

# PROGRESS FOR CHILDREN

An assessment of the  
protection of children

Número 8

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LA CONVENCION SOBRE  
LOS DERECHOS DEL NIÑO

## INFORMATION SUMMARY

Bolivia – National Perspective

### I. *Physical and psychological violence against Boys, Girls and Adolescents (BGA)*

ENDSA 2003 investigated the use of violence in the home and the forms in which punishments are practiced as an estimate of the patterns of violence against children. The final report of the investigation established: "Violence is an evil that is reproduced in all the ways in which it is presented; for that reason the aggressors of today were, in the large majority, the victims of the past; as a consequence, the victims of today are the potential aggressors of the future."

Among the most frequent forms of physical aggression are spanking, slapping, striking (slap), tugged ears, and hitting with whips, belts (whip) and sticks. Among the psychological punishments are shouts and insults. Mothers are more likely to perform punishments in the home and justify their actions by the supposed disobedience of their children. However, it is important to clarify that while it appears to be mothers who punish more, this fact has to be related to the time that they dedicate to the education of their children in the home and to other activities.

In 83% of homes, sons and daughters are punished by an adult. The same study revealed that at school, 50% of teachers associate punishment with discipline and that 58% of BGAs have suffered some form of physical aggression from their teachers. This tendency does not show any sign of diminishing over the past few years.

There are also cases of mistreatment in the workplace; although, according to the study, reported levels could underestimate the frequency with which children confront this sort of violence because it can become routine.

Eighteen per cent of boys, girls and working adolescents reported having suffered psychological mistreatment. All of the perpetrators of psychological mistreatment used insults; however, what the children said they felt most—above all those aged between 10 and 12—is indifference. Other people who are responsible for physical violence mainly include friends (20%), rivals (18%), members of the public (11%) and the police (11%).

**Source: Determinants of violence against children and adolescents (UDAPE-UNICEF, 2008)**

**Also see Boys, girls and adolescents in Bolivia—4 million actors in development, Technical Report on Human Development, PNUD Bolivia, June 2006.**

**Sexual violence**—Sexual violence perpetrated against boys, girls and adolescents is the most invisible form of violence. In most cases, it is perpetrated by the fathers, uncles or stepfathers; in these situations, the rights—especially of girls—are sacrificed to protect those who committed the crime. There are no official figures from which to estimate the scale of the problem. The environments where children and adolescents are most vulnerable are at work and at home; also, there are cases at school, especially against females. By contrast, males are more vulnerable in the workplace. Sexual harassment is the other problem that generally takes place in the workplace; although, for both sexes, it is still significant in the home and school.

A study by OIT-IPEC and UNICEF (2004) in the cities of El Alto, La Paz, Cochabamba and Santa Cruz established that the commercial sexual exploitation of boys, girls and adolescents is not a new phenomenon in Bolivia but it is growing and consolidating. It established that there are "hundreds of boys, girls and adolescents in brothels, hostess bars, motels and lodgings, in the streets and even in certain houses, who are victims of this illicit activity, which dehumanizes people."

In Bolivia, there are no exact statistics on the depth of the problem because there are serious problems in accumulating quantitative data on the subject. Today, there are three legislative tools to tackle the subject:

- The Penal Code paragraph dealing with Crimes against Sexual Morality
- The Boys, Girls and Adolescents Code
- Law covering the trade and trafficking of people and other crimes No. 3325

At the moment, the Senate is in the process of approving the comprehensive bill against the trade of people and the illegal trafficking of migrants, which aims: “to guarantee the human rights of the possible victims of trade and trafficking through coordinated activities in prevention, protection and the prosecution of this crime.” There will exist specific sanctions against any person above the age of majority who uses and exploits a NNA in order to have sexual relations.

## II. *Child labor and worse forms of Abuse and Exploitation*

The exploitation of boys, girls and adolescents in the workplace takes different forms within different sectors of the Bolivian economy and constitutes one of the most serious problems in the country.

### ■ **Economic-work context: boys, girls and adolescent work**

#### **Children aged from 7 to 13**

Of the 1,500,000 children from 7 to 13 in Bolivia, according to the National Census of 2001, approximately 116,000 work—of which there are more boys and male adolescents (64,000) than girls and female adolescents (52,000).

#### **Adolescents from 14 to 17**

According to the figures from 2001, in Bolivia there are 729,000 adolescents between 14 and 17 years old. More than a quarter of them (27%) work. In rural areas, there are relatively more adolescent workers than in the cities, rural adolescent workers make up 34% compared to 24% who live and work in urban areas. In the cities, there are more female adolescent workers than male (57,000 compared to 56,000).

Source: National Census of Population and Housing (INE, 2001)

### ■ **Some of the worst forms of child labor**

**Mining**—Children and adolescents make up almost half (46%) of the population in mining areas and of the 38,600



people who work in the mines, 3,800 are children and adolescents (10% of the total workforce in the sector).

Children less than 12 years old are paid in kind, that is to say, in exchange for a percentage of the load or the remainder of the extracted minerals, while adolescents can earn Bs200 per month. In these cases, their work represents 14% of the total domestic income.

**Sugar cane harvesting** - Every year, between the months of May and November, approximately 35,500 people move to the sugar cane regions to work in the harvest. In Santa Cruz, 7,000 children and adolescents are involved in this activity. Twenty-four percent are young women and adults, and 22% are children and adolescents, of whom half are between 9 and 13 years old.

**Chestnut harvest** - Until 2007, there were approximately 2,600 boys and girls, and a little more than 2,000 adolescents working in the sugar cane harvest; around 450 boys and girls, and almost 1,400 adolescents worked in processing. At harvest time (December to March), they worked every day from 7am until 5pm and stayed there for an average of 67 days. During the rest of the year (April to November), 2 out of every 3 children generally worked 5 days per week, between 2 and 7am before going to school.

**Domestic work:** although domestic work is not normally included among the worst forms of child labor, it should be considered so because of the high levels of risk and the vulnerability to which it exposes children and adolescents—in particular girls and adolescent women. According to the investigation INE-UNICEF “Child Labor in Bolivia” this activity involves around 33,000 workers, of whom 32,000 are girls or female adolescents. It is important to emphasize, as is shown in the study, that these occupations require a semi-servile status because the workers have to live in the home of the people they take care of, they are normally paid in kind (clothes, food and, in the best cases, access to education) and they can be exposed to various forms of violence and exploitation.

## International regulations

The Universal Declaration of Human Rights and the Organization of the United Nations establish that children have the right to protection and special support under the precepts of peace, dignity, tolerance, freedom, equality and solidarity. International human rights law forbids child labor and recommends the development of legal mechanisms and public policy to gradually achieve its eradication. Adolescent work is permitted only when it does not conflict with mental, physical or emotional dignity.

The Convention for the Rights of the Child—approved by the United Nations on 20th November 1989 and ratified by the state of Bolivia in May 1990—states the right of boys, girls and adolescents to be protected against economic exploitation, against the performance of any work, detailing that, consequently, member States define an age to allow work.

## National Regulations

The Boy, Girl and Adolescent Code, which was adopted in October 1999 and came into effect 22nd June 2000, constitutes a legal tool that requires the strict fulfillment of the rights of boys, girls and adolescents in the family, school and social environments. It is based on the principles of the Convention of the Rights of the Child: the higher interests of the child, non-discrimination, the participation of BGAs, the participation of the community and society in general in the defense and fulfillment of the rights of

BGAs, and complete development. While currently being revised, it represents the essential legal framework for the protection of the rights of boys, girls and adolescents, and one of the most advanced codes in the region.

The New Political Constitution of the State—approved in December 2007—includes in article 13.IV that “the rights and duties established in this Constitution will be interpreted to conform with the international human rights treaties ratified by Bolivia.” On the other hand, articles 60 and 61 include the requirement to guard the higher interests of the child and prohibit forced work as well as the exploitation of children.

The commitment to protect the rights of children and adolescents is expressed in the Code of Boys, Girls and Adolescents (CNNA). Regarding child and adolescent work, the CNNA states that work by adolescents is permitted from the age of 14. It clearly sets out that adolescents between the ages of 14 and 18 cannot work in activities that are a danger to their health, security or morality.

As a part of the National Development Plan, the goal of Bolivia Dignified, Sovereign, Productive and Democratic “To Live Well”, takes on the challenge to eradicate poverty, social inequality and exclusion, making reference to the vulnerable sectors of the population, including child and adolescent workers. Additionally, the plan clearly expresses the intention to “eliminate the worst forms of exploitation of girls and boys in the workplace, and to gradually and definitively eliminate child labor.” A fundamental State policy is the Progressive Eradication of Child Labor, which requires the participation of the institutions of the State, civil society, private businesses and cooperatives.

Some of the most recent results of the National Plan for the Eradication of Child Labor include:

- The development of the list of the worst forms of child labor in the country, with the support of the OIT.
- Sub-commissions of child labor in areas where the worst forms of child labor take place, such as sugar cane harvesting, chestnut harvesting and mining.
- The incorporation of child labor inspectors in camps for harvesters in Santa Cruz and Bermejo (sugar cane), Riberalta (chestnuts) and the mining centers in Potosi.

**The Triple Seal to export – Towards the gradual eradication of child labor in Bolivia** – The result of work by various bodies and -within the framework of the development of perspectives in the country by Social Business Responsibility (RSE), the Bolivian Institute of Quality Standards (IBNORCA) and the Bolivian Institute of Foreign Trade (IBCE) together have assembled a committee with the participation of the Ministries of Production and of Work, industrialists and the technical advice of UNICEF in order to create a quality standard that defines a guarantee that products are free of

child labor throughout the production process, to favor the export of Bolivian products and to ensure qualified labor for internal production. The Triple Seal considers the following elements: the make Bolivia free of child labor standard, the make Bolivia free of discrimination standard and the free Bolivia of forced labor standard.

### **III. Boys, girls and adolescents in conflict with the law**

Currently, there are 831 adolescents and young people between the ages of 12 and 21 deprived of freedom, of those 107 are adolescents between the ages of 12 and 16 detained in the SEDEGES liberty-deprivation centers and 724 are adolescents and young people detained in penitentiaries with adults, the latter in clear contravention of international law. At present, there are more than 1,400 boys, girls and adolescents living with their parents in detention.

There are mechanisms in the country to protect Children and Adolescents, which are applicable in these cases. The Boys, Girls and Adolescents Code states that those older than 16 and younger than 21, are accountable to ordinary law but they can count on protection and procedural guarantees, which will ensure their fundamental rights at three key moments: arrest, cautionary measures and means of detention. Even though the Code sets out specific means of protection, in practice the rights of adolescents and young people in conflict with the law are systematically violated.

According to research by the Ministry of Justice and UNICEF "An investigation into public policy for adolescents in conflict with the law in Bolivia", the infringements upon adolescents and young people in conflict with the law occurs principally:

- During arrest (during arrest the police do not always inform the adolescents of their rights or meet the correct time for detention in the cells, or inform the parents).
- During the defense (it is rare that adolescents can rely on a quality public defense lawyer).
- By the failure to apply precautionary measures.
- By the failure to separate adolescents, young people and adults in enclosed penitentiaries.

In relation to BGAs accompanying someone else's sentence, article 26 of the Penal Executive of Bolivia, and 30 and 102 of the Code for Boys, Girls and Adolescents defines the conditions in which a boy or girl can stay in prison accompanying their incarcerated parent(s); there always has to be legal sentence to authorize it, the child cannot be more than 6 years old and, at

any moment, there must be minimum conditions for their moral, physical and intellectual development. The relevant authorities are not adequately fulfilling these rules.

Bolivia is a signatory of the Convention for the Rights of the Child, as well as the United Nations Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), adopted by the General Assembly of the United Nations in November 1985, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Riyadh Guidelines).

All of the previous provide guidance for the States and seek the development of special systems for the administration of justice for adolescents.

### **IV. Birth certification**

The registry of births is the official register of the birth of a boy or girl following an administrative process of the State and is coordinated by a particular government department. It is the permanent and official register of the existence of all boys and girls.

According to Article 7 of the International Convention on the Rights of the Child: "The child will be registered immediately after his birth



and will have the right to a name, to acquire a nationality and, as far as possible, to know his parents and to be cared for by them.”

The lack of registration at birth has the consequence that boys and girls do not have proof of their age or identity, they lack the most minimum protection against abuse and exploitation; it implies a life of exclusion and invisibility with barriers to access services for health, education and social protection, and carries the risk of abuse

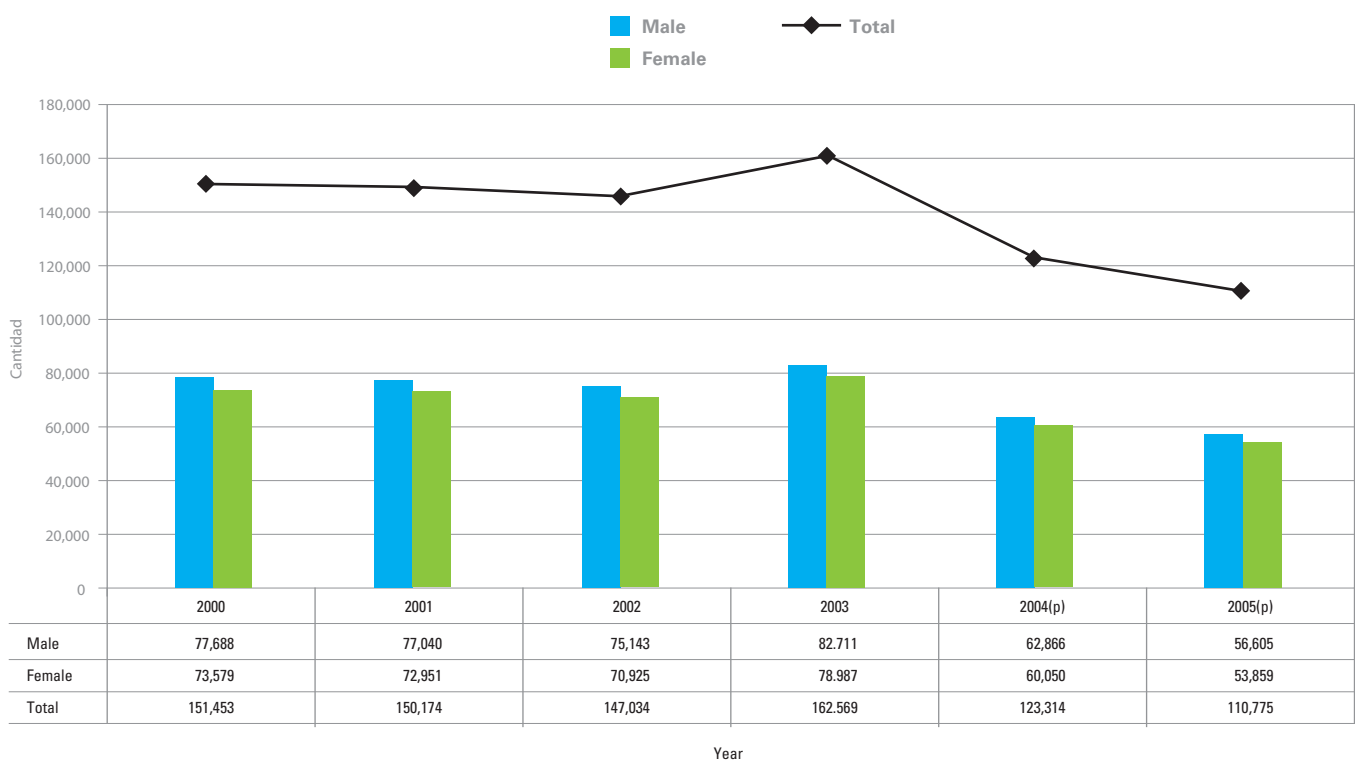
and exploitation of among other things: child labor, trafficking and illegal adoption. Birth registration is not only a fundamental right but also an instrument to secure the fulfillment of other rights.

Birth registration is also essential for the maintenance and breaking down of national statistics that require public policy budgets and to supervise progress towards Millennium Development Goals.

Birth certification coverage	INFANTS Birth certification coverage	CHILDREN Birth certification coverage - ADOLESCENTS
80,7%	93,1%	94,2%

Source: IDINA (UDAPE-UNICEF, 2007)

**BOLIVIA. Births registered of minors of less than 1 year by sex following the years of registration 2000 - 2005**



Source: Statistical Bulletin. National Civil Registration Service. Year 1, No. 4, CNE November 2007. Produced in-house. A (p) indicates preliminary data

### Total Population without Birth Certificate

	2001
Indigenous Females - Rural	9,75%
Indigenous Males - Rural	8,22%
Indigenous Females	8,19%
Females	7,57%
Total	7,31%
Indigenous Males	7,26%
Males	7,05%

**Outstanding challenges to protection** – Other demonstrations of the vulnerability of the rights of Bolivian boys, girls and adolescents include commercial sexual exploitation, their trade and trafficking, the use and trafficking of drugs, dangers on the street, marginalization and discrimination of the disabled, among others. Other challenges include the construction and consolidation of a national system to guarantee the prevention of the risk and vulnerability related to the protection as well as the restitution of a violated right; and the coordination of the agencies of the state to protect childhood; to promote the access to justice for boy,

### Indigenous Population without Birth Certificate

	0-4	5-9	10-14	15-19
Indigenous Females	27,5%	6,6%	6,5%	5,8%
Indigenous	27,1%	6,3%	6,3%	5,3%
Indigenous Males	26,7%	6,1%	6,1%	4,8%

Source: (Both tables): National Census of Population and Housing (INE, 2001)s

girl and adolescent victims or witnesses to crimes, guaranteeing their special protection, assistance and support to avoid their participation in the process of the law causing any additional damage or trauma; the creation and implementation of a system of juvenile penal justice that conforms to standards established in national and international legislation; to promote the creation and implementation of a National Plan for Childhood and Adolescence that incorporates the focus on complete protection and is based on the principles of the Convention on the Rights of the Child; to promote the incorporation of the theme of protection in all environments and in particular health, education, justice, security and planning; to promote social change and to contribute to the forging of a culture of respect for the rights of children and adolescents in every sphere.