

Bolivia

Incidence and Nature of Child Labor

An estimated 23.7 percent of children ages 5 to 14 years were counted as working in Bolivia in 2000. Approximately 25.5 percent of all boys 5 to 14 were working compared to 21.8 percent of girls in the same age group.⁴⁹⁴ Children work in agriculture, including in the production of sugar cane and Brazil nuts.⁴⁹⁵ Children also engage in activities such as begging, street vending, shining shoes, and assisting transport operators.⁴⁹⁶ Children work in industry, construction, small business, hotels and restaurants, and small-scale mining.⁴⁹⁷ Children have been used to traffic drugs.⁴⁹⁸ Some children are brought or sent by their parents from rural to urban areas to work as domestic servants for higher-income families, often in situations that amount to indentured servitude.⁴⁹⁹ Child labor is one of many problems associated with poverty. In 1999, the most recent year for which data are available, 14.4 percent of the population in Bolivia were living on less than USD 1 a day.⁵⁰⁰

The commercial sexual exploitation of children, including child prostitution, is a problem in Bolivia.⁵⁰¹ Trafficking of children internally from rural to urban areas for commercial sexual exploitation occurs.⁵⁰² Children are also trafficked to work in sugar cane production in Santa Cruz and Tarija.⁵⁰³ There have also been reports of children trafficked to work in small scale mines.⁵⁰⁴ A 2004 study sponsored by IOM and the OAS found that there were girls from Argentina, Paraguay, Brazil, Chile, and Colombia working as prostitutes in urban centers in Bolivia.⁵⁰⁵ Children are also trafficked from Bolivia to Argentina, Brazil, Chile, Japan, Spain, and the United States for the purpose of forced labor and commercial sexual exploitation.⁵⁰⁶

⁴⁹⁴ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

⁴⁹⁵ Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, National Institute of Statistics and UNICEF, La Paz, 2004, 31. See also UNICEF, *Caña dulce, vida amarga: El trabajo de los niños, niñas y adolescentes en la zafra de caña de azúcar*, 2004, 1. See also U.S. Embassy- La Paz, *reporting*, August 30, 2005.

⁴⁹⁶ U.S. Embassy- La Paz, *reporting*, August 30, 2005.

⁴⁹⁷ Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, 31-32. See also Noel Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa de medio término, informe preliminar*, May 2005, 11. 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, 6-7.

⁴⁹⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bolivia*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41750.htm>.

⁴⁹⁹ *Ibid.* See also Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres, adolescentes y niños/as en Bolivia*, IOM, OAS, and Scientific Consulting SRL, La Paz, 2004, 10 and 51.

⁵⁰⁰ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

⁵⁰¹ UNICEF, *La niñez arrebatada: La explotación sexual comercial de niñas, niños y adolescentes en Bolivia*, 2004, 11. See also U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 6d.

⁵⁰² U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>.

⁵⁰³ *Ibid.* See also Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres*, 51-52.

⁵⁰⁴ U.S. Department of State, *Trafficking in Persons Report*.

⁵⁰⁵ Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres*, 47.

⁵⁰⁶ U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.

The Constitution of Bolivia provides for free public education, and primary school, which covers ages 6 to 13, is compulsory.⁵⁰⁷ In 2002, the gross primary enrollment rate was 115 percent and the net primary enrollment rate was 95 percent.⁵⁰⁸ 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. In 2000, 89.5 percent of children ages 5 to 14 years were attending school.⁵⁰⁹ As of 2002, 81 percent of children who started primary school were likely to reach grade 5.⁵¹⁰

The U.S. Department of State reports that enforcement of and compliance with educational requirements are generally weak.⁵¹¹ An ILO-IPEC rapid assessment of child work in the sugar cane harvest found that 90 percent of children working in sugar cane in the Tarija region did not attend school.⁵¹²

Child Labor Laws and Enforcement

The Child and Adolescent Code and the Labor Code set the minimum age for employment at 14 years, except in the case of apprenticeships.⁵¹³ The ILO Committee of Experts on the Application of Conventions and Recommendations has noted that Bolivian law does not provide a minimum age for apprenticeships.⁵¹⁴ Children 14 to 18 years must have the permission of their parents or of the government authorities in order to work.⁵¹⁵ The Child and Adolescent Code prohibits children ages 14 to 17 years from taking part in hazardous activities such as carrying excessively heavy loads, underground work, work with pesticides and other chemicals, or work at night. The code also requires employers to grant adolescent workers time off to attend school during normal school hours.⁵¹⁶ The law prohibits forced or compulsory labor;⁵¹⁷ the Constitution specifically prohibits any kind of labor without consent and just compensation.⁵¹⁸ Bolivian men who have reached the age of 18 are required to perform military service for 1 year. The law allows children ages 15 and older to volunteer for certain military activities if they have completed 3 years of secondary education.⁵¹⁹

⁵⁰⁷ Government of Bolivia, *Constitución Política del Estado*, Ley 1615, (February 6, 1995), Article 177; available from <http://www.geocities.com/bolilaw/legisla.htm>. See also IDB, *Education Reform Program: Second Stage*, n.d.; available from <http://www.iadb.org/exr/doc98/apr/bo1126e.pdf>.

⁵⁰⁸ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

⁵⁰⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

⁵¹⁰ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁵¹¹ U.S. Embassy La Paz, *reporting*, September 30, 2004.

⁵¹² Tarija is one of the major sugar cane growing areas in Bolivia. See ILO-IPEC, *Bolivia, Trabajo infantil en la zafra de la caña de azúcar: Una evaluación rápida*, Lima, 2002, 17; available from <http://www.oit.org.pe/ipecc/doc/estudios/OIT.pdf>.

⁵¹³ Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, (October 27, 1999), Article 126; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/68387/S99BOL01.htm>. See also Government of Bolivia, *Ley General de Trabajo*, (December 8, 1942), Article 58; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/46218/65057/S92BOL01.htm#t4c6>.

⁵¹⁴ CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Bolivia (ratification: 1997)*, Geneva, 2004; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

⁵¹⁵ *Ley General de Trabajo*, Article 8.

⁵¹⁶ *Ley del Código del Niño*, 134, 146, 147.

⁵¹⁷ U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 6c.

⁵¹⁸ See also *Constitución Política del Estado*, Article 5.

⁵¹⁹ Coalition to Stop the Use of Child Soldiers, "Bolivia," in *Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=811.

The Government of Bolivia has several laws that regulate the worst forms of child labor. The Penal Code prohibits the prostitution of minors and calls for penalties of 4 to 8 years of imprisonment if the victim is 14 to 17 years of age, and 5 to 10 years of imprisonment if the victim is less than 14. The code also prohibits trafficking for prostitution and establishes the penalties of 5 to 10 years of imprisonment if the victim is 14 to 17 years of age, and 6 to 12 years if the victim is under 14.⁵²⁰ In July, the Bolivian Congress approved legislation strengthening the Penal Code's trafficking provisions, and at the end of the year, the Vice Ministry of Justice was drafting additional trafficking legislation.⁵²¹ Since 1999, the Government of Bolivia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.⁵²²

The Ministry of Labor is responsible for enforcing child labor provisions. The ministry has 15 labor inspectors working throughout the country. Questions regarding child labor have been incorporated into the inspection checklists they use. Municipal Defender of Children and Adolescents offices, the Public Ministry, and the police also work to protect children's rights.⁵²³ Childhood and Adolescence Courts are empowered to resolve issues involving children and apply sanctions for violations of the law.⁵²⁴ The U.S. Department of State reports, however, that child labor and related laws such as the Child and Adolescent Code are not effectively enforced due to resource constraints.⁵²⁵ The government has established special anti-trafficking police and prosecutor units in the major cities of La Paz, Santa Cruz, and Cochabamba, and six individuals were arrested between April and September on charges related to trafficking and commercial sexual exploitation of minors.⁵²⁶

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

The Government of Bolivia's policy framework to address child labor is the National Plan for the Progressive Eradication of Child Labor 2000-2010.⁵²⁷ Due to the challenges in implementing a long-term plan, a 3-year subplan to combat child labor was adopted during 2005.⁵²⁸ The Interinstitutional Commission for the Eradication of Child Labor is responsible for implementing these plans.⁵²⁹ In addition, subcommissions on commercial sexual exploitation of children and child labor in mining, sugar cane, and

⁵²⁰ Government of Bolivia, *Ley de Protección a las Víctimas de Delitos contra la Libertad Sexual*, 2033, (October 29, 1999), Article 321 and 321 bis; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm>. The *Ley de Protección* amended the Penal Code.

⁵²¹ U.S. Department of State, *reporting*, Washington, DC, September 2, 2005. See also U.S. Department of State official, interview with USDOL official, September 12, 2005.

⁵²² ILO-IPEC official, email communication to USDOL official, November 14, 2005.

⁵²³ U.S. Embassy- La Paz, *reporting*, August 30, 2005, 1-2. See also Rodolfo Erostequi, interview, with USDOL official, September 13, 2005.

⁵²⁴ Government of Bolivia, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, August 31, 2005.

⁵²⁵ U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5 and 6d.

⁵²⁶ U.S. Department of State, *reporting*, September 2, 2005.

⁵²⁷ 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, 35, 55.

⁵²⁸ CARE, *Combating Child Labor through Education: Technical Progress Report*, September 15, 2005, 3. See also Care official, email communication to USDOL official, December 14, 2005.

⁵²⁹ Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 35, 55.

urban areas have been established and had annual operating plans for 2005.⁵³⁰ The U.S. Department of State reports, however, that the unstable political environment in the country and lack of continuity in the leadership of the Interinstitutional Commission has hampered its work, and an independent evaluation found that financing for implementation of the National Plan has been lacking.⁵³¹

| 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 (Commercial Sexual Exploitation) | | ✓ |

The government has engaged in a public information campaign against child prostitution and some educational efforts to combat trafficking.⁵³² The Vice Ministry of Youth, Childhood and Senior Citizens implements a Plan for the Prevention of and Attention to Commercial Sexual Exploitation, with a focus on efforts in the country's largest cities.⁵³³ Also, during the year, the government established a National Commission against Trafficking to develop a plan to combat trafficking.⁵³⁴

The government participated in a USD 1.6 million regional ILO-IPEC project to eliminate child labor in small-scale mining in the Andean region, which ended in February 2005,⁵³⁵ and continued to participate in a USD 1.5 million 4-year project to improve access to and quality of basic education for children engaged in mining in Bolivia.⁵³⁶ UNICEF and ILO-IPEC are also working with the government to implement an approximately USD 115,000 project to combat child labor in sugar cane in Tarija and Santa Cruz.⁵³⁷ The Ministry of Education supports mobile schools to provide education to children involved in the project.⁵³⁸ The government is also developing a database to better understand the situation of working children; by the end of 2005, the database included only information on children working in sugar cane.⁵³⁹

The Government of Bolivia is working with UNICEF to provide free birth registration and identity documentation to citizens, in order to facilitate their access to social services such as education and reduce their vulnerability to trafficking.⁵⁴⁰

The Ministry of Education's Vice Ministry of Alternative Education provides night classes that are accessible to working children and adolescents.⁵⁴¹ The Government of Bolivia, with USD 36 million in assistance from the IDB, continued to implement its educational reform program during 2005, which aims

⁵³⁰ ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, technical progress report, March 20, 2005, 3.

⁵³¹ U.S. Embassy La Paz, *reporting*, September 30, 2004, 1. See also U.S. Embassy- La Paz, *reporting*, August 30, 2005, 2-3. See also Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa*, 36.

⁵³² U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5. See also U.S. Department of State, *reporting*, September 2, 2005, 2.

⁵³³ Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa*, 22, 31.

⁵³⁴ Vice Ministry of Youth, Childhood, and Senior Citizens, interview, with USDOL official, September 13, 2005. See also U.S. Department of State, *reporting*, September 2, 2005, 2.

⁵³⁵ The project included Bolivia, Ecuador and Peru. Phase I of this project began in 2000. See 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 of Child Labor in Gold Mining*, project document. See also ILO-IPEC, *USDOL-funded ILO Project: Project Revision Form*, April 1, 2004.

⁵³⁶ See also CARE, *Combating Child Labor in Bolivia Through Education*, project document, 2002.

⁵³⁷ U.S. Embassy- La Paz, *reporting*, August 30, 2005, 2.

⁵³⁸ Ministry of Education official, interview, with USDOL official, September 13, 2005.

⁵³⁹ Government of Bolivia, *Written communication*. See also Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa*, 13-15.

⁵⁴⁰ U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5.

⁵⁴¹ 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*, La Paz, 2000.

to promote local-level participation in education, among other goals.⁵⁴² Also during the year, the government received World Bank support for a USD 100 million Education Quality and Equity Strengthening Project that aimed to improve infrastructure and educational processes as well as increase public participation in the country's education reform, among other goals. The government also received World Bank support through a Social Sector Programmatic Development Policy Credit that includes approximately USD 3.75 million in funding for education.⁵⁴³

⁵⁴² IDB, *Education Reform Program: Second Stage*.

⁵⁴³ World Bank,

<http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P006204> (Education Quality and Equity Strengthening Project, accessed October 26, 2005). See also World Bank,

<http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P091365> (Social Sector Programmatic Development Policy Credit II (SSPC II) accessed October 26, 2005).