whereby the big stone grinds the ore and mixes it with the water and mercury into an amalgam (see photo 6). In La Rinconada the stones are smaller and only one person is needed to pedal the plank and move the stone. Grinding and mixing the concoction can take some time, depending on the amount and quality of the ore.



Photo 6: Boys working the quimbalete in Santa Filomena

There are no processing plants in or near La Rinconada; all extractions are done manually with a *quimbaleta* or with small electric mills. Several mill or *quimbaleta* centres exist in the village. An important difference with Santa Filomena is the fact that no one besides the owner(s) and an assistant work in the *quimbaleta* centres. Miners who want their ore to be ground have to hire a *quimbaleta*. Sometimes, the ore has to be broken down with a hammer before it can be ground in the *quimbaleta*. In Santa Filomena, this is normally done by the employees of the *quimbaleta* centres. In La Rinconada, since there are no employees, individuals presenting the ore must do this themselves.

The end result of the *quimbaleta* process is a solid little ball of mercury and gold. After removing the mercury-gold mix from the bath, the *quimbaleta* owners in Santa Filomena sell the leftover grit (comprising water, rock and other minerals), called *relave*, to the processing plant in Laitaruma, since it still has some miniscule specks of gold in it. The gold left in the *relave* is what the miner loses when processing his ore in the village, and is the income for the *quimbaleta* owner. He uses this income to pay his employees.

The advantages of this method of extraction are that a miner or *pallaquera* receives payment relatively quickly after having obtained the ore, and he or she doesn't have to collect large amounts before extraction is possible. This method is thus more convenient for single *pallaqueras*, miners with a small or newly opened mine, or young people who only work occasionally. In La Rinconada there is just no other option and everybody uses the *quimbaletes* or electric mills²¹.

The use of child labour is not probable in the official processing plants; both the SOTRAMI leaders and the common villagers told me that children are not allowed to work there. Also, after group talks with adolescents at school in Santa Filomena, everyone agreed that it would be impossible to get a job at one of the plants. However, the manual process using a *quimbaleta*, in both Santa Filomena and La Rinconada, does indeed involve the participation of adolescents and in some cases even children.

Children participate at different stages of this process, varying between the villages. In Santa Filomena, an owner of one or several *quimbaletes* will generally employ some people to work as *quimbaletero*. Most of the *quimbaleteros* in Santa Filomena are boys between 15 and 20 years old. Older men are not commonly employed for this task because, it is argued, young boys have more physical strength and flexibility for this activity and older men prefer a job in the mine because of the relatively low income of a *quimbaletero*. One woman was observed to be working the *quimbaleta*. She didn't work as an employee, but managed her own *quimbaleta* together with her husband. The *quimbaleteros* work seven days a week, with Sunday as a half day. Normal working times are from six in the morning to six in the evening, although work can continue later into the evening. On Sunday they work from six to noon. The *quimbaletero* is mostly busy with seesawing the plank to grind the ore. He is also responsible for adding the ore, the water and the mercury to the bath. Occasionally he feels, by hand, if the ore has been ground sufficiently. After the grinding has been completed he separates most of the water from the gold and mercury mixture and then filters

²¹ Now that the contractors in La Rinconada are formalised, the establishment of a plant is one of the agenda points that they are discussing.

it further using a thin cotton cloth. He squeezes the cloth until nothing but a dry little gold-mercury ball remains.

SOTRAMI and the local *quimbaletero* association established safety rules for when using the *quimbalete*. These rules include wearing a helmet at all time, wearing gloves when touching the mercury mix, and not employing children. Again, rules are not always respected. The use of a helmet is common, although some *quimbaleteros* make do with a simple hat to protect them from the sun. The use of gloves is very uncommon. *Quimbaleteros* generally recognise the importance of wearing gloves, but argue that they are not convenient during the work. Another safety option is to use a firm waist belt to protect their lower backs when heavy lifting. The workers only use this when it is available at the work place and this is rather uncommon. The owners agree with the rule against the employment of children. Adolescents, however, are usually not considered as children and participate freely. This occurs especially during holidays when they need not attend school and when they seek jobs to earn some money.

Most of the *quimbaleteros* who work during the summer in Santa Filomena are youngsters from out of town. In 2007 most of them came from the regions Cuzco, Apurimac, Ayacucho and Arequipa. From an age of 15 years and older they come alone or with friends. To work in a small mine, one needs contacts, so for migrants *quimbaletear* is the best option. Three summer workers of 15, 16 and 17 years old commented:

We are from Arequipa. We came here in search of work. Last summer two of us were also working at the *quimbalete* here, so now we know the owner. In Arequipa there is no work. We sleep and eat here and use the money we earn to take back home. Apart from *quimbaletear* we sometimes break ore, and carry bags with *relave*. In the night we only eat and sleep; on Sunday, we wash our clothes.

The *quimbaletero* tells the employer in advance how long he plans to stay. The payment can occur afterwards, which is common when a young person works for a few months during summer, or earlier if the employee asks for it. A *quimbaletero* earns about 500 soles (125 euro) a month. There is no difference in salary or conditions between the adolescents and the older workers. If necessary, payment can include a simple place to sleep and three meals a day. There is also water available. Lunch is normally between noon and one, but in case of lots of work employees have a shorter lunch time. It is very usual for *quimbaleteros* to work for a few months, and to then return to their hometowns. They come back when they need more work, and if the employer agrees.

There are some rare cases in which the *quimbaleteros* are younger than 15. These children live in Santa Filomena and are usually relatives of the *quimbalete* owner. They work less and for shorter periods than the older boys. In some cases 14 year olds work fulltime for just one month in the summer. Children between 12 and 14 who work as *quimbaleteros* do this only occasionally; a few hours a day in the summer, or a day in the weekend. That is how 13 year old Manuel is involved:

I work sometimes at the *quimbalete* of my grandmother. During the summer I am usually at my uncle's small mine. It is far away, not in the village. I help him carry stuff, and sometimes I crush the ore. My uncle pays me 50 sol a week. In March classes are starting again, so then I can only go to the mine during weekends or help at the

quimbalete. My grandmother owns the *quimbalete*. Today I was on the *quimbalete* from 4 to 6 in the afternoon, after I finished my homework. My grandmother will give me some money; I don't know how much, maybe 10 sol.

Manuel's classmate Daniel (13) was working at the same *quimbalete*:

I worked the entire Saturday at Manuel's grandmother's *quimbalete*. I was free today, and sometimes I just work here. I'll do my homework tomorrow morning, in the afternoon I play football. I don't know yet what my payment will be, but I will save it for when I need to buy something.

Employers prefer to employ fulltime labourers, so young children only work for relatives or acquaintances. Instead of a salary, they receive small amounts of money meant as a gift. The activity is in this case not considered as 'work' but as 'help'.

Since the *quimbalete* system in La Rinconada is different than in Santa Filomena, the participation of children is also different. In the first place, there are no employees in the *quimbalete* centres in La Rinconada, besides one assistant. This assistant is often a young male person between 16 and 23 years old. Sometimes he is a relative of the owner, but on the local radio *quimbalete* owners can be heard to be looking for assistants from sixteen years old and up. Normally these boys have just finished school, either in La Rinconada or elsewhere, and are in search of a temporary job. As an assistant his tasks include selling mercury to the clients, moving the big stone to put the ore under it, adding ore and water to the electric mills, removing them again, and in some cases assisting in *quimbaletear*, or the final process of squeezing the mixture through the cloth. The working hours depend on the centre's opening hours. 16 year old Arturo works as an assistant in a mill centre and explained his tasks:

I work here every day, the lady who owns the centre gives me food and a place to sleep. I have to take the balls out of the mills, put the ore in, carry lots of water and add it to the mills. Then I press the gold and mercury mix through the cloth. I don't use gloves. When there are no clients I wait outside and sit on the bench; I get paid anyway so it is no problem. Sometimes I go to my family in the countryside; I can arrange this with the lady.

Most centres are open daily, from 5 in the morning to 8 at night. There are also centres that are open 24 hours a day. When a client wants to process his ore at night, the owner, and often also the assistant have to get up and work. The salary for the assistant is normally around 300 sol a month (around 80 euro) including a place to sleep, and three meals a day. There are no fixed holidays, but days off can be arranged with the owner.

In a *quimbalete* centre there are no requirements for people who want to use a *quimbalete*, as long as they pay. This facilitates the participation of children, both boys as well as girls. Compared to Santa Filomena, in La Rinconada younger children work at the *quimbalete*. According to a Red Titikaka study, 33% of children between 6 and 14 years old work the *quimbalete*; in the age group 15-19 this is only 8% [Red Titikaka 2006]. The *quimbaletes* are busiest at weekends; this is also the time of the week that most children participate. As with other activities, most children can be

found at the centres during the holidays. A common scenario is that they attend school elsewhere, and then come on weekends or during the holidays to help their parents. Viviana (16) explained:

I came in the weekend to help my parents who work here. My family is from the countryside and don't have much money. This is the only way for them to earn money. I live in Juliaca, where I study. Today I was on the *quimbalete* for two hours. We finished crushing all the ore my parents had, so after this we went home.

Children join their parents, or older brothers and sisters, from a very young age; real participation starts at about 8 years old. They can be found standing on top of the stone and moving it back and forth. In La Rinconada people grind smaller amounts of ore than in Santa Filomena, which means fewer hours on the *quimbalete*. An average person spends between 30 minutes and 4 hours in the centre. All *quimbalete* centres are at least partially outside, but when it starts to rain or snow, the owners cover the area with a plastic canvas. Still, it can be extremely cold to stay in a centre for more than 30 minutes, especially because the activity doesn't require too much moving.

Adolescents of about 15 often come to the centres alone. They never use gloves or other safety attributes and thus often come into direct contact with very cold water and, more importantly, mercury. When the adolescent grinds his own ore, the earnings are also for him. In other cases, the children help their parents and are not paid for their participation, but may receive a small amount as thanks.

Since there are no employees in the centres in La Rinconada, breaking up the bigger pieces of rock (which is referred to as *chancar*), is an activity that the miners themselves have to carry out before arriving. They normally do this at their homes, where their children actively help them (aged 8 and up). Since it is an activity that can be done at any time of day, children can easily combine it with school. When talking to a classroom of 40 11-year-olds it became clear that more than half, both boys and girls, regularly helped their parents with either *chancar* or *quimbaletear*. *Chancar* involves hitting the bigger rocks with a hammer into smaller pieces. This task can easily take several hours to complete. Children sit on the ground and don't use any form of protection when hitting the stones. The main risk is that they hit their own hand or get a fragment of stone in their eyes. The children consider this as a very normal household chore and don't complain about it.

3.2.4 Purifying and selling the gold

The last part of the process consists of purifying the gold by heating the amalgam, thereby evaporating the mercury and leaving behind the gold sediment. In Santa Filomena there is a communal retort in which the amalgam is heated; the retort is a small metal vessel, capped by a chimney to allow evaporation (see photo 7). The retort is communal and free to use. The amalgam is heated in the retort using a manual burner, whereby the mercury evaporates and is (partially) collected in the retort's chimney (the remainder of the mercury vapours enter the air and are inhaled by people nearby, or, upon condensation fall to the ground in the surrounding). The *quimbaleteros* association sells the collected mercury and reinvests the earnings in their *quimbalete* system in Santa Filomena. The product, gold, belongs entirely to the miner who delivered the ore. In La Rinconada there is no communal retort and people heat their gold-mercury amalgam in their own houses.

Due to the preciseness required by the purification process, children are not often involved, but adolescents sometimes are. Adolescents normally become involved during the summer months when they come to work in the mines for a certain period. In Santa Filomena they bring their collected ore to a *quimbaletero*, and then they themselves heat the amalgam in the retort. 16 year old Jesus explained the process:

I live in San Luis, the village next to Santa Filomena. I worked with my friend in a mine and obtained some ore. We came to Santa Filomena because all *quimbaletes* were busy in San Luis. We paid the *quimbaletero* and went to the *retorta*. You have to be careful not to breathe too much smoke, it is dangerous, but burning is not difficult. You see the gold changing. If you don't know it you can also ask the buyer to burn it for you. We sell the gold, divide the money and pay for a trip to Lima.

In La Rinconada people take their mercury-gold amalgam home and heat it there. They sell their gold to a local buyer who pays them directly in cash.



Photo 7: Young boys in Santa Filomena heating their amalgam in a retort

The safety and health consequences of purification depend highly on the place and manner in which the heating takes place. In Santa Filomena it is generally much better organised than in La Rinconada. People used to use personal burners in their own homes in every artisanal mining village. This is highly dangerous because people directly inhale the gaseous mercury. It was proven by medical analysis that the women and children in Santa Filomena were especially vulnerable since they spend more time at home than the men do [ISAT 2001]. In 2004, however, the communal *retorta* was introduced in Santa Filomena. Now, people who are not involved in the heating process,

such as women and children, are not directly exposed to mercury anymore. The miners who heat the gold keep their distance from the burner because inhaling the air from the retort is dangerous. There are no masks or other protective measures available. However, a small amount of the mercury vapour still ends up in the open air and thus it has negative consequences for the entire population of Santa Filomena.

In La Rinconada the health risks are much higher since mercury is heated inside houses. The fact that children are not directly involved in the heating of the amalgam is irrelevant; they are nevertheless contaminated by the gaseous mercury. The GAMA project is working on the installation of special communal retorts, which reduces contamination of people and environment significantly.

In both villages there are several gold purchasers. The purchaser weighs the gold, checks the current price and pays the seller immediately in cash. The price varies from 60 to 65 sol per gram (about 15 euros). The individual buyers in Santa Filomena bring their bought gold to Lima by car and sell it to bigger companies. The buyers in La Rinconada sell the gold in the nearest town Juliaca, from where it is sold to bigger companies in Lima or abroad. The SOTRAMI plant and the plant in Laitaruma also sell their final product to gold companies in Lima. According to the miners these companies sell most of the gold to foreign companies. This relatively long chain, from the mines to the final consumer, results in a low price for gold for the artisanal miners. SOTRAMI is currently trying to sell their gold directly to foreign companies so earnings will be better.

3.2.5 Activities around the mine

Where boys are more likely to be involved in actual mining or gold purification, girls are more frequently found in other mine-related activities. There is, for example, a growing retail sector in both villages. Different kind of shops selling clothes, furniture, toys or drinks, have recently appeared in La Rinconada and Santa Filomena. Children often help their parents with their retail activities; the shops are usually in their own houses and so children readily help out when they can. These children are mostly at home, and do not work continuously. There are, however, also little shops in la Rinconada that have been built near Ritipata, the non-residential area with mines and processing centres. These little shops sell drinks, food and sometimes tools, to the miners. The area is not very safe since avalanches can occur, and access is precarious. Children help their parents here after or before school. Because of the lack of facilities people don't usually stay in this area throughout the night, but there are exceptions. Sometimes it gets too late to go home or the weather turns; staying overnight is, however, dangerous because of the unpredictable weather and the complete lack of security.

Children are also found selling drinks or food on the streets. They walk around with their products on a tray or in a small box, or they set up a little stall. In Santa Filomena this usually only occurs on Sundays, which is a day off for everybody. In La Rinconada it is more common to find children selling throughout the week, before or after school. If they have a stall they often work with siblings. Normally, children don't get paid for this kind of work, only if they work for a long period. An 11-year-old boy in Santa Filomena mentioned: "I worked for one month in my mother's bakery; I liked it and earned 100 sol (around 25 euro)." Selling for only a few hours is considered to be one of the household tasks.

Restaurants and bars make up an important sector in mining villages. In both villages there are many restaurants, usually owned and administrated by a woman. It is very common that children,

especially daughters, help their mothers in the kitchen, preparing the meals or serving dinner. They start work early in the morning and can continue late into the evening. A 12-year-old girl in Santa Filomena told me what a regular day for her is like:

My mother has a restaurant. I help her in the morning from 4 a.m. to 8 a.m. preparing and serving the breakfast. Then I go to school. In the afternoon we have to prepare the dinner, so I help my mother between 3 p.m. and 8 p.m. I am used to this. After helping my mother I do my homework and go to sleep.

It is very common for girls to help in their mother's restaurant or bakery until about 8 p.m. These girls have little free time, and use the evenings to study. Most of them claim to like helping their mothers, and are "used to it".

Mining villages are notorious for their high incidence of alcohol abuse, violence and prostitution. This is certainly the case in La Rinconada, but not so in Santa Filomena. SOTRAMI forbids the sale and use of alcohol during weekdays, to avoid accidents at the workplace²². The rule is generally respected, probably because of the village's small size and strong social control. According to the residents there is also no prostitution. La Rinconada, however, has a large population, many male seasonal workers, and basically no official or social control; the result has been high numbers of informal bars, nightclubs, and prostitution workers. According to the residents and several NGOs, many girls below 18 years old work in these businesses. These girls have usually come alone to La Rinconada, and have mostly been convinced by false promises of good earnings and other favourable conditions. Many of the girls come from poor families or orphanages in Juliaca, but also from other nearby towns and villages in Puno, Cuzco or even La Paz. The work they perform varies from serving beer to prostitution, which in cases may earn well, but working conditions are poor if not hazardous, especially because of the informality and the lack of safety²³.

Both villages lack potable water. In Santa Filomena a truck brings water to the village; in La Rinconada people have two alternatives. They either buy water at one of the wells; children help both in buying and carrying the water. The children of the well administrators also help selling the water. A boy who worked at a well said: "I work every day from 5 a.m. to 8 a.m. in the morning at the well; after the work I go to school." The La Rinconada villagers can alternatively obtain water from melted snow or ice; this is cheaper than the water from the well. Also here children participate in both selling as buying. It is very common that children, from about eight years old, buy and carry water every day. The selling of this water occurs from homes; children participate whenever they are home and the activity can thus easily be combined with school.

²² Shops are not allowed to sell alcohol during the week; they can get fined. For personal occasions, such as birthdays, people can ask for permission from SOTRAMI. Although there are some examples of people breaking the rules, these are few. The serious problems related to drunken miners, as found in La Rinconada, have at the moment certainly been solved with this law.

²³ Due to lacking safety conditions no interviews were held with girls below 18 working in nightclubs; information is based on informants.

3.3 Mining children and the law

In accordance with the ILO conventions, Peru established a *general* minimum working age of 14 and prohibits the participation of persons under 18 years old in the worst forms of child labour. Peru set the minimum working age for *mining* at 16, due to the harsh and hazardous nature of the work, but this age will probably, in near future, be raised to 18. Children and adolescents between 14 and 18 may only work under particular conditions, and according to certain rules. Maximum working hours are set according to age groups. There are also some activities in which children and adolescents are not allowed to work under any circumstances. Working in the *mine shafts* for example; it involves work underground, which is prohibited by the Peruvian law for persons under 18. The same applies to working with mercury, as it is a highly toxic substance. Children and adolescents are not allowed to carry excessively heavy weights or to work during the night.

Unfortunately these rules are not always reflected in reality. For example, young *quimbaleteros* in Santa Filomena work 12 hours a day, twice as much as legally permitted. Furthermore, those children who join their mothers *pallaquear* in La Rinconada work from 3 or 4 in the morning, and thus work at night. The *saqueros* who work in mine shafts often carry heavy weights and in the prostitution in La Rinconada some under-eighteen girls are involved. Fieldwork has shown that in the mining sector not all national or international rules and regulations are respected. The occurrence of child labour in different stages of the production chain is part of this. Child labour takes places especially in La Rinconada, where the mining is more informal.

The local community does not always agree with legislation or the depiction of a child labour problem by NGOs and state. In the first place, the meaning of “work” is not the same for everyone; many activities are perceived as “help” rather than “work”, especially when the children perform small tasks, for short periods of time, at home or with the parents²⁴. Many children in La Rinconada, for example, explained how they did not work, but that they simply helped their parents with tasks such as crushing ore or *quimbaletear*.

Furthermore, the local residents appear to consider the national laws somewhat irrelevant to their situation and conflicting with their own ideas about child help and work. In La Rinconada it is generally accepted that male adolescents from around 15 years old start to work, i.e. earn their own money rather than help their parents. Mining is accessible and all men work in the sector; dangers are perceived as relative and are accepted. In Santa Filomena there is much more consciousness and concern among the population about meeting the legal obligations. Mothers, for example, who take their children to work, are generally seen as irresponsible mothers. Although, to a lesser degree, the same distance between rules and reality also exists. Mining in the strictest sense, i.e. entering the main shaft, is not allowed for persons below 18 years old. Adolescents from 15 years old are, however, allowed to enter smaller mines during holidays and work as *quimbaleteros*. These activities are in the village not considered to be extraordinarily heavy or dangerous, especially when safety conditions are taken into account.

²⁴ The difference between “work” and “help” will be further discussed in paragraph 4.2

Most working children are adolescents, who are legally allowed to work but not in mining. However, the lack of other employment opportunities forces young people who live in mining villages into mining. The laws are thus often not realistic for these youngsters.

Also, the living conditions of working children often fail to comply with official laws and regulations for children. Children who participate in mining activities are not only working under conditions from which they should be protected according to the law, they are also living in conditions that deny certain basic rights. Legally, children have the right to a clean and safe environment, to health care and to education. The reality of the mining sector is different. La Rinconada is an unhealthy environment for children due to the high altitude, a lack of hygiene facilities, a non-functioning health post, poor safety conditions, etc. Santa Filomena, although a bit more favourable, still lacks potable water, quality education and sufficient health care facilities. Children and adolescents are found in these living conditions because they or their parents work in mining-related activities. As in the case of working conditions, the reality of the mining sector shows that important child rights are not put into practice. Ideally, children shouldn't live in mining villages unless living conditions improve. The option to split villages into working and living quarters is already in development in Santa Filomena²⁵. On the other hand, a lack of control, leadership and responsibility in La Rinconada is likely to make a similar plan impossible in the near future. A more feasible option in La Rinconada to keep children away from the dangers of mining, is to reduce the need for migration to the village in the first place.

²⁵ This plan was set into motion to meet the requirements of "Green Gold" production. "Green Gold" is gold that is produced without serious damage to environment and humans. It can be sold for a higher price. During a follow-up visit to Peru in May 2008, big parts of the village had already been moved.

Chapter 4

Consequences of Child Labour

Child labour in mining has consequences for children's education, health and family life. Studying the consequences allows us to draw conclusions about whether the mining activities can be considered a worst form of child labour or not. Consequences for health are described below per activity that children carry out. The chapter concludes with an analysis, which relates our findings to the official data on child labour in mining and to local perspectives.

4.1 Consequences for the education of working children

Education is considered, by parents and children alike, one of the most important tools with which children can make their way out of the poverty and social exclusion in which most families of the two villages live. This attitude towards education does not, however, necessarily imply a low presence of child labour. On the contrary, in Latin America education and work combine relatively well, depending of course on the type of activity the child is involved in. There are in fact a few activities in the mining sector that are fulltime occupations, such as working as a *saquero* in La Rinconada or as a *quimbaletero* in Santa Filomena. The adolescents involved in these activities are not likely to combine their work with any regular form of education. There are, however, other activities that can be conducted in the mornings, afternoons or evenings and can therefore be combined with school; these include *pallaquear*, in both villages, which is an activity without fixed working times and can therefore also be carried out in the weekends. Intermittent jobs, such as *quimbaletear* in La Rinconada or gold mining in a self made mine in Santa Filomena, are performed during weekends or outside of school hours and don't necessarily influence school attendance. The most common combination found is children attending school year round and then working fulltime during school holidays. The most crucial question here is how are school attendance and results affected by either part time or holiday work.

In Santa Filomena, where only some children and adolescents work during holidays and other combinations of work and school are rare, people are convinced that work activities aren't causing any harmful effects on education. This seems plausible when looking at the number of hours children work during the year compared to the number of hours spent on attending school or completing schoolwork. For example, children below 14 who work occasionally in the weekends are often only allowed, by their parents, to work on the condition that they first finish their homework.

However, when looking at the more general picture, working in mine-related activities and living in mining villages can negatively affect children's education. Firstly, the children come into contact with mercury, whether they work directly with it or not, and the effects it has on their nervous systems results in long term consequences for their ability to learn. (The effects of mercury will be further discussed below.) Secondly, the quality of education in mining villages is poor; negatively affected by the geographical and often social exclusion of the village. Before the secondary school

in Santa Filomena was constructed, working adolescents had no place to follow an education. Nowadays they can, but the quality of education is relatively low. Several parents mentioned that “the level of education in Santa Filomena is lower than in towns such as Arequipa, Ica or Lima. The relatively poor quality makes it more difficult for children to pass an exam at the university or technical schools.” Living in a mining village thus mostly involves low quality education and consequently fewer possibilities of being accepted into higher education.

The situation for young migrant workers in Santa Filomena is again different. In general, they come to the village to work for a short time during holidays and then return home. However, what sometimes occurs is that, where local young workers return to school after the holiday, the migrants decide to stay on to continue working, and thus disrupt their education. 16-year-old Gabriel explained:

I came here two years ago for the first time during the summer. My family lives in Apurimac, but I couldn't find a job there. I worked the entire summer as a *quimbaletero* and this year I decided to stay after the holiday. I want to work longer because I didn't earn enough in the last months to pay all that I need for the next year. I am planning to stay for another year here and start the 4th grade next year.

15-year-old Carlos from Cuzco argued:

I will stay for one month longer in Santa Filomena to work at the *quimbalete*. I would like to earn a little bit more. My school won't start right away anyway, it is always late. Anyway, they will still accept me if I miss some classes.

These adolescents prioritise work before school out of necessity, so they say. For these boys, work is certainly an obstacle to their education. The young migrants left their home village with the idea of earning money; they want to return to their family as soon as they earned enough. They can't combine work and education because of the fulltime job. It would be interesting to see if they ever do really finish their education, or if they keep on working instead.

In La Rinconada teachers don't admit to the presence of working children at their school, but it has been observed that several school going children are also part-time workers. Children and parents are convinced that part time work, or children helping parents at home or with their activities, doesn't affect children's education. However, a Red Titikaka study shows that the high levels of participation of children in mining activities is directly related to the low levels of participation in education. Working children supposedly have worse results at school because of a combination of factors: they have less time to do homework, they are more likely to be tired and unproductive in class and are more likely to miss classes [Red Titikaka 2006]. Most children in La Rinconada, however, continue to argue that their work doesn't affect their education. Mariluz (12) stated: “I help my mother *quimbaletear* during the weekend and sometimes after school. I do my homework in the mornings or evenings, and have enough time to finish it.” This ability nevertheless highly depends on the kind of work, the hours dedicated to work and the degree to which children need to work. It was observed that children who work are more likely to miss a day at school than those who do not; or, a child is more likely to miss school on days that he or she works than on other days. 14-

year-old Irma commented: “I only don’t go to school when the weather is very bad or when I have to help my mother.”

In La Rinconada there are also adolescents who don’t follow any form of regular education; in most cases it concerns adolescents working as *saqueros*. According to a Red Titikaka inquiry, which questioned 86 mothers, 36 of them indicated that at least one of her children had dropped out of school, in most cases secondary school [Red Titikaka 2006]. The main reason given to account for the dropout was financial.

During focus group discussions with adolescents between 14 and 18 years old in both villages, another consequence of work for education became apparent. They argued that when adolescents start to work and earn their own money, it is very difficult for them to return to school. In their words: “Once they get used to money they don’t want to lose it anymore. After being able to buy the stuff you need, it is difficult to decide to study and live in poverty again.” In their opinion this is in fact the worst consequence of working.

La Rinconada has a generally low-educated population; the Non Formal Secondary Education Programme (Programa No Escolarizado de Educación Secundaria or PRONEPSA) is popular since so many people have yet to complete their schooling. One of the various reasons given by participants of PRONEPSA for their incomplete education involves their early commencement of work. Many people successfully attended primary school, but by secondary-school-age they started working instead. The director of PRONEPSA independently initiated the programme in January 2006, without any state or other support. He offers secondary education to men and women from 15 years old and up, on Sundays and Saturdays; the weekend education allows them to continue their work during the week.

Most of the students never finished their education because of the need to work. Some of the students have grown up in La Rinconada or have lived here for a long time whereas others arrived as adults from other towns or villages. The majority has grown up in surrounding villages in the countryside and arrived here without having finished their secondary education. For children in La Rinconada, the main reason to stop studying is related to economic factors. If their father dies or leaves them for other reasons, they have to start working to contribute to the family income. For girls this means usually work in restaurants or in the household, for boys the most common job is in the mine or in the grinding centres. (Director of PRONEPSA)

The majority of the students attending the previous year were men between 18 and 25 years old. The costs for attending the PRONEPSA are 80 sol (20 euros) per year. It is the only form of education for adults in the village.

Just like in Santa Filomena, the education offered in La Rinconada is of poor quality education. The existing NGO programmes have tried to improve the quality, but most parents are still not satisfied. They are afraid that the children will be inadequately prepared for further education; this is an unfortunate consequence of living in a mining village.

4.2 Consequences for the health of working children

Health consequences for working children depend greatly on the type of activity performed, and in which village the activity takes place. The most severe health effects are found in children active within the mines, or with the *quimbalete*; both activities are primarily performed by adolescents. The health considerations are discussed below according to each activity found in the chain of gold mining.

4.2.1 Extraction

The activities of adolescents in the mines are similar in the two villages; they are mainly occupied with carrying ore and debris out of the mine. However, the conditions under which they perform these activities vary significantly between the villages because of the differences in type of mine and climate.

According to the working boys in Santa Filomena this work is quite hard. Julian, a sixteen-year-old boy who worked for the summer in a small mine, explained:

The work in the mine is very hard, harder than the average job. I didn't like it so much. I wasn't used to it, that's why it was tough for me. I worked because I wanted to earn money. It is better than *quimbaletear* because that is boring and earns less.

Others mentioned that the work is "boring", "risky" or "sacrificing". An exceptional few liked the work; Gilbert (15) mentioned that, "I liked the work because it was my first experience in mining." The older the boys are, the more they trivialise the hard work. Adolescents that worked in a team agree that the atmosphere inside and around the mine is usually pleasant. 16-year-old Miguel said, "The work is very hard, but the atmosphere in the group is friendly. When you work with relatives, they will consider your lack of experience and age, and allow you to work less hard."

Despite the hard work, most of the boys between 14 and 19 consider working in the small mines as the best option. The other option, *quimbaletear*, is less desirable in terms of money.

Small accidents are not uncommon. The independent mines are often steep and access is poor. A 12-year-old boy in Santa Filomena, who worked for two weeks in a small mine with his older brother, said that "the work was risky because one could easily fall". The mines are also extremely dusty, which often causes respiratory problems. Adolescents in Santa Filomena generally don't complain about health problems caused by the work in the mines; this is probably because they don't work fulltime in the mines, or because they haven't discerned any health problems yet. Former working children in the village admitted that the work definitely causes serious health problems, but that they often only arise some years later:

I came to Santa Filomena in 1992 and started to work during holidays in the mine. It was my first experience in mining and I had to carry the debris away. Every holiday I worked for three months. Nobody told me at that time about health problems. Now I have silicosis and I developed an allergy for dynamite. When I smell dynamite, I get very weak in my entire body. Because of these health problems, I am not able to work in the mines anymore. SOTRAMI gave me a job above ground. (28-year-old Nicolás)

In La Rinconada conditions differ to a certain extent. Some mines are dusty like in Santa Filomena, but others are wet and cold because the shafts are actually cut into the ice. Some mines have steep sides and there is a high risk of falling; others are flatter but still slippery. The work as *saquero* is harsh; the boys run in and out of the mines with heavy loads, at an extreme altitude. A particular danger of working by the entrance of the shaft is the risk of being hit by falling snow banks or rocks. Ritipata mines are well known for hazards such as landslides or avalanches; people know where to hide in case they occur, but they nevertheless increase the risks.

A common accident in La Rinconada is gassing; this is when poor ventilation causes the mines to fill up with gas, resulting in the miners fainting or even dying. The *saqueros* have a lower risk of gassing because they work near the exit and are also frequently outside.

What all miners suffer from is the climate. Working in such extreme weather conditions, at such an altitude, causes an array of general health problems.

In Santa Filomena as well as in La Rinconada, adolescents sometimes assist in perforation activities (using hammers or other drilling tools). Without the use of proper protection, which is unfortunately often the case in these mines, this activity is dangerous. Rock shards cause eye injuries and hands are vulnerable for cuts and even breaks.

4.2.2 Pallaquear

Pallaquear is an activity that does not necessarily require much strength. Health consequences depend mostly on the conditions under which children perform the activity and the degree to which they actively participate (some of the younger children are actually just playing and do not actively participate). In Santa Filomena the few exceptional cases of children involved in *pallaqueo* run the risk of respiratory and muscular problems. Children themselves, however, described *pallaqueo* as a soft activity and they don't dislike doing it. Women who work frequently in *pallaqueo*, however, complain about serious health problems. The most common complaints involve back pain because of the kneeling position they assume for the task and because of the heavy loads they carry home. They also suffer from bronchial problems, brought on by the dust, and general discomforts from working in extreme climate conditions. A few regrettable cases of miscarriages were reported by women who had continued working while pregnant. The complaints reported by women indicate the potential long term hazards for the *pallaquear* children.

In La Rinconada the *pallaquear* experience similar hazards. Even children that are present without actively participating are affected by the severe weather conditions and the dangers of landslides and avalanches. They work on extremely steep hillsides, increasing the risk of injuries.

4.2.3 Amalgamation

Many young workers from both villages operate the *quimbaleta*. In Santa Filomena most boys found at the *quimbaleta* are between 14 and 18 years old. It is said that older boys/men are not strong or flexible enough for this activity. Another worker argued: "persons who work continuously on the *quimbaleta* are 'wasted' after some time". This illustrates the physical requirements of the work and the damage it eventually does to the workers' physical health.

The main activity is to seesaw the long plank that activates the large stone that, in turn, grinds the gold-mercury amalgam (if there is no plank then usually just one person will stand on the large

stone and rock it to and fro). This is a very monotonous activity that is performed for many hours; physical complaints are therefore not unusual. The 15-year-old Carlos commented that, “during the first days of working my feet hurt because of the movement, but now I got used to it.” Many Santa Filomena residents commented on how, in the long run, back problems are caused by the continuous blows to the body. It is also an extremely tiring activity, especially since temperatures in Santa Filomena are often high. In most of the *quimbalete* places the boys work under a little roof to protect them from sun. If there is no roof, young workers wear a helmet or hat because the sun is too strong.

In La Rinconada the *quimbalete* work has somewhat been eased by the presence of electric mills, which can crush the ore finer than when done by hand. Consequently, the ore that goes into *quimbalete* is easier to work with, resulting in fewer and less strenuous hours. However, weather still plays a factor; although, unlike in Santa Filomena, it is the cold here that is the problem. Children who accompany others, but who do not participate, also suffer from exposure to the weather conditions.

The most significant hazard of working in the *quimbalete* is the direct contact with mercury. Mixing water and mercury into the crushed ore may not be a very strenuous activity, but the use of mercury without protective clothing is extremely hazardous. According to a 1998 ISAT study, conducted in Santa Filomena, the health of both adults and children was affected by the work. The problems mainly concerned the muscular and nervous systems.

Mercury can enter the human body in different ways. People can inhale the vapours; this is most dangerous because mercury in this form is easily absorbed, but very difficult to excrete. Inhalation of mercury vapours occurs most often at the *quimbaletes* and during the heating of the amalgam. When operating the *quimbalete*, the workers stand above the amalgam and are thus directly exposed to the vapours (mercury is highly volatile, but evaporation is further increased by the high atmospheric temperatures). When heating the amalgam in the retort mercury vapours readily enter the environment and are inhaled by everyone in the vicinity.

Mercury can also enter the body through the skin. Everyone who works the *quimbalete*, or who is otherwise involved in the amalgamation process (creating the mercury-gold mix) is exposed to mercury in its liquid form. The mercury is frequently handled with bare hands; the boys feel the mercury mix to judge the grinding progress in the *quimbalete* (see photo 8), and they come into contact with the mercury when filtering the amalgam through a cloth. Mercury causes irritations to the skin, but is more damaging when it enters the body through, for example, a wound. The health consequences can differ depending on the person, the amount of mercury and the period of exposure. Generally, mercury causes serious damage to the brain, the nervous system, the liver and the kidneys.

There is a difference in consequences when exposure to mercury is either acute or chronic. Acute exposure occurs when large amounts are inhaled or ingested; chronic exposure occurs when someone comes into mercury for longer periods of time. Acute exposure can initially cause symptoms similar to the flu: sore throat, headaches, coughing or fever. These symptoms may disappear after a few days, but the mercury is still in the body; the body is not able to get rid of the mercury and so it builds up (mercury is a cumulative poison). Chronic exposure will gradually present symptoms; the first complaints often include insomnia or a loss of appetite. After a while

more serious complaints can arise, such as inflammation of the gums, trembling of the hands or in the face, and even loss of teeth. People who present mercury exposure will often have skin discoloration (pink fingers, lips, cheeks, toes), and may also experience extreme skin peeling. High exposure to mercury for a long period can cause mental problems such as unexpected bouts of anger, hallucinations, emotional instability, extreme wariness, or memory loss. Other symptoms include profuse sweating, high blood pressure and tachycardia. Women who have been exposed to mercury run a higher chance of suffering miscarriages, or of having children with birth defects. The nervous system is most at risk from mercury exposure; in young children, for example, exposure can inhibit the proper formation of myelin, which results in poor functioning of the nervous system. Damage to the nervous system results in poor vision, poor hearing, loss of sensation, numbness or tingling, fatigue, muscle weakness etc. [ISAT & Proyecto GAMA 2004 and Dutch Ministry of Health]²⁶.



Photo 8: Young boys working the quimbalete; here they are feeling the amalgam to see if it has been sufficiently ground. They do not wear any protective clothing or face masks when handling the mercury mix

²⁶ <http://www.volksgezondheid.gov.sr/dossierskwik.htm>

In spite of these risks, the boys who work the *quimbaleta* do not use protective clothing; they consider gloves and face masks uncomfortable and unnecessary. They do not complain of any mercury-related symptoms, nor do they take the potential danger very seriously. Some people working the *quimbaleta* in Santa Filomena were aware that exposure could cause problems such as kidney failure, but did not know the reasons for this.

The use of mercury in gold purification not only has health consequences for those who come into direct contact with it, but it also affects the environment and all the people and animals in the area. Mercury that is not collected for reuse enters the air, and goes into the soil and the groundwater. As mentioned earlier, mercury has a cumulative effect; in running water its levels remain at a relatively low level. However, the fish that live in the rivers and lakes experience a build up of mercury levels, which have severe effects on humans when the fish is eaten. Children are likely to indirectly ingest mercury when playing with contaminated soil.

In Santa Filomena there are no rivers, and fish comes only from nearby coastal towns; potable water is brought in from nearby towns by trucks. An environmental impact study showed that there is relatively little contamination of the environment in Santa Filomena. In La Rinconada, however, fish come from contaminated rivers near the village. La Rinconada lies at the source of many rivers, and thus much water in the region is contaminated because of the use of mercury. This includes the famous Lake Titikaka, in which most rivers end up.

4.2.4 Purifying and selling the gold

Purifying the gold by heating the amalgam, thereby evaporating the mercury, is a relatively easy activity, yet it can have disastrous health consequences. During the process, mercury vapours are released; the person doing the heating is most directly affected. This activity is mostly performed by adults, although some adolescents participate too. Even though children are generally not directly involved, everyone in the vicinity is affected by the mercury vapours. As the mercury is heated it evaporates and enters the air; it then condenses and falls to the ground in its liquid form. In this manner the mercury can come into children's homes and play areas. Children whose parents heat the amalgam in the house are exposed to an even greater extent. For the approximate two or three tons of gold that is produced in La Rinconada every year, four to six tons of mercury is released into the air [BBC 2004]; this is an extreme amount of toxic metal for a relatively small village.

There are much fewer mercury gases in the air in Santa Filomena because of the recently introduced communal retort. This prevents people from heating the amalgam in their own homes. According to a 2001 ISAT study, women and children used to have higher concentrations of mercury in their systems than men. This was because women and children were exposed to the gases every day in their homes, while men spent their days in the mines, where no mercury is present [ISAT 2001]. However, even with the new retort, those who do the actual heating continue to be directly exposed.

4.2.5 Activities around the mine

Health consequences of activities performed around the mine are mainly related to weather and safety conditions and only really apply to La Rinconada. Children in Santa Filomena who work in restaurants, shops or who sell products on the streets run few risks for their health. Children in La

Rinconada, however, work in much more dangerous conditions. Most children who help their mothers with selling drinks and food to the miners do so in the Ritipata area; this is an area with very little social or official control, its geographical and climatic conditions are harsh (poor access, precarious paths and steep hills, severe and unexpected precipitation and low temperatures etc.), and the chance of avalanches is high. There are sufficient unfortunate examples of mothers and children suffering from the harsh conditions, even with death as a result.

4.3 Consequences for family relationships

Working children have other kind of relationships with their family members than children who do not work. Working children either see their families a lot (when they, for example, work together), or barely see them at all (when, for example, the parents and/or children are migrants who travel and work apart).

Many activities in the two mining villages can be performed in a family context. Children and adolescents alike argue that it is positive to work together with relatives. Relatives will protect children from working too hard or from other forms of exploitation. 14-year-old Victor worked in his uncle's small Santa Filomena mine, during the holidays. He said: "It is much better to work with relatives. An unknown employer could easily exploit you, but a relative will not, working with a relative means that you will be assured your payment and good treatment."

However, some adolescents in Santa Filomena argued that the work advances slowly when people work with relatives, because they take orders less seriously. 14-year-old Elizabeth worked in *pallaqueo* with her entire family for the summer. She said:

I worked with my mother, brothers and sisters. For my younger brothers and sisters it is much better to work with their family, because we won't let them work too hard. They can play and rest whenever they want. For the earnings it would be better not to work with your family. When an unknown person tells you what to do, you are more likely to do it than when your mother tells you so. But I prefer to work with my mother, brothers and sisters. We have a good time together.

Entire families migrate to the La Rinconada mines during the summer. Children normally work with their mothers in *pallaqueo*, or help their parents to grind the ore. Most adolescents who come from other places to work during the summer come to La Rinconada or Santa Filomena alone. Most of them don't see their families for the entire summer period. While some enjoy their freedom, others miss their family. 14-year-old Luis lives in Santa Filomena, but worked at a farm in another village for one month in the summer:

My work was fine; I had to take care of cows and lived with the owner and his family. It was easy and relaxed. But what I disliked the most was missing my family, especially my recently born brother.

The children or adolescents, who spend the summer holidays in a mining village or who move from their mining towns to other villages for work, are diverse. Successful students or abandoned children are equally likely to earn money outside their hometown during the summer. The children

and adolescents, however, who decide to stay on after the summer are commonly those with the least options in their own hometowns; the reasons for this are discussed in the next chapter.

4.4 Consequences and the worst forms of child labour

Child labour in mining is, by national and international laws, defined as a worst form of child labour. According to the ILO, approximately 50.000 Peruvian children are involved in this sector, suggesting a serious problem that needs to be solved [Romero et al. 2005]. During this research, it became apparent that various parties involved, such as the miners and their families, are offended by this position and don't share the opinion. As Gustavo, an adult miner from Santa Filomena argued:

The phenomenon of child labour has been demonised! The ILO claims that there are 50.000 children in Peru working in mining! This is impossible. They are portraying us negatively. Probably they will count a child that walks around at the *pallaqueo* site, or a child that would carry a few stones as a child labourer in mining. This is ridiculous.

The lack of a shared vision between the policy makers and the people involved can cause difficulties when implementing policy. A careful reconsideration of mining as a worst form of child labour is therefore necessary to be able to draw relevant conclusions and make successful policy recommendations.

The worst forms of child labour, as defined by the ILO, include all forms of slavery or similar practices, the use of children for prostitution or pornography, and the use of children for illicit activities. None of these categories can be applied to the two mining villages. In addition, the ILO worst forms list also includes all activities that are by their nature or conditions likely to harm the health, safety or morals of children. This research has therefore studied the conditions and consequences of the activities in which children in mining areas are involved.

In the first place, the "50.000 children working in mining" should be put into perspective. The most significant risks of mining activities for children affect their health, thus one should look at those activities that negatively affect the child's health. The children most at risk are the young *quimbaleteros* and *saqueros* since they perform heavy physical tasks, they work with toxic substances, and in an unhealthy environment. Their health and safety is further compromised due to a lack of protective measures. These activities are mostly performed by adolescents between 14 and 18 years old, although younger children in La Rinconada also work at the *quimbalete*. The ILO most likely also included children who occasionally work in *pallaquear* or *chancar* in their 50.000 count. These children certainly also run risks but with somewhat less grave consequences. Without trivialising the risks for these children, including them in the count generalises the picture. The problems for children who occasionally crush stones require a different approach than those belonging to adolescents who work fulltime inside a mine. Generalising the activities and their accompanying risks creates a bias and can lead to unjust policies.

On the other hand, the health consequences of mining as described earlier are also in affect for non-working children who live in the mining villages. The research has shown that almost all children living in Santa Filomena and La Rinconada are likely to suffer from mining-related activities. This is especially due to the use of mercury. Thus not only working conditions but also

living conditions are relevant to keep in mind. General living conditions in both villages are often so bad that they put children's health, safety and morals in danger. This is particularly relevant for La Rinconada and to a much lesser degree for Santa Filomena, because of the measures that have been taken there. Santa Filomena is currently also working on a new design for the village (development has already commenced), which will see it separated into living and working sections. This will drastically reduce poor living conditions.

Priority attention should be given to all children active in mining, taking actual activity, age, frequency etc. into consideration. Most mining-related activities, however, have negative consequences for health, safety and morals. In addition, all children living in mining villages suffer the negative effects of pollution, harsh weather, and poor services. In this respect, it could be concluded that working children in La Rinconada should certainly be included on the worst forms of child labour list; the non-working children deserve similar attention. Adaptation of mining methods is highly necessary to improve working and living conditions of all village residents. In Santa Filomena, methods have already been improved, but not sufficiently. By redesigning the village layout, many children will be spared the effects of many mining-related hazards; policy must now focus on adolescents who continue to come into in direct contact with potential dangers through their work. Again, a change in mining methods, especially the use of mercury, is necessary to improve working conditions.

Chapter 5

Why do Children Work?

Children work for a multitude of reasons; the reasons depend on the children themselves, their families or caretakers and employers. They are discussed here according to five main categories: economics (linked to the family situation); existing norms and traditional patterns; availability, accessibility and quality of education; safety, organisation and child care; specific characteristics of the mining sector.

5.1 Economics

The first and most obvious reason for children below 18 to be working in mining is economic necessity. Most commonly, the families of these children are in a poor economic situation, or alternatively, they have no family. The Red Titikaka study on child labour in La Rinconada [Red Titikaka 2006] states that, “the principal causes that oblige children to participate in mining activities are in the first place that the incomes of their parents don’t suffice to cover the necessities of the family.” Economic necessity implies a need to satisfy basic needs. Thus it is conducive to question how the earnings of the working child are spent to understand how, or to what extent, economics affect the incidence of child labour.

The earnings of boys up to 14 and girls up to 17 years old usually contribute to the family income. Subsequently, parents provide the children with food, clothes, shelter and education. However, this very much depends on the family structure and situation. Some children live in a single-parent household, others have parents with regular jobs, and some have parents with better-paid jobs. The size of a household also affects the economic situation of a family. During the research five main reasons were observed as to why families are unable to satisfy their basic needs: single-parent household due to divorce or death; a lack of a (well paid) job for the parent(s); many children to take care of; high costs for crucial services such as health care and education; bad financial management due to factors such as alcohol abuse. In La Rinconada, for example, it is very uncommon to find a child of a contractor working, especially when he or she has few brothers and sisters. At the other end of the spectrum, children and adolescents with many siblings, and an ill and single mother, are very likely to work.

In Santa Filomena it is not very common to find children working for the family income. Those who do are mostly the children of a single *pallaquera*. Some people argued that these mothers are irresponsible, rather than in need. Most families in the village are poor, but able to maintain their families. And true enough there are also single *pallaquera* mothers in Santa Filomena who are very strict about not letting their children work in mining before they become adults. These women have experienced poverty and want their children to be better than they are, so make them study and enjoy their youth. This shows that economic reasons are not always a determinant. It might be

important to mention the ban on excessive alcohol use in this village; there is little possibility of spending money on amusement.

In La Rinconada more parents claim the need for their children's contributions. These are generally the single *pallaquera* mothers. Urgent economic support is, for example, needed when one of the family members falls ill and requires expensive health care. There is also a high incidence of alcohol use and domestic violence. The large quantity of bars and nightclubs in the village facilitates this behaviour.

Children without parents or other caring relatives are more likely to work fulltime. Their reasons are purely economic since working is the only way to satisfy their basic needs. The children live alone, with relatives or with colleagues at their workplace. The war in Peru in the 1990's, between government and insurgent groups (such as Shining Path), resulted in thousands of civilian casualties. As a result, the incidence of orphaned children and adolescents is relatively high. Many children fled their villages because of the political violence, while their parents stayed or were killed. Upon arriving in another village, the children had no choice but to work and to fend for themselves. The political violence coincided with a resurgence of gold mining, and so these young people ended up working fulltime in the mines, or in mine-related activities. Former child labourers previously employed in Santa Filomena's main mine, were mostly adolescents without parents or other caregivers. A 25-year-old former child labourer commented:

I arrived in Santa Filomena when I was 14 years old. I fled my village in Ayacucho because of the problems with Shining Path. I arrived with nothing, so I started to work here in the mine. I have never finished secondary school and I have never seen my mother again. There were more adolescents in the same situation. Now I am still a miner because I never learned another job.

The lack of a family and its effect on the incidence of child labour is twofold, as explained by another former child labourer: "The children who don't live with their parents need more money to cover their living expenses; in addition, they don't receive any orientation about the importance of education and the negative influences of fulltime work".

The children or adolescents, who migrate alone to the mining areas in search of work, either for holidays or for a longer period, do so without support or protection; they perform any kind of work and they have to care for themselves. Currently, the few adolescents without family in Santa Filomena work as *quimbaleteros* and are children from rural families; their parents usually work in the countryside and have a minimum income.

In La Rinconada children and adolescents without relatives are more common. They are either children who grew up in La Rinconada and who were for some reason abandoned by their parents, or children from outside La Rinconada who considered it a good place to come in search of work.

Some children do have parents, but these don't provide them with their basic needs. In both villages it is very common for adolescents, especially boys, to pay for their own educational requirements, such as a uniform, books and pens. Parents and children agree that working adolescents can and should pay for these items themselves, but these costs then also become the economic reason for children and adolescents to work.

Once secondary education has been completed, adolescents continue to work to afford further education and a subsequent career. Higher education is expensive and most parents are not able to afford it; others consider that cost to be the child's responsibility. This will be further discussed in the paragraph on education below. Besides educational costs, parents generally pay their children's basic needs such as food, shelter and health care.

Some children work despite their parents providing them with all their basic needs. In Santa Filomena it is not uncommon to find male adolescents between 14 and 18 years old who work during the summer and who spend their earnings on luxury goods, such as new clothes, internet access or a short trip. Sometimes they also donate a section of their wages to the household income. These adolescents argue that they do not need to work, but they choose to work; it is a way for them to become independent from their parents. 12-year-old Kevin explained, "I worked for two weeks in a small mine with my brother. With the money I earned I bought a football, the necessary school supplies, and a football shirt from Barcelona." 14-year-old Jorge added, "I worked for the summer as a cowherd. I gave most of the money I earned to my mother. She bought me an MP3 player. I kept a bit for myself which I use to go on the internet." These cases illustrate economically motivated work, yet earnings are spent on luxury items rather than basic needs. With these children and adolescents it is more relevant to question their choice of the mining sector rather than an alternative in which, at their young age, they would be allowed to work legally.

Young people in search of work (even without an economic need), who live in a mining village, mostly end up in mining related activities, simply because this is what is on offer. Migrants from surrounding areas make more of a decision about what type of work they would like to do; this choice basically depends on three factors: availability of work, existing social contacts, and economical rewards. La Rinconada is one of the biggest work providers of the Puno region, and thus attracts many labourers from the surrounding areas.

Santa Filomena is in a different situation; it offers limited amount of work and controls the influx of migrants. Those who successfully find jobs here are mostly relatives or acquaintances of existing residents or labourers. There are many benefits for children and adolescents to work with relatives, so normally they will select their work location accordingly.

Mining activities are relatively well rewarded. Gold prices have increased since the 1980s; the increased prices resulted in a steady flow of poor people towards mining areas. Entire families, including children, started to work in gold mining and established "mining villages". Especially for young people, working in a mine or in mine-related activities earns much more money than working in most other sectors. Gold mining promises success in terms of money; "*el oro jala*", or "gold attracts" is what many people called it. This is certainly true for young people, as becomes clear from the following statements. A 10-year-old girl in La Rinconada said, "What I like most about La Rinconada is the fact that there is lots of gold." A 15-year-old in Santa Filomena commented, "I could work on a public bus or in construction, but working in gold mining earns much more. A 25-year-old former child labourer added, "I didn't know where to go when I fled my village. I needed money so I decided to work in gold mining, gold attracts." And a woman in La Rinconada stated, "If you marry a miner, you will have gold every day."

It must be mentioned, however, that without the higher market prices for gold most miners don't actually make much money. As mentioned earlier, in la Rinconada it is possible for a miner to work

for an entire month without making any money. The only exceptions to this are the owners of the company *Corporación Minera Ananea* and some of the contractors. A change in power relations and shorter chains would be necessary to obtain higher incomes for the labourers. In Santa Filomena power relations are much more equal, but the mine is simply not lucrative enough to sustain a large income. Artisanal miners are among the poorest of the Peruvian population.

5.2 Existing norms and traditional beliefs

In the discussion on child labour the relevant traditions of a group of people often play a role. In rural Peru, for example, children work with the rest of the family in the fields, as part of a local tradition. *Regulacionistas* argue that working is valued as a socialisation process and that prohibiting child labour in this context would oppose their cultural habits. The discussion also applies, although to a lesser extent, to migrants from the countryside working in other settings. This research therefore questioned the traditional motivations of the children and adolescents in the mining villages, and the local beliefs that may contribute to the incidence of child labour.

Local beliefs do play a role in this issue; concepts such as work, labour, children, youth etc. cannot be universally defined in exact accordance. Furthermore, the activities that the ILO defines as child labour or even as a worst form of child labour may be considered differently by local inhabitants.

An important differentiation made by residents of the villages is between “work” and “help”. “Work” is usually considered to be fulltime employment, whereas “help” includes all sorts of activities that contribute to the work of others and are not performed on a fulltime basis. Most of the activities in which children are involved are considered to be “help”. With these definitions, the existence of child labour can easily be denied, as shown in the following statements:

Children don't work here, that is prohibited. In former times some adolescents worked in the main mine. Younger children brought lunch to their fathers in the mine. When leaving the mine, they sometimes took some pieces of ore with them, but this was not working. (Schoolteacher in Santa Filomena)

Children below 14 years old often join their mothers to the *pallaqueo* site. It would be dangerous to leave them at home. They could hurt themselves in the kitchen and nobody would be around. At the *pallaqueo* site they help their mothers to bring water, or they separate the types of ore. Some people confuse this with work with mining, but this is not the case. The children don't even come close to the mine. (Mother in La Rinconada)

“Helping” parents includes a wide range of activities and it applies to all children and adolescents who live at home and perform activities that their parents would otherwise do. These activities vary from cooking and cleaning to grinding ore or taking care of a shop. Since working and living spheres are inseparable in the context of the mining villages, people don't necessarily distinguish household tasks from tasks related to the parents' jobs. Children are supposed to “help” at home to alleviate their parents and play an active role in the household. Girls find it a positive experience to learn useful skills, whereas boys consider it as their responsibility. Thus, in this respect, many children and adolescents are involved in activities, defined by the ILO as a worst form, simply because their

parents are, and they are expected or compelled to help. Not only the parents, but also the children in the communities are convinced of the importance of helping their parents. When asked how children can help their parents, the suggestions included several activities that could be considered as work:

Francisco (10) from Santa Filomena:

I help my aunt and uncle after school and in the weekends in the bakery in all kinds of things, such as preparing the bread or selling.

Maribel (11) from Santa Filomena:

I help my mother in the restaurant. I do the dishes and serve the food. My brothers and sisters all help. On Sundays there is more to do because more people visit our restaurant.

Especially in La Rinconada, some children also mentioned activities that are considered a worst form of child labour, such as *pallaquear*, crushing ore at home, or grinding the ore at the *quimbalete*.

Adelio (11) from La Rinconada:

I help my mother in preparing breakfast and washing the clothes; I help my father *chancar* the metal, I put his clothes at the right place and in the weekend I grind the ore and help him to sell the gold.

The dissimilar opinions about whether children are actually working or just helping, or whether the work should be defined as hazardous or not, can have serious consequences for interventions. In La Rinconada, for example, the inhabitants feel offended that NGOs and other institutions identify a child labour problem in their village. People feel that they are unjustly portrayed as exploiters.

Antero (adult), La Rinconada:

La Rinconada is always shown as a village where people exploit children. This is not fair because we don't oblige children to work. Sometimes the young children go with their mothers to the *pallaqueo* site, but they don't really work. Some children also want to work, so this is their own decision, no exploitation.

Thus there are consequential disparities between the definition of "work" by locals and by policy makers; the same discrepancies exist for the concept of "child". Whereas the ILO defines a child as a person under 18 years old, the local communities disagree. Adolescents from 14 years and older are usually not considered to be children anymore and are therefore locally not included when speaking about child labour. In Santa Filomena, where inhabitants generally agree with the fact that children shouldn't work, nobody would criticise the fact that 16 year old boys work at the *quimbalete*. In La Rinconada, the activities of 16 year old boys in the mines are not considered to be child labour because of the boys' age. Especially upon school completion, around 16 years old, people agree that the youngsters should work, either to save money for their higher education or to provide for their own living expenses. The different definitions of "child" again lead to difficulties for the implementation of rules and interventions.

Working adolescents and “helping” children are to a great extent valued in the communities; this, however, does not include children who work fulltime and who never completed their schooling. Most parents worked when they were younger, and the majority believes it helped them to become mature adults. Working is generally perceived as a positive attribute, and hard working people enjoy the admiration. Adults share the opinion that young children should help and that adolescents should work to “take their responsibilities and to avoid being lazy”. Especially adolescents would, in the eyes of adults, become lazy and spoiled if they didn’t work.

Gustavo (adult), Santa Filomena:

What would become of all these young people if they wouldn’t work? We see this in Lima, where there is not enough work: young people hang around and join criminal gangs. Working would protect them from delinquency and teach them discipline and responsibility.

Interestingly, it was observed that the inhabitants of La Rinconada value children’s work to a greater degree than the inhabitants of Santa Filomena. This can be partly explained by the relatively strong presence of traditional Andes culture, in comparison with Santa Filomena, which is located closer to the relatively modern culture on the coast of Peru. Inhabitants of La Rinconada are predominantly former farmers and Puno is one of the most traditional departments of Peru.

Children and adolescents mostly agree with adults. Furthermore, children generally like helping their parents and contributing to the household; it gives them a feeling of satisfaction. But “helping” sometimes implies “working”, which is made clear in the following comments:

Girl (11), La Rinconada:

Children should help their parents by obeying them and earning lots of money.

Boy (12), La Rinconada:

When I help my father with his work he gives me a tip. I give this to my mother to help her.

Girl (13), Santa Filomena:

I worked during summer, not to earn money but to help my mother.

Boy (14) La Rinconada:

The best way to help your parents is by working, earning money and saving money.

Girl (13), Santa Filomena:

I like working because it allows me to help maintain the family.

Boy (11), La Rinconada:

We children also have to accept our responsibilities at home; otherwise we would become lazy and throw away our future.

Although inhabitants generally value children's work, many of them are able to distinguish between activities defined as a worst form and other activities. This is the case of most people in Santa Filomena, of whom the majority would agree with the prohibition of children inside the mines and at the *pallaqueo* sites. Informative and awareness raising campaigns have been successful here²⁷. By giving the parents information about the consequences of the worst forms of child labour, they have adjusted the level of value given to work performed by children.

Woman, Santa Filomena:

My son is 14 years old and he worked for two months during summer as a cowherd in a nearby village. He wants to work, to buy his own clothes, to go on the internet and so on. Last year he worked in a small mine, but I don't allow him to do that anymore, because it is polluting and he is still young. For the same reason I don't allow him to work on the *quimbaleta*. But working as a cowherd is fine; he works in the fresh air, in the nature.

In Santa Filomena, also children are aware of the difference. Carina, an 11 year old girl told me: "I am not allowed to join my mother to *pallaquear* because this damages children's health." In La Rinconada very few children are aware of this distinction.

Local perceptions are thus certainly a factor in the causes of child labour; parents have the power to keep their children out of hazardous activities if they wish to do so. Children make more selective choices if they have been made aware of the dangers, and believe them. It is important for policy makers to be aware of discrepancies between their own beliefs and definitions and those of the local inhabitants.

5.3 Education

Education is one of the basic rights of children, but not all parents are able or willing to fulfil this need. In Santa Filomena and La Rinconada, many adolescents between 14 and 18 years old work to be able to pay for their own education. Parents either don't have enough money to cover the costs or see education as the child's own responsibility. Once adolescents finish school they also have to work to cover their living expenses or higher educational costs. Secondary school in Peru is finished when students are 16 years old. But students, who for some reason, start at a later age, fail classes or interrupt their schooling in some way, can be 17 or 18, if not older, when they finish. Adolescents between 16 and 18 are thus frequently found working to cover their educational costs. For boys in the villages, the most usual type of work is mining, at least if they don't move to another town; girls are more likely to work as maids in a house. The need for education is thus an example of an economic reason for children to work; without working they would not fulfil their basic right to education.

In former times, most families in Santa Filomena sent their children between 13 and 18 away, due to the lack of a secondary school in the village. The few youngsters who stayed in the village were those who had to work fulltime. The construction of the secondary school some years ago, however,

²⁷ Projects focussed on awareness raising will be further discussed in chapter 6.

gave labourers the chance to go to school and allowed other schoolchildren to stay in the village with their families. This development was appreciated by everyone, and led to a decrease in child labour, as many of the labourers started to spend more of their time in school instead. However, keeping the children in the village for school, and thus in their family homes, also inadvertently brought the children into contact with mining or other “helping” activities. Thus, where the school brought an overall improvement to the living conditions of children and adolescents (keeping them with their families and reducing fulltime work), it also brought children into contact with mining, which is a more hazardous sector than which they would otherwise have likely come into contact with in a different village.

The situation in La Rinconada has developed differently. Before Red Titikaka implemented the IPEC project, the number of primary schools and the available places per school were limited. Since a significant number of children couldn’t enrol in an educational centre, and parents were working in mining and were unable to send their children to study somewhere else, those children were excluded from education, and thus making them more vulnerable for child labour. In addition, the children who were able to attend the existing schools received very poor quality education. When having to choose between education as an investment for economic advancement in the long term, or immediate income through children’s work, parents often opted for the latter.

The improvement of both the quantity as well as the quality of education changed this situation [Red Titikaka 2002]²⁸. Although the direct relation between work and education cannot be verified, the improved quality of education, and the increase in number of schools, was most definitely significant. Children used to be excluded from education simply because they live in a mining village. On the other hand, like in Santa Filomena, the new presence of the schools has indirectly resulted in more children working (part-time) in mining-related activities. Therefore, NGOs may question whether to invest in services for children in mining villages, such as schools, or prevent children from living in mining villages altogether.

Children themselves are aware of the importance of education. 12-year-old Samuel in La Rinconada commented, “I want to be an architect later. I don’t want to work as a miner. Why do you ask? It is a bit offensive. That is exactly the reason we are at school: because we don’t want to end up as miners!” Children are often told by their parents to study well if they don’t want to end up in mining. Almost all children have ambitious plans regarding work. In Santa Filomena standards are generally higher than in La Rinconada. This gives a positive push for education and a negative one for working in mining. The fact that children don’t want to end up in mining, however, does not necessarily mean that they won’t work in mining as a child. Samuel argued:

To become an architect, I have to give all my efforts. Sometimes I am tired but it is necessary to achieve a better future. I have to make a lot of effort at school, at home I have to help my parents and I will have to earn money for my education and when necessary for the family.

²⁸ These speculations are deducted from Red Titikaka’s experiences in La Rinconada and not on observations during the research.

In this case, the boy doesn't want to end up as an adult in mining, but doesn't see the consequences mining related activities can have for him as a child.

Most adolescents who choose to study after secondary school have to continue to work to be able to afford it. Many of them work in the summer months, or for a year fulltime, to be able to save up some money for higher education. However, since the costs are high, some youngsters have to continue to work while studying, or work for another year fulltime to save more. According to youngsters themselves, neither option is convenient. Studying and working at the same time is hard and often ends up in failure of one or both. But, those who first work fulltime become accustomed to having money, and thus commencing a costly study becomes increasingly unlikely. The following comment illustrates this point:

Jorge (15) from Santa Filomena:

The advantage of working for us is to earn money, and we will also prepare ourselves for the labour market, because we gain some experience. The disadvantage is that you get used to having money. Once you get used to money you don't want to lose it anymore. After being able to buy the stuff you need, it is difficult to decide to study and live in poverty again. Since young people are not yet used to have lots of money, this will be a distraction for them.

Youngsters said that they would all opt for education instead of work, but circumstances sometimes make this hard to realise. On the long term, education could be a strategy against child labour, because it breaks the vicious circle, but the practical implications of education indirectly push young people into work (living in mining villages and working to afford school costs). This would change only if parents, government, or institutions, rather than children, were made responsible for the provision of all educational costs.

5.4 Safety, organisation and child care

The two communities show huge differences regarding their political and social organisation. Generally, Santa Filomena is much better organised than La Rinconada, and child labour is less likely to occur in the first community, partly because of this.

Taking care of children is generally a women's task. When women have to work, they also have to take child care into account. Their options include bringing the children to a child care centre or *wawa wasi*²⁹, leaving them home alone or with other relatives, or taking them along to the workplace. The *wawa wasi*'s are meant for children between 0 and 4 years old. These centres are subsidised and often organised by the state, but are mostly lacking in the communities because of a general lack of state presence. In La Rinconada, CARE established a *wawa wasi* as part of the IPEC programme. It is, however, located far from the mining zone and doesn't suffice for all children; it has the capacity for 32 children every day. Most mothers are not positive about the centre; they argue that both the caretakers and the infrastructural conditions of the centre are incompetent, as the following comment of a mother illustrates:

²⁹ Literally "house of children" in Quechua

I don't bring my child to the *wawa wasi*. I don't trust the lady who cares for the children; I think she is not prepared for this job. People say that she beats the children sometimes. Besides, it is very cold in the *wawa wasi*, especially in winter, and they don't have enough covers for the children. If I would leave my child there, he would easily get ill.

Also in Santa Filomena there are problems with the *wawa wasi*, although of a different kind. The women themselves recently managed to establish a *wawa wasi*, without state support. When the construction had just been finished, there was a problem with the roof, preventing the centre from proper functioning. Later, the lady who was caring for the children got pregnant and had to stop her work. There is also no money to pay the carer. One suggestion has been to have various women take turns caring for the children, and to ask a small fee for each child. The combination of difficulties has led to a poor and irregular functioning of the centre, and mothers have had to look for other child care solutions.

The second option is to leave the young children at home, alone or with relatives. This is a relatively good option in Santa Filomena, but less so in La Rinconada. Santa Filomena is a small village where most people know each other. It is also a safe village; the entrance to the village is controlled by SOTRAMI. Miners can only get employment if they don't have a delinquent past, and criminal behaviour is punished by eviction from the village. Inhabitants including children generally feel safe. Leaving children alone or with other relatives at home is therefore a good option. In addition, the *pallaquera* women organised a system through which there is, at any one time, always one or more women not working so as to care for all the children. The case here shows that a small population facilitates social organisation and trust within a village. The *pallaquera* women are not allowed to take their children to the workplace and so they solved this problem through social organisation.

This is completely different in La Rinconada. The village has many more inhabitants and since many of them continue to move between La Rinconada and their towns of origin, less social cohesion exists. The village has less political and social organisation and the place lies in an isolated location. This has, in combination with the presence of gold, caused an uncontrolled in and out flow of migrants. It provides an easy free haven for persons with a criminal past. The closest police post is in the neighbouring village and their services are only used in extreme cases; more often, "the communal justice system"³⁰ is put into practice. The policemen who were stationed in La Rinconada left when the villagers discovered that they ran their own nightclub, an act that drastically increased the distrust of them among the population. The combination of factors results in a general feeling of fear and suspect among the population. Women hardly trust their neighbours or male relatives; leaving their children with them is not an attractive option for them. To leave children alone in the house would expose them not only to potentially abusive people, but also to possible accidents in the house. The lack of social cohesion among the population impedes the development of a network like the women's network in Santa Filomena.

³⁰ The communal justice system involves "the people" deciding what to do when someone commits a criminal act; this can lead to public lynching.

For many women in La Rinconada, and some exceptions in Santa Filomena, taking little children to the work place is the best, or only, possible option. These children often experience and learn the work while playing or lingering. A migrant family working during the summer in *pallaqueo* in Santa Filomena assured me that the youngest children were only playing and were not allowed to work. The 6-year-old son, however, knew exactly how to distinguish ore from stone. Even without helping, simply by joining the mother to the workplace, the child is exposed to the negative factors of the work environment (see photo 9).



Photo 9: A pallaquera family in Santa Filomena; the children only play or linger, but they inadvertently also learn and are exposed to the elements

In these cases, the children are not at the workplace for financial reasons; the child’s presence does not contribute to the family or personal income. However, important services such as child care and safety are lacking, which forces families to take their children to work with them, and which often inadvertently results in working children.

5.5 Specific characteristics of the mining sector

The companies or private employers within the mining sector have final control over the presence of working children; their chosen organisational structure and protocol may not be the direct reason for children working, but they do create a domain in which child labour is facilitated.

It was, for example, clear to see that the production chain in La Rinconada is much more accessible for children and adolescents than in Santa Filomena. This can be explained by the difference in organisation and formalisation between the villages. In Santa Filomena the entire chain is more or less controlled by the formal organisation SOTRAMI, which does not allow children to participate. In La Rinconada on the contrary, there is also a formal company responsible for the production chain, but this chain is very long and control is limited at most levels. The fact that a labourer's salary is directly dependent on his production, rather than receiving a fixed wage, encourages the participation of children. So too does the proximity of the mining activities to the children's living areas. In both villages the children basically live among the mining activities (although in Santa Filomena this will soon change). When activities are carried out at home or near a family's house they increase the effects of pollution on children, and also increase the chances of children participating, since they grow familiar with the activities from an early age onwards. Separate working and living domains are crucially beneficial for children.

Sometimes employers prefer to employ a child rather than an adult, for particular activities, such as working the *quimbalete* in Santa Filomena, or assisting in the *quimbalete* centres of La Rinconada. Employers prefer young workers because they are stronger and more agile than adults; of course, they also are more likely to accept lower wages. Employers in La Rinconada don't take the responsibility of protecting youths from the harsh work. They argue that by employing the adolescents, they are helping them in their difficult situation. The adolescents usually agree.

In Santa Filomena SOTRAMI prohibits the presence of children because they want to maintain a professional organisation, and are thus obliged to follow set rules. By maintaining their standards they can make use of many beneficial commercial contacts. They do offer light jobs in the area for those adolescents who are really in need of an income. The attitude of the employer towards children working can thus certainly play a role in the incidence of child labour; in addition, incentives can sometimes make employers adjust their attitudes.

Chapter 6

Strategies to Combat Child Labour

Santa Filomena is often presented as a village in which the ILO has had a big impact with their regional programme aimed at the elimination of child labour. La Rinconada is a more complicated location, in which both the ILO and local NGOs have been, and continue to be, active, but where child labour nevertheless persists. This chapter discusses the successes and failures of the two villages in terms of past and existing projects concerning working children.

6.1 NGO, GO and civil society interventions

In 1998 the International Programme for the Eradication of Child labour of the ILO (IPEC) started two pilot projects in Peru in the mining communities Santa Filomena and Molleuaca. Based on these experiences the IPEC, in 2000, started the Sub-regional Programme for the Prevention and Progressive Elimination of Child Labour in Artisanal Mining in Bolivia, Ecuador and Peru. The basic strategies for all cases were the same: awareness raising and social mobilisation; economic and productive development; education; health and environment; organisational strengthening; and public policies. The complete programme took four years. Different local NGOs were deployed to execute local projects in the line of this programme in selected mining communities. Santa Filomena was the location of one of the pilot studies and La Rinconada was one of the selected communities of the Sub-regional Programme. In addition, both mining villages also experienced projects of other NGOs or state interventions, and both villages have some form of organisation among the miners.

6.1.1 Interventions in Santa Filomena

In 1998, the Peruvian NGO CooperAcción started the execution of the IPEC project to eliminate child labour in artisanal mining in Santa Filomena. In a period of five years, divided into four phases of intervention, CooperAcción worked on the multiple causes of child labour, with a strong emphasis on sustainable community development. The project was based on four main strategies: improvement of technology, efficiency and working conditions in mining; support for the development of new initiatives to generate family income; strengthening of public services such as education, health and nutrition; awareness raising and mobilisation of the community. The project of CooperAcción focussed on children between 6 and 14 years old, since national laws allow work in mining from 15 years old and older. According to conversations with former employees of CooperAcción, these children in question were carrying ore out of the main mine, participating in *pallaquear*, breaking up the ore with a hammer, or working as a *quimbaletear*.

The most immediate concern was reducing the numbers of children transporting ore out of the mines. The children who did this work were boys who helped their fathers in the mine; they mostly combined this work with school. To solve the problem, CooperAcción constructed the first electric

winche, to replace the manual force of the children. In the same period SOTRAMI prohibited entrance to the mine for people below 18, and the miners and their families were informed about the risks children run when they are involved in mining activities. The construction of the *winche* was economically beneficial for all miners in the main mine. The transportation of ore out of the mine went much quicker than before and this increased their income; moreover, the *winche* cleared the older shafts of debris, which opened up new working areas. Because the development benefited all miners, a mutual commitment was possible between SOTRAMI and CooperAcción: the NGO would construct the *winche* and SOTRAMI wouldn't allow under-aged people into the mine anymore. The lack of the children's former income was compensated by the extra income generated by the *winche*.

Another way in which the project improved technology and working conditions was the installation of the mini-plant for SOTRAMI. The processing plant was constructed so as to protect miners in Santa Filomena from exploitation by the private plant Laitaruma or others, and to replace the artisanal processing system of *quimbaletes*, in which many children were involved. The construction of the plant was partly financed by several (inter)national institutions, such as the World Bank and the Swiss Development Agency, through their bilateral project Environmental Management for Artisanal Mining (*Gestión Ambiental de la Minería Artesanal* or *Proyecto GAMA*), partner of the Peruvian Ministry for Energy and Mining.

The support for income generating activities was highly focussed on women. CooperAcción supported the establishment of a fund for new initiatives for miners and women, to complement family income and eliminate child labour. Miners could obtain credit to increase their productivity; for women the fund was embedded in a wider programme aimed at women: PANIEM (Support Programme for New Economic Initiatives of Women). The NGO organised training sessions in which women identified possibilities for micro enterprises in Santa Filomena, and sessions in which women learned basic administration skills.

Santa Filomena used to have only one primary school, equipped for just 80 pupils. According to the preparatory study conducted by CooperAcción, the teachers were not very motivated and the classrooms were inadequate; they lacked furniture and teaching materials. School was, accordingly, not a very attraction option. CooperAcción renovated the existing school, and provided necessary materials and workshops for teachers. CooperAcción then started to mobilise the community regarding educational issues. Subsequently, the Parents Association was able to establish the first secondary school. This was especially important for the adolescent population in Santa Filomena, who were more likely to start a fulltime job because of the lack of a secondary school.

Healthcare was another public service that needed improvement. Children suffered from work and environmental related health problems, but until 2001 there was no health post in Santa Filomena. The programme established a health post with permanent staff, which is now administrated by the Ministry of Health.

Awareness raising and mobilisation of the community took place at many levels. Organisations were established or encouraged for women, parents, entrepreneurs and miners, and the population was informed about child labour and its consequences for education and health of children. The Local Management Committee was established, in which representatives of all local organisations participated. This committee would fulfil a central role in the design of a development plan for the

future and the social and economical development of the community. During the implementation of the project it functioned as a local partner for CooperAcción.

Apart from CooperAcción there haven't been other NGOs in Santa Filomena that worked in the field of child labour. There have been, however, organisations that have indirectly had an influence on the issue. The most important of these is a civil society group called AMASUC, which works towards the organisation of artisanal miners. It unites artisanal miners in south and central Peru, both men and women, to defend and protect their interests. It played a crucial role in establishing the Law of Artisanal Mining in Peru. The leaders have visited Santa Filomena to talk about organisational processes, demands or new rules. AMASUC is currently leading the development of Fair Gold in Peru; Santa Filomena is one of their pilot communities.

Ekamolle, the Institute for Sustainable Development, has implemented some minor interventions in Santa Filomena. This NGO works with rural communities and is concerned with natural resources. It organised a few workshops for the leaders of SOTRAMI, which discussed mining and sustainability. In April 2007 the government programme JUNTOS started to include Santa Filomena. JUNTOS is a National Support Programme Directed at the Poorest People, and has existed in Peru since 2005. Some of the poorest mothers of Santa Filomena were selected to receive an amount of 100 sol (25 euro) a month. For this amount the mothers promised to obtain a valid identity card, enrol their children into school, register themselves and their children with social security and visit the local health post, and follow a complete and nutritious diet.

6.1.2 Interventions in La Rinconada

The IPEC project in La Rinconada was carried out between 2001 and 2004. The first phase of the programme was implemented by the local NGO Red Titikaka, the second phase by the NGO CARE, both located in the city of Puno. After the evaluation of the village's needs, the basic strategies decided upon for La Rinconada, by the IPEC, were: awareness raising; organisation and citizen participation; improvement of local public educational services; and health and environment management. The local NGOs, however, were able to prioritise according to their own agendas. There was a notable lack of emphasis on economic and productive development, such as alternative income generation or improvement in technology and working conditions.

The first phase of the project basically followed the IPEC stipulations. Red Titikaka organised workshops, meetings, radio programmes and campaigns, in which they focussed on changing the residents' attitudes towards child labour and more general issues concerning equal development. These workshops were mainly directed towards parents and children. The focus was, like in Santa Filomena, on children between 6 and 14 years old. While working on community organisation, the community leaders were trained in topics such as participation, democracy, education and the prevention of child labour. The important social organisations and leaders were united in the Development Board of La Rinconada, which functioned as a central organ concerning decisions about social and economical development. Another important organisation that was established was the Committee of Checking the Wellbeing of Children. This committee consists of local leaders who monitor the norms on child labour and the general development of children.

In the evaluation of the village's needs, it was determined that many children did not attend school, and were thus more likely to be working, because of a lack of sufficient and adequate classrooms and other educational facilities. Red Titikaka therefore constructed eight permanent and

six temporary classrooms for primary and secondary school, and two toilets. To improve the quality of the education they organised training sessions and complementary activities for teachers.

Red Titikaka organised campaigns in which the importance of health and some concrete health measures for children were emphasised. They also improved the health post and established agreements between the local health and education services and public regional services in Puno to promote state intervention.

When CARE took over the implementation of the project, the most important change in focus was the new emphasis on improving living conditions for entire families, instead of just children. CARE constructed child care centres, installed ecological latrines at schools, implemented campaigns about public sanitation, installed garbage containers, and improved the health care centre, among other activities concerning education and health. Within the strategy of improving working conditions, CARE submitted a participative proposal about social and working conditions in mining to regional and national authorities; it implemented a programme about safety and health in work and assisted in the dialogue between different actors involved in the mining process.

Once the IPEC programme was completed, CARE left the villages, but Red Titikaka actively continued to implement projects. In 2007 they started the PASMOP project (Program of Assistance to Women and Youth in their Organisation and Technical and Entrepreneurial Formation) with the support of the National Fund for Work. This project is not directly focussed on eradicating child labour, but on improving women's conditions. The goal is for women to learn alternative income generating activities to substitute, or at least complement, the *pallaqueo*. This would increase incomes, improve working conditions, prevent children from being at the *pallaqueo* site, and generally improve responsibility, perseverance and self esteem.

Another NGO in the village is World Learning, an NGO with American management and funds, but based in Puno and staffed with Peruvians. The NGO's project EduFuturo, concerned with the elimination of child labour in artisanal mining, aims to get children into school and supports quality education in mining communities. The project ran for four years; its focus was education as an alternative to child labour. Unlike the IPEC programme, EduFuturo collaborated mostly with private schools in La Rinconada. Important aspects of their project included the "utility holidays", i.e. the opportunity for children to learn during holidays instead of work, the establishment of public libraries and other infrastructural improvements in schools, training sessions for teachers and awareness raising meetings for parents.

Just like in Santa Filomena, the mining contractors have organised themselves. They are in contact with AMASUC to exchange experiences, and with the project GAMA to talk about possibilities of formalising themselves. There is, however, no strong regional miners organisation in the Department of Puno. And as mentioned before there is a clear division between contractors and labourers in La Rinconada; the latter are not organised in any way. In Santa Filomena the labourers are the owners of the mine, but in La Rinconada the labourers are completely dependent on the contractors. There is neither an organisation for labourers nor another type of movement that seeks to improve working conditions for them.

6.2 Results and sustainability

The projects in both mining communities varied somewhat, but had common basic structures. The outcomes, however, differed drastically. Below is a discussion of the different contextual factors that influenced the impact of the interventions, the successes and failures, and the sustainability of the projects.

6.2.1 Contextual factors

It is important to consider a number of characteristics of the villages when exploring the successes and failures of the interventions. Firstly, the two villages are very different in population size; La Rinconada can have almost ten times the population size of Santa Filomena, at certain times of the year. In La Rinconada the entire population below 15 in 2002 was about 3000 [Care Peru 2004]. The 2002 census showed that approximately 16% of the children between 6 and 14 years old considered themselves as part of the working population, and 78% of them were actually working at the moment of the census. Of the adolescents between 15 and 18 years old, 63% belonged to the working population and almost all were working [Red Titikaka 2006]. According to CARE, in the second phase alone, around 300 children were removed from mining activities [Care Peru 2004].

The total number of children in Santa Filomena at the start of the project was estimated at 500, but the number of working children was never specified. When I asked miners about the children working in the mine before the project, they estimated that there had been between 15 and 25 child workers, with a peak during holidays; this number did not include those children who occasionally “helped” their fathers. However, even if every child had been successfully withdrawn from the process, the numbers in no way compare to those in La Rinconada, especially in terms of the investments made.

The size and social structure of a village also influences the outcomes of interventions; it is much easier to organise the population of a small compact village, especially one in which people are permanent residents, and not as in La Rinconada, mostly migrants, and thus less concerned with the wellbeing of the town and their co-residents. It is also easier to implement social security and monitor labour activities in a geographically smaller town, than in a large stretched out one.

6.2.2 Local organisation

The presence of local organisations is important for the development of the village. Child labour is also more likely to be reduced when the population in a village is organised. Interventions by groups such as AMASUC are therefore significant; despite their projects not being directly aimed at child labour, their activities inform and train the miners about miners’ rights and duties, and how to organise themselves to be able to exercise these. Child labour is prohibited by law and the more the miners are formally organised and informed, the more likely they will put formal rules into practice. One particular *pallaquera* woman claimed that AMASUC had helped them more than any other NGO: “CooperAcción made the deal with SOTRAMI to prohibit children at the central *pallaquera* site, but AMASUC explained the *pallaquera* women how to organise their activities. They helped us to organise into groups so that we could leave our children with relatives when we are working.” Thus by helping the women to group together AMASUC inadvertently influenced the numbers of children on worksites.

The presence of a formal miners' organisation in Santa Filomena, which is lacking in La Rinconada, has been crucial for the development of the village, and the interventions related to child labour. This organisation consists of miners who earn more or less the same as each other and who are from the same community. The formal nature of the organisation brings both benefits and responsibilities. Since there are no significant unequal power relations and there is only one big mine, practically all miners benefit from the advantages and are therefore all more likely to comply with the rules. Also, leaders and employees all want their community to be as liveable as possible.

In La Rinconada the power relations are completely different. Mechanising the mine, such as the introduction of a *winche*, would bring economic benefits to the contractor, but few to the common miners. Most contractors live outside the village and are less concerned about the community. The production chain in La Rinconada is much more elaborate than in Santa Filomena, with many more actors involved, who all want a piece of the profit. The large company who owns the mine, and who rents out shafts to individual contractors, isn't really concerned about the community either. The young contractor Roger explained:

It is not that we don't care about the labourers or their children. People say that our payment system is unfair, but what can we do? We manage to make an investment with lots of effort. This is a risky investment; it can easily happen that the mine you open is not lucrative. We always have to give a part to the company. If we would pay the labourers a fixed salary, we wouldn't make it. It is a risk for them and also for us. They also prefer it this way. If they put their children to work, it is not our responsibility. We would like the government to recognise the *cachorro* system. At least we provide work for the Peruvians, unlike foreign companies. Some contractors made really lots of money, they live well now outside La Rinconada, but most of us are still here, working hard.

Manuel Reinoso, one of the AMASUC leaders, gave his opinion on the lack of organisation:

In La Rinconada they need more organisation. It is good that the contractors have their cooperatives, but also the labourers should organise themselves. Then, the two groups could reach an agreement about what to do. Now it is only the contractors that talk to the company, but the population is missing from these conversations. The contractors manage the money and the labourers don't have responsibilities. The contractors don't care about labour conditions or the village. The problem is that the labourers are migrants and don't want to invest so much in the village either, that is probably a reason for their lack of organisation.

The lack of organisation is also found in the production process. The labourer carries out basically all the activities himself instead of outsourcing it to an organised branch. This system facilitates the participation of children; because everyone is fending for themselves, no one is able to effectively monitor labour conditions.

The ILO project in both villages was meant to promote local organisation, and was successful to some extent. However, not all local organisations established at that time, continued to exist. In Santa Filomena, for example, The Local Management Committee was established during the

project, but its members are currently non-active. In La Rinconada too, several local organisations were established during the project, but few of them still function. Former and current leaders argue that it is very complicated to organise people in La Rinconada, because people would rather spend their time working, and because they are continuously migrating or at least plan to. A women's leader in La Rinconada commented:

It is very difficult to organise the women here. They are busy, with their household or their work, and some are afraid of their men. They don't want to invest in organisation because they have other priorities. I am also afraid to undertake action, we don't stand strong here. At the end everybody wants to migrate. The women that are really strong manage to leave La Rinconada.

6.2.3 Successful interventions and the complications

Everyone in Santa Filomena, from the local population to the ILO project implementers, agree that the most effective development has been the instalment of the *winche*. By mechanising the mine, the need for children's contributions decreased and productivity, along with adult income, increased. No children work in Santa Filomena's main mine anymore. However, the benefits of the main *winche* are not felt in the smaller and more independent mines, since no winches were implemented there and shafts are not interconnected, and thus commitment to the elimination of child labour is much lower here. Adolescents still work in the small mines during holidays. The strategy has thus far only partially solved the problem, but has shown its potential level of success. No mechanisation has taken place in La Rinconada because of the set up of the mines. Each mine is individually owned, thus a communal *winche*, or comparable mechanised tool, would not be viable.

A second successful strategy in Santa Filomena has been the health information campaign. Men and women all argued not to have been aware of the risks involved in mining work or activities such as *pallaquear*. After having received the information, they were less tempted to send their children to work if it was not absolutely necessary. In La Rinconada, however, awareness raising was less successful. The participation of children in parents' work is a well-accepted phenomenon in most rural areas of Peru, but has a stronger root in Puno than in Santa Filomena. The population in La Rinconada presents a significant rejection of NGOs wanting to eliminate child labour. Residents complain that they are wrongfully portrayed as exploiters and they find that there are more urgent concerns for NGOs in La Rinconada. After a television broadcast a few years ago, in which La Rinconada was negatively shown to be suffering from high levels of child labour and exploitation, the authorities and inhabitants closed the doors of La Rinconada to NGOs and others with similar ideas. Most people agree with the health concerns expressed by the campaigns, but argue that there are generally no other options but to take their children with them to work. Therefore, they are open to advice and suggestions, but health and human rights information must be accompanied by other strategies to make alternatives possible.

A processing plant was established in Santa Filomena to replace the *quimbaletes* and indirectly eliminate the work of children in processing. However, the plant generally only processes the bulk amounts of ore brought in by SOTRAMI. Many miners have only small amounts of ore they wish to process, for a quick and immediate income, and thus still use the *quimbaletes* for their processing. The agreement, at this moment, is that no new *quimbaletes* will be built, but the existing ones can

stay. The *quimbaleta* is still an activity in which many young people work, so the plant hasn't significantly changed the situation of child labour. In this respect the intervention hasn't been particularly successful, but the plant has led to higher profits for the SOTRAMI company, through which it is able to make more investments. In the long term, the intention is to extend the plant so that more people can make use of its services. Miners should also form cooperatives, so that they can bundle their ore and process it at the plant, and be able to abandon the *quimbaletes*. The true results of the establishment of the processing plant are thus yet to come.

The alternative income generating activities for women in Santa Filomena seem to have been successful for women with perseverance. Others failed to complete the training because of a lack of time or willingness, or in other cases their project proposal has been rejected. Women who did participate are satisfied; they have been able to start a micro enterprise and their income has certainly increased. They also mentioned the advantages for their health of not working in *pallaqueo* anymore. However, the new activities have not led to a significant drop in numbers of children involved. The children are indeed no longer working in mining-related activities, but only because their mothers aren't anymore either. Most of the children are now helping their mothers in the new shops or bakeries. In this case alternative income generating activities for mothers has led to fewer children working in mining, but it nevertheless raises the question for NGOs whether they should shift their focus from children in mining to child labour in general.

Alternative income generation for women was also implemented in La Rinconada and is still Red Titikaka's main concern. The project functions well, to a certain extent. Women are, for example, very enthusiastic about the weaving workshops. However, they generally consider the new activities to be additional income generators, rather than ones that should replace their *pallaqueo* activities. *Pallaquear* gives the women a relatively quick and secure income, whereas weaving is rather slow and insecure. The combination of the two activities brings in a higher household income, and thus better living conditions for children. However, since their mothers continue to work in *pallaqueo*, the new activities do not necessarily reduce the numbers of children involved. In addition, the lack of social cohesion and control in La Rinconada, especially compared to Santa Filomena, brings more complications. The formation of cooperatives would help women make investments in, for example, machinery, and thus raise their production and income, and allow them to leave their children at home.

According to the ILO, school attendance in Santa Filomena has increased with 34% between 2000 and 2002. This can be explained by a growing population in general and by an increased capacity of the schools (more classrooms were built for the primary school). Primary school-aged children generally work part time. According to the residents, the improvement of the school system, though very positive, has not affected levels of child labour. This research observed that children are very able to combine school with work in mining, as long as it is not fulltime, but fortunately children's living conditions have improved.

In La Rinconada, the improvements in education are generally considered as one of the most important results. The population is especially satisfied with the eight new classrooms that were constructed. According to Red Titikaka this has certainly increased attendance and decreased the number of fulltime working children.

All NGOs mentioned the difficulties with training teachers and other educational personnel due to the fact that all staff continuously and frequently move in and out of the village. This is a problem of the general school system and occurs in both villages, although more so in La Rinconada. Investments are wasted when trained teachers leave the school, especially when no one remains to pass on the obtained knowledge. To make these investments sustainable and effective, there need to be incentives for teachers and other educational staff.

A difficulty in both villages has been to include adolescents in the projects. Since they are not considered to be children, their work is not seen as child labour or damaging to them. In a concluding report, the IPEC claims that the prevention and elimination of child labour through projects is certainly possible, and they present Santa Filomena as the living proof. But, the project finished 6 years ago and there are still young people working in mining activities such as small mines and quimbaletes; success is thus not completely guaranteed for this age group. Adolescents argue that they need to work to pay their school; parents and even authorities consider it as a normal phenomenon. In a mining village activities related to mining are basically the only possibility when searching for work. When alternatives are lacking, prohibiting adolescents to work in mining can be problematic, as shows the quote of former miner, Abel, in Santa Filomena:

I was fifteen when I started to work in the main mine in Santa Filomena. Since there was no secondary school, I only came here during holidays and the rest of the year I lived in Ica. When they closed the entrance for adolescents, I found a job during the year in construction in Ica, and during holidays I worked sometimes in a small mine. Other young workers did the same, or started to work as *quimbaletero* or *pallaqueo*. It was a bit difficult for me, because I never earned so much as in the mine, so I had to work more hours in construction.

IPEC projects have a clear focus on children below 14 years old. There has been, for example, no direct assistance or programme for adolescents between 14 and 18 years old who work fulltime in the mines in La Rinconada or in Santa Filomena, even though they form a relatively large group. Adolescents themselves would, however, be interested in alternatives rather than be extracted from work. Programmes should rethink their programmes and campaigns to include this age group.

IPEC defends its approach in Santa Filomena with the urgency they felt of getting the younger children out of child labour, with the fact that most children at the time of the project's start were below 14, and with the fact that Peruvian legislation at that time allowed children of 15 to work in mining³¹. Legislation was indeed obscure; the differences between stipulations set by ILO Conventions 138 and 182 and those set by the Code of Children and Adolescents caused confusion, and meant that residents in the villages were often unclear about the legal minimum age for mining activities. Even the miners' organisation AMASUC stated in their handbook that the minimum age was 14, according to ILO Convention 138. The reaction of the miner and miner's leader, Raul, shows the confusion:

³¹ Information based on an interview with K. Romero, IPEC.

According to NGOs I am doing something wrong when I employ boys of sixteen years old on my *quimbalete*, but I am not! All miners in Santa Filomena received the international laws on mining from AMASUC. It says that the minimum age to work is 14 years old.

When I asked AMASUC's president to elaborate on this, he said:

It is not important if the rules say 14 or 18. The important thing is to invest in youth. We can't tell them not to work without giving them anything in exchange. We should invest in youth facilities in the villages now. Youth is important, not the exact age. If they can't work, how are they going to pay education?

The ambiguity concerning minimum age, and the fact that adolescents are not often considered to be children, makes it difficult to convince people that labourers between 14 and 18 years old are also child labourers when involved in these types of activities.

In conclusion, the interventions that were most successful included the instalment of the *winche*, in combination with the commitment; the awareness raising campaigns and the alternative income generation for women. The processing plant could offer significant solutions for the future. It must not be forgotten that the scope of the project in Santa Filomena was much bigger in terms of investments and time, than in La Rinconada. It is striking that some of the strategies that worked best in Santa Filomena, such as the mechanisation of the mine, were not applied in La Rinconada (the mine structure did not allow this strategy). Awareness raising was applied in both communities, but seemed to have more results in Santa Filomena than in La Rinconada (due mostly to a difference in social cohesion and control). An important finding is therefore that the impact of interventions are always dependent on the context in which they are carried out, and cannot simply be copied without considering the local conditions.

6.2.4 Sustainability

Villages grow and change in time, a fact that should be considered when designing projects. Strategies that are successful might not be successful anymore after some time because the organisational structure of the village, the population or the environment may have changed. The best example is probably the fact that migration flows to La Rinconada are continuous. The children, who are withdrawn from the labour process in one year, are most likely replaced by others in the next year. So how sustainable are awareness raising campaigns in a migrant settlement? More structural changes must be made if patterns in a migrant village are to follow suit. In Santa Filomena one could speculate about the consequences of the mechanisation of the mine. More productivity results in economic growth, followed by labour immigration, and possibly unemployment and child labour. People mentioned how new arrivals are often less convinced of the need to keep children out of work. Santa Filomena keeps growing and if there is no transfer of knowledge and ideas, sustainability is not assured. In La Rinconada the contractors are currently in a process of transference. This will probably shift responsibilities and relations between actors and open up new possibilities for NGO practices.

The IPEC project in La Rinconada was split into two phases, and executed by two different NGOs; this resulted in incomplete implementation. Both NGOs complained of too little time to complete

their tasks and to achieve desired results. Inadvertently, the residents' belief was confirmed that NGOs only stay for a limited time, and don't complete their activities. The lack of transparency in NGO funds was another source of complaints. So too was the lack of cooperation between the various NGOs. There have only been some incidental moments of cooperation, such as between CARE and EduFuturo during the second phase of the IPEC programme. The two NGOs that are currently executing projects, and even very similar projects, are however not cooperating. Currently, people in La Rinconada who are interested in participating usually join the NGO that approaches them first, or sometimes even join both. Cooperation between NGOs might give improved results, especially when they are active in the same field.

Chapter 7

Conclusions and Recommendations

7.1 Research Questions

This research had four central concerns:

- What are the living and working conditions of the working children in the mining sector?
- What consequences does child labour in the mining sector have for the working children?
- What are the main reasons for children to work in the mining sector?
- Which strategies to combat child labour have been used by GOs and NGOs in the research communities Santa Filomena, in the department of Ayacucho, and La Rinconada, in the department of Puno, and what are their successes and shortcomings?

Peru has ratified ILO Conventions 138 and 182 concerning the minimum age for labour and the worst forms of child labour. Mining is included as a worst form of child labour, and should be performed only from 18 years old and up. Peru also has national laws pertaining to child labour. These laws allow work in mining from 16 year old. However, no one below 18 is allowed to work at night, underground, with heavy weights or with toxic substances (2.3).

Santa Filomena and La Rinconada are migrant villages that came into existence in the wake of the sudden interest in gold mining. Migrants were predominantly poor people from neighbouring areas for whom artisanal gold mining was a survival strategy for a lack of other opportunities. Whereas the inhabitants of Santa Filomena are permanently settled, many of La Rinconada's inhabitants are transient. The villages are at various stages of development, but both still lack important basic facilities and social services. The artisanal process of gold mining lacks advanced technology and deteriorates the environment, particularly in La Rinconada. This affects especially children, who need a healthy and safe environment and adequate health and education services for a healthy development (2.5, 3.1).

Despite the international conventions and national legislation, children are involved in the mining sector and are working in a wide arrange of activities. While male adolescents are more often found at the *quimbalete* (processing the ore) or inside the mines, younger children and girls are usually involved in sorting or crushing the ore (3.2). The consequences of these activities for the children's health are serious, but the impact will often only be experienced in the long term. The most significant example of serious consequences is the effects of mercury on children's health (4.2.3, 4.2.4).

Working children in the mining sector rarely have access to high quality education because of where they live; working children are also more likely to skip a day or some time of school, especially in La Rinconada. Working adolescents are prone to choose fulltime work rather than school. On the other

hand, many activities in mining are easily combined with education; the majority of children and adolescents work during school holidays (4.1). Most working children either work with their parents and siblings, or, have migrated to the village on their own, and thus don't see their families for long periods of time. It is considered more beneficial to children and adolescents to work with their family, since it is believed that family members are more likely to look out for their interests than strangers are (4.3).

The consequences of mining work are most severe for adolescents because of the particular activities they carry out, but all working children are exposed to health problems through their activities and weather conditions. Importantly though, also non-working children in mining villages deserve attention because they too are affected by the grave pollution and the lack of facilities in the villages. All the children are denied certain basic human rights and the entire sector should therefore be considered as a worst form of child labour. In Santa Filomena, mining methods have been improving, but not yet sufficiently. There are plans to split the village into separate living and working sectors³², which will significantly improve children's general living conditions, but the working adolescents will still continue to work in hazardous occupations (4.4).

Children's participation in artisanal mining can be explained by a variety of reasons. Some parents prefer to take their young children to work because of the lack of safety in the village and distrust among its inhabitants. The existing child care facilities are unsatisfactory, too far away or in an inferior state (5.4). Besides, the mining villages are mostly inhabited by families from rural areas, and according to their tradition, children commonly help their parents, which is seen as a valuable phase in a child's development and socialisation process (5.2). The fact that living and working quarters are currently not separated facilitates children's help in their parents' work.

Adolescents generally work to contribute to the family income, to be able to provide for their own basic needs or even to afford personal luxury expenses (5.1). Spending wages on luxury items is normally only done by part-time working adolescents. Many adolescents have to pay for their own school fees and educational requirements (5.3). Children from large families, particularly those with single mothers, are more likely to work because of an increased financial burden.

The presence of schools in the mining villages, on the one hand, gives more children access to an education, but on the other hand, stimulates families to bring their children along, which in turn increases the likelihood that they will work in mine-related activities and be affected by the conditions of a mining village (5.3).

The particular mining village structure plays a role in facilitating child labour; its informal and elaborated production chain creates easy access for children. There are significantly more children working in La Rinconada than in Santa Filomena precisely for this reason. A large part of the production chain in Santa Filomena has been formalised and mechanised; both factors limit the presence of children. The miners are themselves responsible for conditions and profits, and are organised into a cooperative, which gives them economy of scale, but also certain responsibilities

³² Since the time of this fieldwork, Santa Filomena has been in development. At time of publication, the reorganisation of the village may have been completed.

(5.5). In La Rinconada it is the contractors who are organised, not the miners themselves. The lack of a feeling of ownership among the miners negates all sense of responsibility and thus little is done to organise and improve conditions (6.2.2).

Both communities have been the beneficiary of ILO projects, implemented by local NGO's, and of some smaller initiatives, aimed at eliminating child labour (6.1). While the general approach of the ILO projects was the same in both villages, some important elements differed and led to varied results. The villages responded differently to similar interventions, because of their varying social, climatic and industrial characteristics (6.2.1). Local support groups and the organisation of labourers are vital for the improvement of living and working conditions of the miners in general as well as for the elimination of child labour (6.2.2).

The ILO intervention in Santa Filomena showed that child labour can be reduced by formalising and mechanising a part of the production chain and by improving the welfare of the miners' families in the process. As only a part of the production chain is formalised and controlled, the remaining part still involves children and adolescents. The establishment of the processing plant has somewhat replaced the *quimbaletes*, but has provided more income for only some of the miners. However, the plant will likely be expanded in the near future, and will hopefully make it possible for all miners to make use of its services, which health-wise are a real improvement from the *quimbaletes*. The plan in Santa Filomena to separate living and mining areas also promises an improvement in conditions and a reduction in child labour.

The results seen in La Rinconada have shown that awareness raising on child labour issues is not effective as long as structural needs, such as safety and family income, are not improved. Alternative income generation can be effective, but only if these activities are at least as remunerative as participation in gold production. Unequal power relations between owners, contractors and miners, combined with an elaborated production chain, have made interventions as applied in Santa Filomena, impossible to implement in La Rinconada (6.2.3).

7.2 Recommendations for future interventions

Based on the results of this research, recommendations for future interventions can be formulated. These recommendations are primarily based on the reasons for children working, taking the positive and negative experiences of previous interventions in the research communities into account. Recommendations are formulated for organisations concerned with the elimination of child labour in mining and the improvement of living conditions of children in mining areas.

The main reason for children to work is economic. Since many working children contribute to the family income, interventions should aim to increase this income through, for example, income generating activities that provide employment opportunities for parents. The success of such an intervention relies on the proposed activities being more convenient and lucrative than former activities. Micro-credits are useful to start a new business, or to expand an existing one. By forming cooperatives people can build up larger investments and benefit from economies of scale.

Another way to increase the family income is to introduce and support financial management within the household. The gender roles found in the mining villages' households are male dominant. Men often make expenditures without considering the family; in addition, divorced mothers receive no

financial support from former husbands, and thus a system of alimony payments should be introduced and enforced. Family planning also plays a role as it has been observed that larger families are more likely to have relatively more children working.

A final way to increase household income is to decrease costs. Expenditures that could be cut, with some help from local and national authorities, include those for basic social services such as education and health care.

There are also cases in which children work to support themselves, rather than to contribute to a household budget. Interventions hoping to help these children should take their particular needs into consideration. These children need financial aid as well as personal support and advice; without this they have little choice but to work. This research also observed the need for good quality daily child care, allowing working mothers to leave their children behind in a safe and secure place. Free child care would be the best incentive for mothers to effectively make use of the service.

It is more difficult to prevent adolescents from working because of the desire to be able to afford luxury goods. Adolescents are allowed to work, but not in mining. The solution is therefore to provide and stimulate alternative employment opportunities for adolescents that are less detrimental than mining activities.

Organisations can also choose to direct their strategies at the organisational level of the production chain. The experiences in Santa Filomena have shown that formalising and mechanising the production chain, and working with a system in which the labourers own the mining concession, can be effective. Interventions should lobby for proper legislation, formalisation and organisation of adult miners. Once there are incentives and benefits for adult labourers, respect towards the law can be demanded. This will reduce access for children into mining activities, make it very difficult for local employers to hire children, and increase adult income, thereby reducing the need for children to work.

Loans for new adult miners should be given upon the condition that all social and environmental rules are respected. Fixed wages for labourers could be an option, making the family income more stable and less dependent on the production, again reducing the need for children to participate.

Actors further along the chain, i.e. the buyers of gold in the capital or in other countries, could play a role in the process by demanding formally produced gold with fair labour conditions and without child labour. High gold prices are beneficial to the local population, including children, as long as the production chains are shortened, power relations become more equal, and responsible mining methods are enforced. Again, this is a matter of proper and enforced legislation, the organisation of adult miners, and the dissemination of information.

Since most adolescents work on the *quimbalete*, a highly dangerous activity due to the use of mercury, this activity should be replaced by a less detrimental form of processing. Technical support is needed to obtain systems of processing the ore without mercury, or at least methods that properly contain the mercury. Since advanced systems are often too expensive or impractical for

small amounts of ore, miners will have to form cooperatives instead of working individually³³. Mining without the use of mercury will reduce pollution and improve living conditions for all inhabitants.

The eventual separation of living and working areas in Santa Filomena will significantly improve general living conditions and contribute to the elimination of child labour in mining. Once children live further away from the mines, they have fewer incentives to participate in the work. In addition, they are less affected by the pollution caused by mining activities. The rearrangement of town structure is vital for artisanal mining villages.

Experiences in Santa Filomena have shown that it is difficult yet possible to change people's attitudes towards child labour in mining. To reduce child labour, everyone in the village should be made aware of the various risks there are for children who work in mining. There must also be information dispersion concerning child labour legislation, and discussions about concepts such as "work", "help" and "child". Parents should be made aware of alternative activities for children and adolescents; they need not be idle, they can learn their responsibilities and other values by participating in other, safer, activities. Parents should be encouraged to maintain their financial responsibilities towards their adolescent children for such matters as education. Organisations must take existing beliefs, sensibilities and needs into account if any intervention hopes to be successful. La Rinconada expressed negative responses to interventions concerning child labour; the population felt attacked and unfairly exposed.

The paradox of education campaigns in mining villages is that improving the presence and quality of education inadvertently motivates even more children to come to, or to stay in, the village; thereby coming into contact with mining activities and mining-related pollution. However, the positive result of improved education and lower costs is a decrease in child labour levels, especially among adolescents. Without the presence of, or access to, secondary schools, adolescents are indirectly forced into mining. They become exposed to hazardous conditions and it becomes increasingly difficult to break the circle of poverty. Improving education also entails training teachers; this should, however, be accompanied by incentives for teachers to come to and stay in the village, rather than hastily move elsewhere.

Besides from directly intervening in child labour issues, organisations could instead opt for improving the general living conditions in the mining villages. Improved hygiene, health care, environmental conditions, education and safety in the villages would strongly improve children's lives. Considering the responsibilities of the state for the provision of these services, organisations should lobby authorities to speed up the process. Installing basic services (water, electricity, sewerage, rubbish collection, health care posts, primary and secondary schools, law enforcement, etc.) should go hand in hand with improved mining technology (to prevent further pollution) and the division of the village into work and living spheres.

³³ Several environmentally friendly systems for purifying gold without mercury or cyanide have been developed. Most of them are more expensive than amalgamation and require a high technological level. The magnetic "cleangold" method seems promising, but more research is needed to determine the efficiency of this technique [Van der Oost 2008].

People initially flowed into the mining villages because of a lack of opportunities elsewhere; therefore, interventions should also focus on improving conditions and increasing the alternatives in the areas of origin. Investments in employment opportunities and services for children and single mothers could reduce migration to mining areas. La Rinconada lacks many basic services because the state doesn't recognise it as a residential area; rectifying that misconception would be a good place to start. Alternatively, the state can invest in creating a nearby residential development, removed from the mining areas.

Peru has established national laws to prohibit and regulate child labour, but many of those laws are not respected in practice. The CPETI set up a National Plan of Prevention and Eradication of Child Labour but, because of its young existence, still lacks a budget and a plan for concrete action. The organisations involved operate with their own independent budgets; unfortunately, this also means that they are implementing their projects independently, rather than in accordance with a National Plan. CPETI needs to be supported so it can effectively put a National Plan into action, establish a central pool of knowledge, experiences and resources, and coordinate interventions so that they do not become counterproductive.

In conclusion, all strategies must be combined if they wish to be successful. Parents who are aware of the risks of child labour are still unlikely to stop sending their children to work if they continue to struggle with household costs. Vice versa, families with sufficient funds could continue to let their children work if they believe that work positively contributes to the child's development. Health care and education could be provided free of charge, but a child without any family or other support, will still need to work to cover costs for food and shelter. And a single mother who is able to financially take care of the whole household, and who is aware of the risks of child labour, may perhaps still take her children to the workplace if she has no child care alternatives. The presence of children in mining activities is explained by a number of factors, which must be treated as a whole to find a solution to the problem. Each mining village has its own set of cultures, traditions, power relations and mining companies (with their own particular organisational structure). Interventions should therefore always take the local context into account; regional or national interventions should work along the same lines, but must be adapted accordingly to meet local needs.

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