

Bolivia

Incidence and Nature of Child Labor

UNICEF estimated that 26.4 percent of children ages 5 to 14 years in Bolivia were working in 2000.⁵¹³ Children in rural areas work in subsistence farming⁵¹⁴ and the construction and livestock sectors.⁵¹⁵ A large number of children are found working in sugar cane harvesting and production in Santa Cruz.⁵¹⁶ In urban areas, children shine shoes, sell goods, and assist transport operators.⁵¹⁷ Children also work as small-scale miners,⁵¹⁸ and have been used to sell and traffic drugs.⁵¹⁹

Some children are known to work as indentured domestic laborers and prostitutes.⁵²⁰ Children are reportedly trafficked internally to urban or border areas for commercial sexual exploitation.⁵²¹ It is also reported that children and adolescents are trafficked internally within Bolivia and to Argentina, Chile, Brazil, and Spain for the purpose of forced labor and commercial sexual exploitation. Women and adolescents from the indigenous areas of the high plains are at the greatest risk of being trafficked.⁵²²

⁵¹³ 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. Only approximately 2 percent of working children in this age group receive monetary compensation. See Mario Gutiérrez Sardán for the Government of Bolivia, *Multiple Indicator Cluster Survey (MICS) Report: Bolivia*, UNICEF, La Paz, May 2001, 36 and 44, [cited June 1, 2004]; available from <http://www.childinfo.org/MICS2/newreports/bolivia/bolivia.pdf>.

⁵¹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Bolivia*, February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27887.htm>.

⁵¹⁵ "Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la Viceministro de Género, Jámila Moravek," *El Diario* (La Paz), July 5, 2000.

⁵¹⁶ Guillermo Dávalos, *Bolivia: Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, xi [cited June 1, 2004]; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/bolivia/ra/cane.pdf>. Frequently child labor is the result of adult workers bringing their children to work in the sugar cane fields. See U.S. Embassy La Paz, *unclassified telegram no. 1019*, March 30, 2004.

⁵¹⁷ U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6d.

⁵¹⁸ 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, 2.

⁵¹⁹ "Descubren a niños que vendían droga," *Los Tiempos*, September 18, 2004, B1. See also U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6d.

⁵²⁰ U.S. Department of State, *Country Reports- 2003: Bolivia*, Sections 5 and 6d.

⁵²¹ U.S. Department of State, *Trafficking in Persons Report- 2004: Bolivia*, Washington, D.C., June 14, 2004.

⁵²² U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6f. It is also reported that children are forcibly recruited into the armed forces. 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. See Coalition to Stop the Use of Child Soldiers, "Bolivia," in *Global Report 2001*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/f30d86b5e33403a180256ae500381213/d3fd060bf388329f80256ae6002426d7?OpenDocument>.

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 14.⁵²³ In 2001, the gross primary enrollment rate was 113.6 percent and the net primary enrollment rate was 94.2 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Bolivia. As of 2000, 78.0 percent of children who started primary school were likely to reach grade 5.⁵²⁴ More than 56 percent of Bolivian children and adolescents, however, do not attend or have abandoned school.⁵²⁵ Verbal punishment and corporal abuse exist in schools.⁵²⁶ Inadequate incentives and remuneration for teachers make the teaching profession unattractive.⁵²⁷ Many children from rural areas lack identity documents and birth certificates necessary to receive social benefits and protection.⁵²⁸

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.⁵²⁹ National legislation on hazardous labor prohibits children ages 14 to 17 years 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.⁵³⁰ Under the Code, employers are

⁵²³ 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 June 1, 2004]; available from <http://www2.unesco.org/wef/countryreports/bolivia/contents.html>. Enforcement and compliance with this requirement are generally weak. See U.S. Embassy La Paz, *unclassified telegram no. 3117*, September 30, 2004.

⁵²⁴ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. This report may cite education data for a certain year that is different than data on the same year published in the U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor. Such data, drawn from the World Bank's World Development Indicators, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data. 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.

⁵²⁵ 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, 11. In urban centers, 57 percent of all children between ages 7 and 12 leave school before the sixth grade. The dropout rate was 89 percent in rural regions. See 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 dropout rates and in rural areas, to provide pedagogical materials and adequate 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 27, 1999), [cited June 1, 2004]; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/65192/S99BOL01.htm>.

⁵²⁶ U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 5.

⁵²⁷ UN, "Millennium Development Goals: Progress in Bolivia," (2002); available from http://www.undp.org/mdg/Bolivia_report_english.pdf.

⁵²⁸ U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 5.

⁵²⁹ *Ley del Código del Niño*, Article 126.

⁵³⁰ Also included is work that involves thermal stress, vibration and noise, explosives, the production and/or sale of alcohol, entertainment (night clubs, bars, casinos, circuses, gambling halls), construction, machinery in motion, mining, quarries, underground work, street trades, operating transportation vehicles, weights and loads, and the welding and smelting of metals. See ILO, *National Legislation on Hazardous Work*, [online] 1998 [cited June 1, 2004]; available from <http://www.ilo.org/public/english/comp/child/standards/labourle/index.htm>. See also U.S. Embassy La Paz, *unclassified telegram no. 3117*.

required to grant adolescent workers time off to attend school during normal school hours.⁵³¹ The Constitution prohibits any kind of labor without consent and just compensation.⁵³² The Ministry of Labor is responsible for enforcing child labor provisions. However, the U.S. Department of State reported that it does not effectively enforce them.⁵³³

Forcing an individual under 18 years into prostitution carries a maximum penalty of 20 years imprisonment.⁵³⁴ 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, and also outlaws trafficking in persons for the purpose of prostitution. The law calls for a maximum sentence of 12 years imprisonment if the victim is under 14 years of age.⁵³⁵ The Government of Bolivia has taken steps to address corruption among government officials, including establishing a checks and balances system at borders and airports designed to identify judicial officials authorizing the unaccompanied travel of minors.⁵³⁶

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.⁵³⁷ However, a set of fines and penalties has not been standardized for child labor violations.⁵³⁸ 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. As of June 2001, there were 150 such Defense Offices functioning in 135 municipalities.⁵³⁹

⁵³¹ *Ley del Código del Niño*, Article 146.

⁵³² *Constitución Política del Estado*, Ley 1615, (February 6, 1995), Article 5 [cited August 31, 2004]; available from <http://www.geocities.com/bolilaw/legisla.htm>.

⁵³³ U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6d. See also U.S. Embassy La Paz, *unclassified telegram no. 1142*, April 7, 2004.

⁵³⁴ This sentence may be applied under Law 2033, "Protection of Victims against Sexual Crimes." See U.S. Embassy La Paz, *unclassified telegram no. 3028*, August 20, 2003.

⁵³⁵ See Government of Bolivia, *Ley de Protección a las Víctimas de Delitos contra la Libertad Sexual*, 2033, (October 29, 1999), Article 321; available from <http://natlex.ilo.org/txt/S99BOL02.htm>.

⁵³⁶ The Government of Bolivia removed approximately 50 immigration official suspected of facilitating trafficking. See U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6f.

⁵³⁷ "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].

⁵³⁸ U.S. Embassy- La Paz, *unclassified telegram no. 3740*, October 11, 2002.

⁵³⁹ See 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, 5, 12.

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

The Government of Bolivia is working to eliminate child labor through funding of its National Plan for the Progressive Eradication of Child Labor 2000-2010. The Plan's strategic objectives include the reduction of child labor, the protection of adolescent workers, and the elimination of the worst forms of child labor.⁵⁴⁰ In addition to the Interinstitutional Commission for the Eradication of Child Labor and sub-commissions on mining, sugar, and sexual exploitation, the Ministry of Labor administers a sub-commission on urban labor, which was established in 2004.⁵⁴¹ In May 2004, a Consensus Agreement for the Sugar Cane sector was signed establishing a Tripartite Dialogue group that will address the business and socio-labor situation of workers, as well as the prohibition of child labor.⁵⁴² The government is participating in two USDOL-funded programs. These projects include an ILO-IPEC regional project to eliminate child labor in small-scale mining in the Andean region,⁵⁴³ and a USD 1.5 million project to improve the access to and quality of basic education for working children in the Potosí mines.⁵⁴⁴ With U.S. government funding, the Organization of American States and the IOM are also working together with the Government of Bolivia to raise awareness and build capacity to combat child trafficking.⁵⁴⁵

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/1997	✓
Ratified Convention 182	6/6/2003	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan (Sugarcane)		✓

The Government of Bolivia is working with UNICEF to provide free birth and identity documents to citizens, facilitating their access to social services including health and education.⁵⁴⁶ The Office of the First Lady is currently spearheading this project.⁵⁴⁷ The Ministry of Education's Vice-Ministry of Alternative

⁵⁴⁰ Proposed funding for the Plan totals USD 90 million. See Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 35, 51.

⁵⁴¹ ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, technical progress report, September 20, 2004, 2. See also U.S. Embassy La Paz, *unclassified telegram no. 3117*.

⁵⁴² ILO-IPEC, *Small-scale Gold Mining in South America (Phase II)*, technical progress report, September 2004, 10. See also *Convenio de Concentración para el Sector Cañero*, May 3, 2004; available from http://ipecmin.org/convenio_sector_canero_bolivia.doc.

⁵⁴³ The regional project includes Bolivia, Ecuador and Peru. Phase I of this project began in 2000, and phase II activities will run through 2005. See ILO-IPEC, *Phase I: Program to Prevent Child Labor in Gold Mining*, project document. 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 3, 2002. See also ILO-IPEC, *Small-scale Gold Mining in South America (Phase II)*, technical progress report, September 2004.

⁵⁴⁴ This project began in September 2002 and is scheduled to end in September 2006. See CARE, *Combating Child Labor in Bolivia Through Education*, project document, 2002.

⁵⁴⁵ OAS, *Fighting the Crime of Trafficking in Persons, especially Women, Adolescents and Children*, March 22, 2004, 3, 6; available from <http://www.oas.org/cim/Documentos/Trata-2004%20TrafRpt-GA1.doc>.

⁵⁴⁶ U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6f. See also U.S. Embassy- La Paz, *unclassified telegram no. 1602*, May 05, 2003. 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. See *Decreto Supremo No. 26579*, (May 20, 2002), Article 1.

⁵⁴⁷ The UN Population Fund is providing partial funding for the project. See U.S. Department of State official, electronic communication to USDOL official, February 7, 2003.

Education has developed a flexible curriculum designed to keep working children and adolescents in school by offering night classes.⁵⁴⁸

The IDB continues to finance a 3-year program to strengthen technical and technological training for young school dropouts, and includes a gender focused approach.⁵⁴⁹ The IDB has also approved a loan to fund the second phase of the Education Reform, which focuses on improving the quality of teaching training and the curriculum of compulsory education.⁵⁵⁰

In February 2004, the World Bank announced its Country Assistance Strategy in Bolivia, which includes a project to reduce disparities in basic services such as education,⁵⁵¹ and in June 2004, the World Bank announced its Social Sectors Programmatic Structural Adjustment Credit, which supports the development of the Bolivian Education Strategy including increased primary completion rates.⁵⁵²

In August 2004, the U.S. Department of Agriculture announced it will provide funds for agricultural commodities for school meals in Bolivia.⁵⁵³ 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, as well as stabilizing primary school attendance rates, decreasing dropout rates and increasing grade promotion, particularly among street children and girls. The target numbers for the program are 42,000 primary school students and 7,000 street children.⁵⁵⁴

⁵⁴⁸ 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.

⁵⁴⁹ IDB, *Program to Strengthen Technical and Technological Training*, executive summary, (BO-0197), Washington, D.C., 2001; available from <http://www.iadb.org/exr/doc98/apr/bo1093e.pdf>. This project was approved in October 2001. See IDB, *Approved Projects - Bolivia*, [online] October 21, 2004 [cited November 1, 2004]; available from <http://www.iadb.org/exr/doc98/apr/lcboli.htm>.

⁵⁵⁰ The educational reform comprises USD 36 million of the total loan. See IDB, *IDB Approves \$101 Million in Concessional Financing to Support Fiscal Sustainability and Educational Reform in Bolivia*, [online] June 11, 2003 [cited May 25, 2004]; available from http://www.iadb.org/NEWS/Display/PRView.cfm?PR_Num=117_03&Language=English.

⁵⁵¹ World Bank, *World Bank Announces New Assistance Strategy for Bolivia*, [online] February 10, 2004 [cited May 25, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20160174~isCURL:Y~menuPK:34467~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.

⁵⁵² World Bank, *Bolivia: World Bank Approves \$25 Million for Social Development in Bolivia*, [online] June 29, 2004 [cited August 31, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/BOLIVIAEXTN/0,,contentMDK:20220087~menuPK:322285~pagePK:141137~piPK:141127~theSitePK:322279,00.html>.

⁵⁵³ Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean*, U.S. Department of State: Washington File, [online] August 17, 2004 [cited August 24 2004]; available from <http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html>.

⁵⁵⁴ The World Food Programme, *Country Programme - Bolivia (2003 - 2007)*, The United Nations, April 16, 2002, 3, 13; available from http://www.wfp.org/country_brief/index.asp?region=4.