

STREET VENDORS

The main findings related to the street vendors sector are detailed below. Regarding this, we want to state that there is not a specific legislation for this sector; rather there are local provisions (issued by district municipalities). However, despite the absence of a legislation for this occupational sector at the national level, street vending is protected in the national political constitution under article 2, that states that every person has the right to work freely in accordance to the law, as well as in article 23, second paragraph, of the same *magna carta*, that establishes that the State promotes conditions for social and economic progress, specially through policies to foster productive employment and education for work. Some of the regulations related to the sector are detailed below.

POLITICAL CONSTITUTION OF PERU (1993)

ARTICLE 2: Every person has the right:

1.- to life, his identity, his moral, psychic and physical integrity and his free development and wellbeing. The unborn child is a rights-bearing subject in any event which is beneficial for him.

15.- To work freely in accordance to the law.

ARTICLE No 22: Work is a right and duty. It is the base for social welfare and a means for individual realization.

PRESIDENTIAL DECREE No. 005-91-TR (01/26/91). Recognizes the legal status of street workers as own-account street workers. Presidential Decree No. 005-91.TR recognizes the legal status of street workers as own-account street workers, acknowledging that this activity is the result of an economic crisis, and a response from the population to the situation of unemployment and underemployment they are facing. There is mention in this presidential decree of the need to promulgate a street vending law. Nonetheless, to this date such law does not exist, and hence making the regulation of this sector difficult.

Ordinance No. 002-1985-MLM (04/17/1985)

Ordinance No. 002-1985-MLM was issued on April 17th, 1985; it is a regulatory ordinance on street vending in Metropolitan Lima and was the first legislative piece at the national level addressing issues related to street vendors. This ordinance specified that street vending in Metropolitan Lima and in the district municipalities was its scope. In the latter case, these municipalities would be responsible for exercising a controlling function of street vending within their jurisdiction through their competent bodies (article 1). The ordinance also states that the municipalities will coordinate the application of the ordinance, both with their respective Joint Technical Committees and representatives of

the street vendors' base organizations (article 2). With this, the ordinance recognizes the possibility for this occupational sector to organize and to create unions. This ordinance has been repealed by Ordinance 1787 issued by the Lima Municipality in 2014.

Ordinance No. 062 of the Lima Metropolitan Municipality (08/18/1994)

The Ordinance No. 062 –Regulations for the Administration of the historic centre of Lima – was published on August 18, 1994. Chapter III makes reference to street vending in this area; and advocated for the gradual eradication of this activity by relocating street vending outside the historic centre of Lima (article 137).

- **Ordinance No. 1787 regulating street vending in public spaces in Metropolitan Lima (2014):** The new Ordinance 1787 updates and repeals Ordinance 002-1985 which regulated street vending. Every municipality is responsible for adjusting it to the corresponding scope of the district. Lima's Metropolitan Municipality is directly responsible for handling street vending in the area of the "Cercado de Lima" (historic centre). Under this ordinance, the authorization to vend will be valid for two years, one per family unit, and places emphasis on vulnerable groups.

CONTENT OF THE FOLDERS:

Political Constitution of Peru (1993): Chapter related to the right to work.

Presidential Decree 005-91-TR: Recognizing the legal status of street workers as own-account street workers.

FOLDER 1) ORDINANCES:

- Ordinance No. 002-1985-MLM: Approves the ordinance that regulates street vending in Metropolitan Lima (04/17/1985)
- Ordinance No. 1787: Regulating street vending in public spaces in Metropolitan Lima (2014)
- Ordinance No. 857: Regulates municipal authorization procedures related to the functioning of establishments within the area of the "Cercado de Lima" (historic centre) and establishes the Committee for the Formalization of Private Investment.
- Ordinance No. 062 - Regulations for the administration of the historic centre of Lima (1994) (Chapter III on street vending)

FOLDER 2) SECTOR SPECIFIC LAWS

- Law No. 10674 Establishing the State's protection and assistance to street vendors of newspapers, magazines and lottery tickets (1946).
- Law No. 27475 Law regulating the activities of shoe shiners (2001)
- Law No. 27597 Law modifying Law No 27475, regulates the activities of shoe shiners.