

LAW N° 28950

In the second semester of 2006, the Permanent Multi-sectorial Work Group in Peru decided to initiate a new bill for a human trafficking law that would differ from the proposed bills formulated in 2004. This bill attempted to adopt into the Peruvian legal framework the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, (the Palermo Protocol)*¹. With this purpose in mind, this leading entity convened several inter-institutional and multidisciplinary conferences that brought together not only the entity's own constituents, but also other government officials, representatives from human rights NGOs, magistrates, academics and researchers to create a new bill, this time with a consensus. The new law provided a legal definition of the conduct that classified it as a criminal offence; it stipulated special requirements for the investigation of the crime, within the context of organized crime. Furthermore, it provided for assistance and protection for the victims, their direct relative dependents, and all prosecuting witnesses. Lastly, it emphasized prevention of the crime as well as its risk factors.

Once the Work Group reached a consensus, it submitted the bill to the following State Ministries: *Ministry of the Interior, Women and Social Development*, and *Work and Justice*, who indicated their approval and support for the sections that corresponded to their jurisdictions.

Given this commitment and political support, the President of the Republic himself, and the President of the Council of Ministers took on the

¹ See projects of proposed laws by the Public Ministry 9574-2003/CR y 314-2006/MP from January 30, 2004 and September 27, 2006, respectively; by the congresswoman Ana Elena Townsend Diez Canseco 13074-2004/CR from May 24, 2005; and, by the Congressional political party Alianza 108-2006/CR from September 1, 2006.

responsibility of the project, and on October 21, 2006 submitted it as a high priority bill to Congress for its debate and approval².

Representatives from the Work Group and the Ministry of the Interior defended the consent-based bill before the Congressional *Commissions of Justice and Human Rights*, and *of Women and Social Development*, succeeding in convincing both Commissions to reach a full consensus of approval for the bill.

With the mandate of approval from both Commissions, the bill was submitted to Congress for the two regulatory votes that would convert the bill into law. After coordination with the different Congressional political parties and their respective leaders within Congress, they came to an agreement that the bill would be placed as a high priority item on the Congress' agenda for the first days of January 2007, so that the bill would not have to wait for the following legislature.

On January 11, 2007 Congress unanimously approved the bill thus providing a favorable mandate for the consent-based project that exonerated it of a second vote. The President of the Republic signed the bill into law on January 15, 2007 and it was published the next day. This was the route traveled by the current *Law 28950, Law Against Human Trafficking and the Illicit Transfer of Migrants*.

² Proposal for Law 513-2006/PE

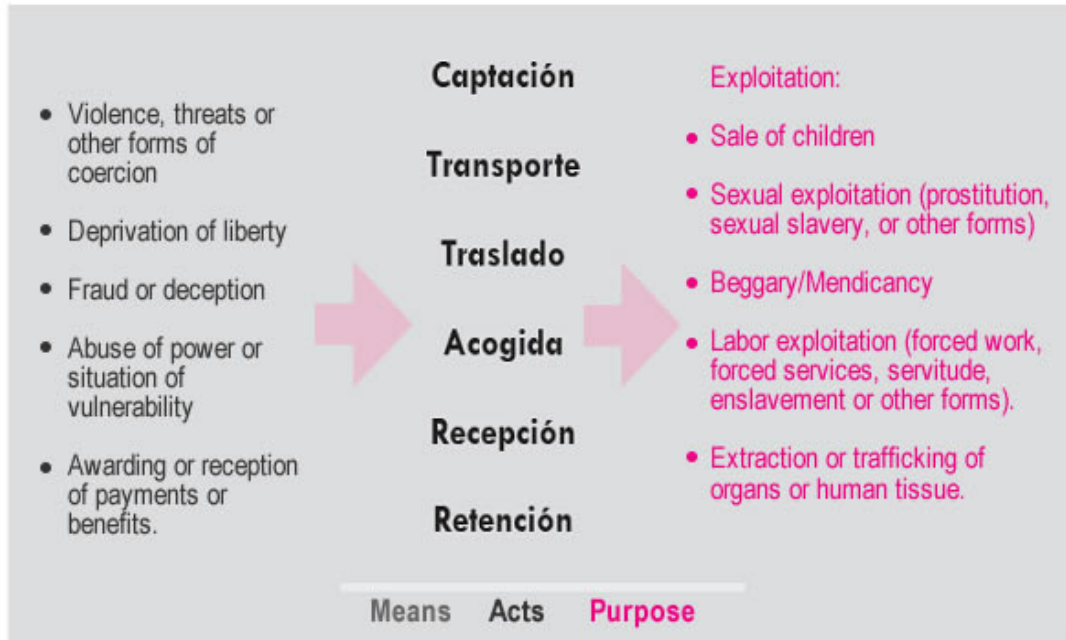
HUMAN TRAFFICKING IN OFFENSE OF MINORS
ACCORDING TO THE PERUVIAN PENAL CODE
ARTICLE 153

Capture	Exploitation:
Transport	• Sale of children
Transfer	• Sexual exploitation (prostitution, sexual slavery, or other forms)
Harbor Refuge/Shelter	• Beggary/Mendicancy
Receipt	• Labor exploitation (forced work, forced services, servitude, enslavement or other forms).
Retention	• Extraction or trafficking of organs or human tissue.

Acts **Purpose**

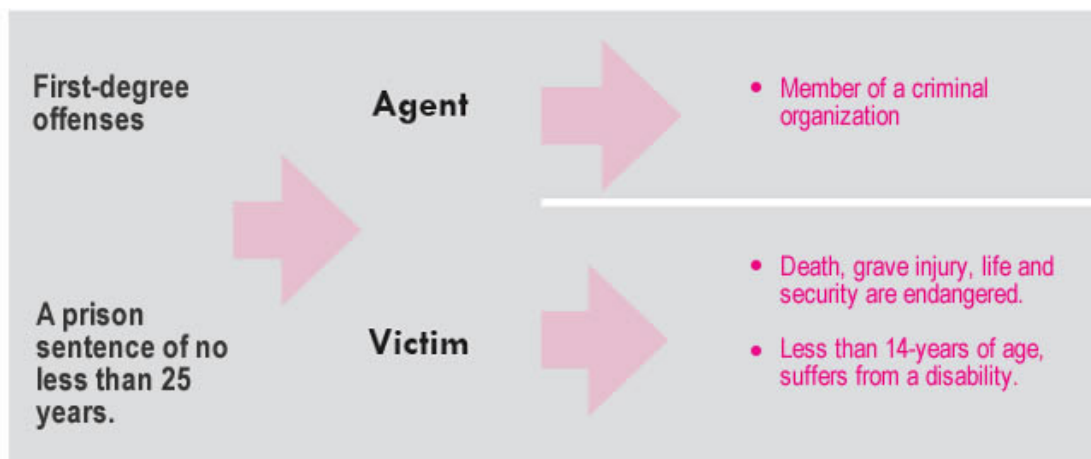
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HUMAN TRAFFICKING ACCORDING TO THE PERUVIAN PENAL CODE ARTICLE 153



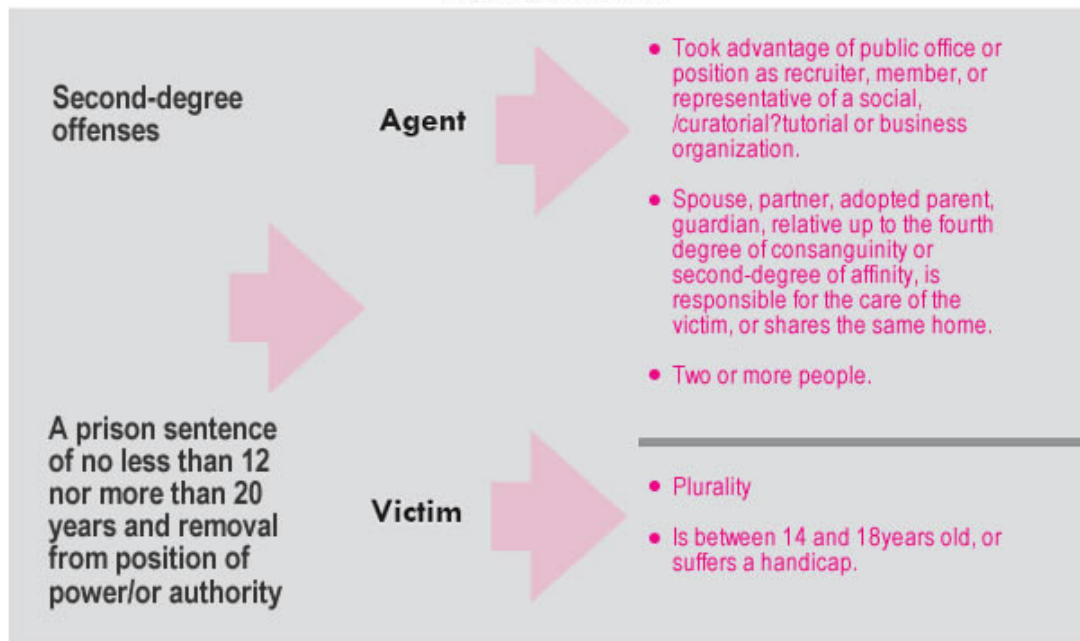
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FIRST-DEGREE CRIMINAL OFFENSE OF HUMAN TRAFFICKING ACCORDING TO THE PERUVIAN PENAL CODE ARTICLE 153-A



CHS Alternativo, 2007.

SECOND-DEGREE CRIMINAL OFFENSE OF HUMAN TRAFFICKING ACCORDING TO THE PERUVIAN PENAL CODE ARTICLE 153-A



CHS Alternativo, 2007.