

BOLIVIA

1. Child Labor

In 1998, the International Labor Organization (ILO) estimated that 13 percent of children between the ages of 10 and 14 years in Bolivia were working.¹ Bolivia's Ministry of Planning and Sustainable Development, however, reports that approximately 23 percent (nearly 370,000) of children between the ages of 7 and 14 work, and approximately 221,000 of those children do not attend school at all.² Children in Bolivia generally enter the labor market between the ages of 10 and 12, but working children as young as 6 are reported to work.³ Children and adolescents frequently work the same number of hours as adults.⁴

A major factor contributing to child labor in Bolivia in the 1990s is the economic, political and social crisis, which has elevated levels of poverty throughout the country.⁵ Many of the resulting "new poor" have lost their sources of income from the formal and informal sectors of the economy.⁶

The greatest percentage of child labor occurs in rural areas, particularly in the construction, livestock and agricultural sectors.⁷ In the rural areas, work for children is traditionally considered a formative experience from which children derive skills and basic tools for their future.⁸ The number of working boys in rural areas is twice as great as the number of working girls.⁹ The ratio of working boys to working girls in urban

¹ *World Development Indicators 2000*.

² The Ministry of Planning and Sustainable Development has reported that of the approximately 1.6 million children and adolescents between the ages of 7 and 14 in the country nearly 370,000 work. Ministerio de Desarrollo Sostenible y Planificación, Vice-Ministerio de Asuntos de Género, Generacionales y Familia, Dirección General de Asuntos Generacionales y Familia, *Programa de Asistencia Familiar para la Permanencia Escolar de Niñas y Niños Trabajadores*, February 2001, 6 [hereinafter *Programa de Asistencia Familiar para la Permanencia Escolar*]. The age ranges that define the categories of "children" and "adolescents" in Bolivia are unclear in the Child and Adolescent Code and in the Labor Code, but official statistics classify anyone who is economically active between the ages of 7 and 10 as a child and anyone who is economically active between the ages of 10 and 19 as an adolescent. Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2000-2010, Elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil, La Paz, 2000, 18.

³ *Programa de Asistencia Familiar para la Permanencia Escolar* at 6.

⁴ International Confederation of Trade Unions (ICFTU), *Report on Core Labour Standards for the WTO: Report for the WTO General Council Review of the Trade Policies of Bolivia* (Geneva, July 19 and 21, 1999) (www2.icftu.org/displaydocument.asp?Index=990916233&Language=EN&Printout=Yes) [hereinafter *Report on Core Labour Standards for the WTO*].

⁵ *Programa de Asistencia Familiar para la Permanencia Escolar* at 2.

⁶ *Ibid.*

⁷ "Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la viceministra de Género, Jarmila Moravek," *El Diario*, July 5, 2000 ([www.caj.../bdescriptor.in\]?bdatos=2000®istros=25&format=resumen&boolean=0499](http://www.caj.../bdescriptor.in]?bdatos=2000®istros=25&format=resumen&boolean=0499)).

⁸ *Programa de Asistencia Familiar para la Permanencia Escolar* at 7.

⁹ *Trabajo infantil en los países Andinos: Bolivia, Colombia, Ecuador, Peru y Venezuela*, Primera Edición (ILO: Lima, Peru, 1998), 17 [hereinafter *Trabajo infantil en los países Andinos*].

areas is almost 1 to 1.¹⁰ Girls account for almost all the working children in the domestic service sector. The ratio of working boys to girls in the commercial sector is nearly even.¹¹

Children participate in all aspects of small-scale, traditional mining in Bolivia, including the extraction of underground ore, which often involves handling explosives for drilling and blasting operations; the transporting of ore from the interior of the mines, during which children often carry heavy loads directly on their backs; the crude processing of the mineral including crushing it with hammers and heavy machinery; and the amalgamation of the ore, which exposes children to mercury vapor.¹²

Another recognized form of child labor is the *criadito* practice. Criados are maids or houseboys, often of indigenous origin, who are sent by their parents to work in middle-class and upper-class households, usually in urban centers. There are no controls over the treatment of children in this arrangement, many become virtual slaves for the years of their indenture.¹³ The commercial sexual exploitation of children is also reported to occur in Bolivia.¹⁴

Many rural Bolivian children are lured to more prosperous countries like Peru, Chile, Argentina, and Spain with promises of good salaries and an opportunity to support their families back home.¹⁵ Bolivian traffickers living abroad return to Bolivia to entice minors with false promises. The Bolivian Commission on Social Policy reports that more than 24,000 children have been trafficked since June 2000.¹⁶

2. Law and Enforcement

In accordance with the Bolivian Code for Boys, Girls and Adolescents, 14 is the legal minimum age for employment,¹⁷ and working children and adolescents between the ages of 14 and 18 are required to obtain authorization from their parents or wards. If

¹⁰ Ibid.

¹¹ Vice-Ministerio de Asuntos de Género, Generaciones y Familia, Dirección General de Asuntos Generacionales y Familia, *Solicitud de Cooperación: Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, 10 [hereinafter *Solicitud de Cooperación*].

¹² ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, ILO-IPEC project document, March 9, 2000, 3 [document on file].

¹³ *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000) (www.state.gov/www/global/human_rights/1999_hrp_report/bolivia.html), Section 5 [hereinafter *Country Reports 1999—Bolivia*].

¹⁴ U.S. Embassy—La Paz, unclassified telegram no. 003284, July 28, 2000.

¹⁵ *Los Tiempos* (La Paz), Sept. 12, 2001, as quoted in the *UN Wire*, *Bolivia: Officials Launch Investigation on Child Trafficking*, September 12, 2001 (www.unfoundation.org/unwire/2001/09/12/current.asp#18042).

¹⁶ Ibid.

¹⁷ Código del Niño, Niña y Adolescente: Ley número 2026 del 27 de octubre de 1999, U.P.S. editorial, La Paz, Bolivia, 2000, 41.

neither exists, then they need to request authorization from a labor inspector of the Labor Ministry.¹⁸

In March 2001, the Government of Bolivia adopted the stipulations of the Child and Adolescent Code that allow judges and other authorities of the Bolivian Ministry of Justice to impose penalties for violations of the rights of minors within the country.¹⁹

The General Labor Law allows for apprenticeships for children younger than 14, which may not exceed a two-year period.²⁰ The General Labor Law also requires employers to oversee that apprentices attend school during normal school hours.²¹ In addition, the General Labor Law prohibits minors from dangerous, unhealthy and physically taxing work or work that negatively affects their moral and proper upbringing and outlaws minors from working in underground mines.²²

Prostitution is legal in Bolivia for individuals over 18.²³ Although child prostitution is outlawed, enforcement is poor and police raids are ineffectual and easily avoided.²⁴ Bolivian law prohibits forced labor.²⁵ All forms of pornography are illegal under Bolivian law.²⁶

The Government of Bolivia ratified International Labor Organization (ILO) Convention No. 138 on Minimum Age for Employment on June 11, 1997.²⁷

3. Education

In rural areas, access to school and additional costs associated with schooling frequently represent significant obstacles for poorer families.²⁸ These factors contribute

¹⁸ Ley General del Trabajo-Eleva a Rango de Ley, Chapter 1, General Dispositions, Title II, Article 8 (www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm).

¹⁹ *Los Tiempos*, Vida y Futuro, "Correo del Sur: Protegan legalmente a los niños," March 21, 2001 (www.lostiempos.com/pvyf4.shtml).

²⁰ Ley General del Trabajo, Decreto Reglamentario, Código Procesal del Trabajo, Decreto Ley de 24 de mayo de 1939, elevado a rango de Ley el 8 de diciembre de 1942, U.P.S. editorial, La Paz, Bolivia, 2000, 20.

²¹ *Ibid.* at 20.

²² Ley General del Trabajo: Eleva a Rango de Ley, Capítulo VI, Artículos, 58-61 (www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm).

²³ U.S. Embassy-La Paz, unclassified telegram no. 003434, August 4, 2000 [hereinafter unclassified telegram, 003434].

²⁴ *Ibid.*

²⁵ Ley General de Trabajo, Decreto Reglamentario, Código Procesal del Trabajo, Decreto ley de 24 de mayo de 1939, elevado a rango de Ley el 8 de diciembre de 1942, Capítulo IV, Del Contrato de "Enganche," U.P.S. editorial, La Paz, Bolivia, 69.

²⁶ Unclassified telegram, 003434.

²⁷ For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, see Appendix C.

²⁸ *Country Reports 1999—Bolivia* at Section 5.

to an increasing school desertion rate and a widening gap between a child's chronological age and his or her academic level.²⁹

Lack of proper birth certification is another significant obstacle to accessing education for many children in Bolivia. Children must be properly registered with the state in order to have access to education and public health services.³⁰ Families frequently have to bear the cost of birth certification, and children from families who cannot afford this cost are left without proper documentation and are subject to being denied access to formal education and government-provided health and social security benefits.³¹

In 1997, net primary school attendance in Bolivia was 81.5 percent,³² and net primary school enrollment was 97.4 percent.³³ However, according to government reports, more than 56 percent of Bolivian children and adolescents do not attend or have abandoned school.³⁴ In urban centers, 57 percent of all children between the ages of 7 and 12 abandon school before the sixth grade. The dropout rate increases to 89 percent in rural regions.³⁵ A study published by the Ministry of Education indicates that four out of five illiterate citizens are female, and that girls frequently leave school at a young age to work and supplement the family income.³⁶

A study carried out by the Ministry of Planning's Educational Reform Team showed that in rural areas only 0.7 percent of girls and 1.4 percent of boys finish high school. The numbers are significantly higher in urban areas, with 26 percent of girls and 31 percent of boys graduating from high school.³⁷

4. Approaches to Eliminate Child Labor

a. Child Labor Initiatives

In 1996, Bolivia became a member of the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC). In 2000, the U.S. Department of Labor provided funding to support a multiple-year IPEC project to

²⁹ Plan nacional para la erradicación progresiva del trabajo infantil, 2000-2010, Elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil, La Paz, 2000, 11.

³⁰ *Presencia*, "CNE vulnera Código del Niño," social section, November 14, 2000.

³¹ *Ibid.*

³² USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

³³ *World Development Indicators 2000*.

³⁴ Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2000-2010, Elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil (La Paz, 2000), 11.

³⁵ *Solicitud de Cooperación* at 12.

³⁶ U.S. Department of State, Human Rights Reports for 1999: Bolivia (Washington, D.C., 2000), Section 5 (www.state.gov/www/global/human_rights/1999_hrp_report/).

³⁷ Study carried out by Bolivia's Ministry of Planning's Educational Reform Team, as cited in *Core Labour Standards for the WTO*.

progressively eliminate child labor in small-scale traditional mining in the Andean region.³⁸

Another international NGO, Defense for Children International (DNI), has as its goal to raise the awareness of authorities and the business community about the adoption of measures in favor of children's rights.³⁹

The local NGO, Environmental Development Action in the Third World (ENDA), is developing projects and strategies that aim to remove working children from hazardous environments and place them in schools.⁴⁰ Similarly, Qharuru has developed a holistic service center for shoe shiners and working street children.⁴¹ Now in its 15th year, the center supports and collaborates with government-run night schools created for working minors, and offers various types of support such as health services for working children.⁴²

Since 1997, the Private Workers Confederation of Bolivia (CEPB) has been working in conjunction with the ILO to provide occupational training to working adolescents, with the goal of placing these adolescents in the local labor sectors.⁴³

b. Educational Alternatives

The Constitution of Bolivia proclaims the provision of education as a principal responsibility of the state and establishes free, compulsory primary education for 8 years. Basic primary education is free and compulsory for a minimum of 8 years for children aged 6 to 14.⁴⁴ According to the Child and Adolescent Code, the government is responsible for honoring the educational rights of Bolivian children⁴⁵ and for providing basic education to adolescents and adults who were not able to attend school with their cohort age groups during the regular primary school years.⁴⁶ The code also outlines the government's responsibility to provide adolescents with easy access to school and with curricula designed and adapted for working adolescents.⁴⁷

³⁸ U.S. Department of Labor, International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, ILO-IPEC project document, 1999, 11 [document on file].

³⁹ *El Tiempo*, "Crece explotación laboral a menores en Bolivia" [online], Honduras, March 20, 1998 (www.casa-alianza.org/ES/human-rights/labor-exploit/press/980320.shtml).

⁴⁰ Interview with Oscar Saavedra, program coordinator, ENDA, by U.S. Department of Labor official, El Alto, November 9, 2000.

⁴¹ Quaruru, *Proyecto de erradicación progresiva del trabajo infantil en La Paz, Bolivia* (La Paz, Bolivia: Dierpre Publicaciones), December 1999.

⁴² *Programa de fortalecimiento educativo de niños trabajadores lustrabotas*, Quaruru.

⁴³ *Trabajo infantil en los países Andinos* at 26.

⁴⁴ UNESCO, *La EPT Evaluación 2000*, Informes de País, Bolivia, Parte II: Sección Analítica, 3.1, *En la estructura curricular* (www2.unesco.org/wef/countryreports/bolivia/rapport_1.html) [hereinafter *La EPT Evaluación 2000*].

⁴⁵ Código del Niño, Niña y Adolescente: Ley número 2026 del 27 de octubre de 1999, U.P.S. editorial, La Paz, Bolivia, 2000, 37.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

The Child and Adolescent Code calls upon the government to take steps to reduce school desertion rates, to build schools where they do not exist, to adapt the school calendar and attendance schedule to local realities, and to raise awareness within communities and among parents about the importance of registering children for school and maintaining their regular attendance. The code further stipulates that the Government of Bolivia must provide primary school students with school materials, transportation, meals, and medical services.⁴⁸

According to the Law of Popular Participation (1994), municipal governments are responsible for providing, maintaining, enlarging, and relocating as needed, school infrastructure, furniture, equipment, and instructional materials. The municipal governments receive funding for such activities, but most have not yet met this responsibility.⁴⁹

During the 1990s, Bolivia's Educational Reform Program developed the System for Measuring the Quality of Education (SIMECAL). SIMECAL is used to evaluate students' academic performance and identify factors that influence it. Indicators drawn from SIMECAL measurements are used to coordinate improvements in education quality within the national educational system.⁵⁰

The Government of Bolivia's Vice-Ministry of Alternative Education has created the Alternative Youth Education (EJA) program, which targets girls, street children, children and adolescent workers, and at-risk youth. The program is designed to keep children and adolescents in school by offering them night classes with specially designed curricula that are flexible and adapted to the population's specific needs.⁵¹

⁴⁸ Ibid. at 38.

⁴⁹ *La EPT Evaluación 2000* (www2.unesco.org/wef/countryreports/bolivia/rapport_1.html).

⁵⁰ SIMECAL measurements include access to primary education; dropout and grade repetition rates; efficiency and performance; public expenditure on education; human teaching resources; academic levels of primary school teachers; and student-teacher interaction. See *La EPT Evaluación 2000*.

⁵¹ Ministerio de Educación, Cultura y Deportes, Vice-Ministerio de Educación Alternativa, *Boletín Informativo del Proyecto Curricular de la Escuela Nocturna-EJA*, Año 2-No, 2-Enero 1999.