Bolivia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Bolivia has been a member of ILO-IPEC since 1996.[364] Since 2000, the government has been participating in a USDOL-funded ILO-IPEC regional project to eliminate child labor in small-scale mining in the Andean region. A second phase of this project began in September 2002.[365] From 2000 to 2001, ILO-IPEC implemented a project to progressively eradicate child labor performed by street children in the city of El Alto.[366]

In April 2001, the Bolivian Congress approved the USD 90 million National Plan for the Progressive Eradication of Child Labor 2000 – 2010 designed by the Inter-Institutional Commission for the Eradication of Child Labor.[367] The Plan's strategic objectives include the reduction of child labor for children under the age of 14, the protection of adolescent workers over the age of 14, and the elimination of the worst forms of child labor.[368] The Plan also includes provisions to rehabilitate and reintegrate child victims of commercial sexual exploitation,[369] although the government lacks funding for this and other project activities.[370] In 2002, the government completed a study on child prostitution, the results of which will be used to create incentive programs to keep children away from this hazardous form of work.[371]

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[364] ILO-IPEC, *All about IPEC: Programme Countries*, [online] [cited November 8, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm.

[365] The regional project includes Bolivia, Ecuador and Peru. ILO-IPEC, *Phase I: Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, (ILO) LAR/00/05/050, Geneva, April 1, 2000. See also ILO-IPEC, *Phase II: Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America*, project document, RLA/02/P50/USA, Geneva, September 30, 2002.

[366] ILO-IPEC, *Los Programas de Acción IPEC en Breve: Erradicación del Trabajo Infantil en Niños y Niñas Trabajadores de la Calle de la Ciudad de El Alto*, [online] [cited October 10, 2002]; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/ficbolurb2.php#b2a.

[367] Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación Progresiva del Trabajo Infantil: 2000-2010*, Ministry of Labor, La Paz, November 2000, 7, 51. See also ILO-IPEC, *Bolivia*, [online] [cited October 2, 2002]; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/bolivia.php#x5. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bolivia*, Washington, D.C., March 4, 2002, 2617-21, Section 6d [cited August 22, 2002]; available from http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8299.htm.

[368] The plan includes a variety of strategies to reach its goals, such as awareness raising and income-generating alternatives for families. Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 35, 38.

[369] ECPAT International, Bolivia, in ECPAT International, [database online] 2002 [cited October 2, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=21&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[370] U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6d.

[371] U.S. Embassy- La Paz, *unclassified telegram no. 3740*, October 11, 2002.

In October 2001, the Inter-American Development Bank (IDB) financed a program to strengthen technical and technological training for young school drop-outs with a gender-focused approach.[372] In 2002, the World Bank invited Bolivia to participate in the Education for All Fast Track program to build on its success in creating and implementing policies to improve the quality and delivery of primary education.[373] The Ministry of Education's Vice-Ministry of Alternative Education has developed a night class curriculum designed to keep working children and adolescents in school by offering them flexible, contextual, vocational and reality based lessons.[374] From 1996 to 2000, the Vice-Ministry of Gender, Generational and Family Affairs, with financing from the IDB, implemented a program for children between the ages of 7 and 12 who were working or at risk of dropping out of school. The program provided financial assistance to families of targeted children by covering school-related expenses, such as school materials, uniforms, transportation, and food.[375]

Incidence and Nature of Child Labor

In 2000, UNICEF reported that 26.4 percent of children ages 5 to 14 years in Bolivia were working.[376] Children generally enter the labor market between the ages of 10 and 12, but there are reports of children working who are as young as 6 years old.[377] A 2002 poll found that the

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[372] Inter-American Development Bank, *Program to Strengthen Technical and Technological Training*, executive summary, (B)-0197, Washington, D.C., October 2001, [cited December 13, 2002]; available from http://www.iadb.org/exr/doc98/apr/apeduc.htm.

[373] The Education For All Fast Track is designed to help developing countries meet the Millennium Development Goal of providing every girl and boy with quality primary school education by 2015. To qualify for financing under the Fast Track, countries must prioritize primary education and embrace policies that improve the quality and efficiency of their primary education systems. World Bank, *World Bank Announces First Group of Countries for 'Education For All' Fast Track*, The World Bank Group, [press release] June 12, 2002 [cited August 5, 2002]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[374] Ministry of Education Culture and Sports Vice-Ministry of Alternative Education, *Curriculum para la Escuela Nocturna; Proyecto de Transformación curricular para Niños / as Adolescentes y Jóvenes trabajadores y de la Calle de la Escuela Nocturna*, CARE Bolivia, La Paz, 2000.

[375] Inter-American Development Bank, *Program to Provide Schooling to Working Children Between the Ages of 7 and 12*, ATN/SF-5143-BO, Washington, D.C., February 1996, [cited December 13, 2002]; available from http://www.iadb.org/EXR/doc97/apr/bo5143e.htm. See also Ministry of Sustainable Development and Planning, *Programa de Asistencia Familiar para la Permanencia Escolar de Niñas y Niños Trabajadores*, project document, Vice Ministry of Gender, Generational, and Family Affairs, Bureau of Generational and Family Affairs, La Paz, February 2000. See also Ministry of Sustainable Development and Planning, *Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, proposal, Vice Ministry of Gender, Generational, and Family Affairs, Bureau of Generational and Family Affairs, La Paz, 2001.

[376] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Mario Guitiérrez Sardán for the Government of Bolivia, *Multiple Indicator Cluster Survey (MICS) Report: Bolivia*, UNICEF, La Paz, May 2001, [cited December 13, 2002]; available from http://www.childinfo.org/MICS2/newreports/bolivia/bolivia.pdf.

[377] ILO-IPEC, *Trabajo Infantil en los Países Andinos: Bolivia, Colombia, Ecuador, Perú y Venezuela*, Líma, 1998, 16.

majority of urban working children were putting in significantly more than 40 hours per week.[378] The greatest proportion of working children is in rural areas, where they work in the construction, livestock and agricultural sectors.[379] A large number of working children are found working in sugar cane harvesting and production in Santa Cruz.[380] In urban areas, children work in services, commerce, manufacturing, and family businesses and industry.[381] Children also work as small-scale miners,[382] domestic laborers and prostitutes.[383] It is reported that children and adolescents are trafficked to Argentina, Chile and Brazil to work in agriculture, factories, trades, and as domestic servants.[384]

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state and establishes free, compulsory primary education for eight years for children ages 6 to 14.[385] In 1997, the gross primary enrollment rate was 105.8 percent and in 1998, the net primary enrollment rate was 97.1 percent.[386] More than 56 percent of Bolivian children and adolescents do not attend or have abandoned school.[387] In addition, prolonged teachers' strikes often result in

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[378] 2002 LABOR: Center for Labor Development and Assistance survey as cited in U.S. Department of State official, electronic communication to USDOL official, February 7, 2003.

[379] "Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la Viceministro de Género, Jámila Moravek," *El Diario* (La Paz), July 5, 2000. See also U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6d.

[380] Guillermo Dávalos, *Bolivia: Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, xi [cited December 13, 2002]; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/bolivia/ra/cane.pdf.

[381] "Trabajo Infantil: 370 mil niños trabajan en Bolivia." See also U.S. Department of State, *Country Reports- 2001: Bolivia*.

[382] ILO-IPEC, *Phase I: Program to Prevent Child Labor in Gold Mining, project document*, 3.

[383] U.S. Department of State, *Country Reports- 2001: Bolivia*, 2615-21, Section 5 and 6c. It is also reported that children work as drug transporters. See U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6d.

[384] U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6f.

[385] UNESCO, *Education for All 2000 Assessment: Country Reports- Bolivia*, prepared by Ministry of Education, Culture, and Sports, pursuant to UN General Assembly Resolution 52/84, December 12, 2000, Part I, Section 2.2 and Part II, Section 3.1 [cited December 13, 2002] available from http://www2.unesco.org/wef/countryreports/bolivia/contents.html.

[386] World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

[387] Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 11. In urban centers, 57 percent of all children between ages 7 and 12 leave school before the sixth grade. The drop-out rate was 89 percent in rural regions. Ministry of Sustainable Development and Planning, *Proyecto de Continuidad del Programa*, 12. The Child and Adolescent Code calls upon the government to take steps to reduce school drop-out rates and in rural areas, to provide pedagogical materials and resources, 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. See Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, Articles 115-116, (October 14, 1999), [cited December 13, 2002]; available from http://www.geocities.com/bolilaw/legisla.htm.

lengthy school closures, limiting children's access to education.[388] Many children from rural areas lack identity documents and birth certificates necessary to receive social benefits and protection.[389] In May 2002, a new Supreme Decree was issued that established a program to provide free birth certificates to children, especially in rural areas, born on or after the first of January 2002.[390] The Office of the First Lady is currently spearheading this project.[391]

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.[392] National legislation on hazardous labor prohibits children from taking part in activities involving danger to health or morals, physically arduous labor, exposure to chemicals and noxious substances, dangerous machinery, and the production and handling of pornographic materials.[393] According to the Code, employers are required to ensure that adolescent apprentices attend school during normal school hours.[394]

The Constitution prohibits any kind of labor without consent.[395] Prostitution is illegal for individuals under 18 years, but enforcement is poor and police raids are ineffectual and easily avoided.[396] All forms of pornography are illegal under Bolivian law.[397] The 1999 Law for the Protection of the Victims of Crimes Against Sexual Freedom prohibits individuals from benefiting from the corruption or prostitution of a minor.[398] The 1999 law also outlaws trafficking in persons for the purpose of prostitution.[399]

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[388] Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 11. See also U.S. Department of State, *Country Reports- 2001: Bolivia*, 2615-17, Section 5. [389] U.S. Department of State, *Country Reports- 2001: Bolivia*, 2615-17, Section 5.

[390] President of the Republic of Bolivia, *Decreto Supremo No. 26579*, (May 20, 2002), Article 1.

[391] UNFPA is providing partial funding for the project. See U.S. Department of State official, electronic communication, February 7, 2003.

[392] *Ley del Código del Niño*, Article 126.

[393] Also included is work that involves thermal stress, vibration and noise, the production and/or sale of alcohol, entertainment (night clubs, bars, casinos, circuses, gambling halls), machinery in motion, mining, quarries, underground work, street trades, operating transportation vehicles, weights and loads, and the welding and smelting of metals. ILO, *National Legislation on Hazardous Work*, [online] 1998 [cited August 5, 2002]; available from http://www.ilo.org/public/english/comp/child/standards/labourle/index.htm.

[394] *Ley del Código del Niño*, Article 146.

[395] Government of Bolivia, *Constitución Política del Estado*, Ley 1615, (February 6, 1995), Article 5 [cited December 13, 2002]; available from http://www.geocities.com/bolilaw/legisla.htm.

[396] U.S. Embassy- La Paz, *unclassified telegram no. 3434*, August 2000.

[397] Ibid.

[398] Government of Bolivia, *Ley de Protección a las Victimas de Delitos contra la Libertad Sexual*, 2033, (October 29, 1999), Article 321 [cited December 13, 2002]; available from http://natlex.ilo.org/txt/S99BOL02.htm.

[399] The law provides for sentencing for up to 12 year's imprisonment if the victim is a minor. Ibid., 321 bis.

An interagency Committee on Minors was formed to combat the extraterritorial trafficking in adolescents for forced labor. However a lack of resources allows trafficking of children to continue.[400] The government cooperates with other governments to investigate and prosecute trafficking cases.[401]

In March 2001, the government adopted into law stipulations of the Child and Adolescent Code that allow judges and other authorities of the Ministry of Justice to punish violations of children's rights within the country.[402] However, a set of fines and penalties has not been standardized for child labor violations.[403] In 1996, the Vice-Ministry of Gender, Generational and Family Affairs created the Municipal Child and Adolescent Defense Offices, which offer a free public service to promote, protect and defend the rights of children and adolescents.[404] As of June 2001, there were 150 offices functioning in 135 municipalities.[405]

The Government of Bolivia ratified ILO Convention 138 on June 11, 1997, but has not ratified ILO Convention 182.[406]

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[400] U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6f.

[401] Ibid.

[402] "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos* (La Paz), March 21, 2001, [cited December 26, 2002]; available from http://www.lostiempos.com/pvyf4.shtml.

[403] U.S. Embassy- La Paz, *unclassified telegram no. 3740.*

[404] Ministry of the Presidency, *Cumbre Mundial de la Infancia: Evaluación de Metas*, Vice Ministry of Governmental Coordination, Bureau of Coordination with the National Administration, La Paz, June 2001, 12.

[405] Ibid., 5, Area No. 6: Educación y Desarrollo durante la Niñez Temprana.

[406] ILO, *Ratifications by Country,* in ILOLEX, [database online], [cited October 23, 2002]; available from http://www.ilo.org/ilolex/english/newratframeE.htm.