

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

The Government of Bolivia has been a member of ILO-IPEC since 1996.⁴⁵⁴ 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 Interinstitutional Commission for the Eradication of Child Labor.⁴⁵⁵ 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.⁴⁵⁶ It also includes provisions to rehabilitate and reintegrate child victims of commercial sexual exploitation,⁴⁵⁷ although the government lacks funding for this and other project activities.⁴⁵⁸ The Commission has developed five sectoral sub-commissions to implement the priorities of the National Plan. The sub-commissions focus on child labor in the following areas: sugar cane harvesting; mining; raising awareness/communications; commercial sexual exploitation; and domestic work.⁴⁵⁹

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 activity.⁴⁶⁰ In 2003, the government issued a decree allowing children to resume classes in a new location at any point in the school year, which will enable children of families that migrate to continue with their education.⁴⁶¹ The government also obligated sugar cane industry leaders to sign contracts with workers that included a clause prohibiting child labor.⁴⁶² In addition, the government will make available free birth certificates to children who work the sugar cane harvest, facilitating their access to social services including health and education.⁴⁶³ The government has also provided training to the Defenders of Minors offices in Santa Cruz, which will increase the number of child labor inspections in that region.⁴⁶⁴ 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.⁴⁶⁵ From 2000 to 2001, ILO-IPEC also implemented a project to progressively eradicate child labor performed by street children in the city of El Alto.⁴⁶⁶

⁴⁵⁴ ILO-IPEC, *All about IPEC: Programme Countries*, [online] [cited September 23, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁴⁵⁵ 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, 51. See also U.S. Department of State, *Country Reports on Human Rights Practices - 2002*, Washington D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18321.htm>.

⁴⁵⁶ 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.

⁴⁵⁷ ECPAT International, *Bolivia*, in ECPAT International, [database online] 2002 [cited October 2, 2002]; available from <http://www.ecpat.net/>.

⁴⁵⁸ U.S. Department of State, *Country Reports on Human Rights*, Section 6d.

⁴⁵⁹ Iciar Bosch, "Se constituyen cinco subcomisiones: Una nueva dimensión en la Comisión Nacional de Erradicación Progresiva del Trabajo Infantil en Bolivia," *Boletín Encuentros* (May, 2003); available from http://www.oit.org/pe/ipecc/boletin/noticia_imprimir.php?notCodigo=297.

⁴⁶⁰ U.S. Embassy- La Paz, *unclassified telegram no. 3740*, October 11, 2002.

⁴⁶¹ Previously children could only enter class at the beginning of each February term. U.S. Embassy- La Paz, *unclassified telegram no. 1602*, May 05, 2003.

⁴⁶² *Ibid.*

⁴⁶³ *Ibid.*

⁴⁶⁴ *Ibid.*

⁴⁶⁵ 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.

⁴⁶⁶ ILO-IPEC, *Programas IPEC en Sudamérica*, 2003 [cited August 25, 2003]; available from <http://www.oit.org/pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/programas.php?parPais=bol>.

In September 2002, USDOL funded a USD 1.5 million project to improve the access to and quality of basic education for working children in the Potosí mines.⁴⁶⁷ In October 2001, IDB financed a program to strengthen technical and technological training for young school dropouts with a gender focused approach.⁴⁶⁸ In 2003, IDB approved a second phase of the education reform program.⁴⁶⁹ 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.⁴⁷⁰

From 1994–2003, the Government of Bolivia prioritized the access and quality of primary education in its Education Reform efforts.⁴⁷¹ Beginning in 2004, the government will launch the second phase of the Reform, which will focus on improving access and quality at the pre-school and secondary levels.⁴⁷² The WFP's strategies in its 2003–2007 country plan for Bolivia were integrated into Bolivia's poverty reduction strategy to provide food aid to schools and shelters for street children with the goal of stabilizing school attendance rates, decreasing drop out rates and increasing grade promotion, particularly among street children and girls.⁴⁷³ 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.⁴⁷⁴

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 26.4 percent of children ages 5 to 14 years in Bolivia were working.⁴⁷⁵ Children generally enter the labor market from 10 to 12 years of age, but there are reports of children working who are as

⁴⁶⁷ 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. See also U.S. Embassy La Paz, *unclassified telegram no. 3028*, August 20, 2003.

⁴⁶⁸ IDB, *Program to Strengthen Technical and Technological Training*, executive summary, (B)-0197, Washington, D.C., October 2001, [cited August 25, 2003]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

⁴⁶⁹ IDB, *Proyecto Aprobado*, [previously online] 2003 [cited July 02, 2003]; available from http://condc05.iadb.org/idbprojects/html/spanish/AP-PROVED/AP_BO0178.HTM [hard copy on file]. The objective of the program is to consolidate efforts to reform the educational system in the eight grades of compulsory education since the inception of the Education Reform in 1994. The program will do this through: 1) Strengthening school management at the municipal and school levels; 2) Completing the process of curricular reform in grades 1-8; and 3) Raising the quality of initial teacher training. IDB, *Education Reform Program: Second Stage*, 1126/SF-BO, June 11, 2003, 11; available from <http://www.iadb.org/exr/doc98/apr/lcboli.htm> and <http://www.iadb.org/exr/doc98/apr/bo1126e.pdf>.

⁴⁷⁰ 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>.

⁴⁷¹ República de Bolivia, *Documento Preliminar "Para Abrir el Diálogo", Estrategia de la Educación Boliviana 2004 - 2015*, Ministerio de Educación, May, 2003.

⁴⁷² *Ibid.*, 4.

⁴⁷³ The target numbers for the program are 42,000 primary school students and 7,000 street children. The World Food Programme, *Country Programme - Bolivia (2003 - 2007)*, The United Nations, April 16, 2002; available from http://www.wfp.org/country_brief/index.asp?region=4.

⁴⁷⁴ Ministerio de Educación Cultura y Deportes and Viceministerio de Educación Alternativa, *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.

⁴⁷⁵ Children were deemed working if they performed any paid or unpaid work for someone who is not a member of the household, performed more than four hours of housekeeping chores in the household, or performed other family work. Mario Gutiérrez Sardán for the Government of Bolivia, *Multiple Indicator Cluster Survey (MICS) Report: Bolivia*, UNICEF, La Paz, May 2001, 44, [cited August 25, 2003]; available from <http://www.childinfo.org/MICS2/newreports/bolivia/bolivia.pdf>. In 2001, it was reported that 10.75 percent of children ages 10 to 14 were in the labor force. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

young as 6 years old.⁴⁷⁶ The greatest proportion of working children is in rural areas, where they work in the construction, livestock, and agricultural sectors.⁴⁷⁷ A large number of children are found working in sugar cane harvesting and production in Santa Cruz.⁴⁷⁸ In urban areas, children shine shoes, sell goods, and assist transport operators.⁴⁷⁹ Children also work as small-scale miners,⁴⁸⁰ indentured domestic laborers and prostitutes.⁴⁸¹ Children are reportedly trafficked internally to work in mines, agriculture, and domestic servitude.⁴⁸² It is also reported that children and adolescents are trafficked to Argentina, Chile, and Brazil to work in agriculture, factories, trades, and as domestic servants.⁴⁸³ Women and adolescents from the indigenous areas of the high plains are at the greatest risk of being trafficked.⁴⁸⁴ It is also reported that children are forcibly recruited into the armed forces.⁴⁸⁵

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state, and establishes free and compulsory primary education for 8 years for children ages 6 to 14.⁴⁸⁶ In 2000, the gross primary enrollment rate was 115.9 percent and the net primary enrollment rate was 96.9 percent.⁴⁸⁷ More than 56 percent of Bolivian children and adolescents, however, do not attend or have abandoned school.⁴⁸⁸ Verbal punishment and corporal abuse exist in schools.⁴⁸⁹ Inadequate incentives for teachers make the teaching profession unattractive.⁴⁹⁰ Many children from rural areas lack identity documents and birth certificates necessary

⁴⁷⁶ ILO-IPEC, *Trabajo Infantil en los Países Andinos: Bolivia, Colombia, Ecuador, Perú y Venezuela*, Lima, 1998, 16.

⁴⁷⁷ “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 on Human Rights*, Section 6d.

⁴⁷⁸ Guillermo Dávalos, *Bolivia: Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, xi [cited September 23, 2003]; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/bolivia/ra/cane.pdf>.

⁴⁷⁹ U.S. Department of State, *Country Reports on Human Rights*, Section 6d.

⁴⁸⁰ ILO-IPEC, *Phase I: Program to Prevent Child Labor in Gold Mining*, project document, 3.

⁴⁸¹ It is also reported that children work as drug transporters. U.S. Department of State, *Country Reports on Human Rights*, Sections 5, 6d.

⁴⁸² U.S. Department of State, *Trafficking in Persons Report- 2003: Bolivia*, June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

⁴⁸³ U.S. Department of State, *Country Reports on Human Rights*, Section 6f.

⁴⁸⁴ *Ibid.*

⁴⁸⁵ Although Article 1 of Decreto Ley No. 13.907 requires 1 year of compulsory service for Bolivians who are 18 years old, it is reported that 40 percent of the armed forces are under 18 and as young as 14. Coalition to Stop the Use of Child Soldiers, “Bolivia,” in *Global Report 2001: Bolivia*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/f30d86b5e33403a180256ae500381213/d3fd060bf388329f80256ae6002426d7?OpenDocument>.

⁴⁸⁶ 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 August 25, 2003] available from <http://www2.unesco.org/wef/countryreports/bolivia/contents.html>.

⁴⁸⁷ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁴⁸⁸ 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 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, 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 August 25, 2003]; available from <http://www.geocities.com/bolilaw/legisla.htm>.

⁴⁸⁹ Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, U.S. Department of State, *Country Reports on Human Rights*, Section 5.

⁴⁹⁰ UN, “Millennium Development Goals: Progress in Bolivia,” (2002); available from <http://www.pnud.bo/MDG/ensligh/Metas-Ing.pdf>.

to receive social benefits and protection.⁴⁹¹ 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 2002.⁴⁹² The Office of the First Lady is currently spearheading this project.⁴⁹³

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.⁴⁹⁴ 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.⁴⁹⁵ Under the Code, employers are required to ensure that adolescent apprentices attend school during normal school hours.⁴⁹⁶

The Constitution prohibits any kind of labor without consent.⁴⁹⁷ Forcing an individual under 18 years into prostitution carries a maximum penalty of 20 years imprisonment,⁴⁹⁸ but enforcement is poor and police raids are ineffectual and easily avoided.⁴⁹⁹ All forms of pornography are illegal under Bolivian law.⁵⁰⁰ 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,⁵⁰¹ and also outlaws trafficking in persons for the purpose of prostitution.⁵⁰²

An interagency Committee on Minors was formed to combat the extraterritorial trafficking of adolescents for forced labor. However, a lack of resources allows trafficking of children to continue.⁵⁰³ The Government of Bolivia cooperates with other governments to investigate and prosecute trafficking cases.⁵⁰⁴ Corruption among government officials is a problem, and the government has made efforts to work with judicial officials.⁵⁰⁵

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.⁵⁰⁶

⁴⁹¹ U.S. Department of State, *Country Reports on Human Rights*, Section 5.

⁴⁹² *Decreto Supremo No. 26579*, (May 20, 2002), Article 1.

⁴⁹³ UNFPA is providing partial funding for the project. See U.S. Department of State official, electronic communication to USDOL official, February 7, 2003.

⁴⁹⁴ *Ley del Código del Niño*, Article 126.

⁴⁹⁵ 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>.

⁴⁹⁶ *Ley del Código del Niño*, Article 146.

⁴⁹⁷ 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>.

⁴⁹⁸ U.S. Embassy La Paz, *unclassified telegram no. 3028*.

⁴⁹⁹ U.S. Embassy- La Paz, *unclassified telegram no. 3434*, August 2000.

⁵⁰⁰ *Ibid.*

⁵⁰¹ Government of Bolivia, *Ley de Protección a las Víctimas 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>.

⁵⁰² The Law provides for sentencing for up to 12 years imprisonment if the victim is a minor under 14 years. *Ibid.*, 321 bis.

⁵⁰³ U.S. Department of State, *Country Reports on Human Rights*, Section 6f.

⁵⁰⁴ *Ibid.*

⁵⁰⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: Bolivia*.

⁵⁰⁶ "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos* (La Paz), March 21, 2001; available from <http://www.lostiempos.com/pvyf4.shtml> [hard copy on file].

However, a set of fines and penalties has not been standardized for child labor violations.⁵⁰⁷ In 1996, the Vice-Ministry of Gender, Generational and Family Affairs created the Municipal Child and Adolescent Defense Offices, which offer free public services to promote, protect, and defend the rights of children and adolescents.⁵⁰⁸ As of June 2001, there were 150 such Defense Offices functioning in 135 municipalities.⁵⁰⁹

The Government of Bolivia ratified ILO Convention 138 on June 11, 1997, and ratified ILO Convention 182 on June 6, 2003.⁵¹⁰

⁵⁰⁷ U.S. Embassy- La Paz, *unclassified telegram no. 3740*.

⁵⁰⁸ 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.

⁵⁰⁹ *Ibid.*, 5, Area No. 6: Educación y Desarrollo durante la Niñez Temprana.

⁵¹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 23, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.