Situation of children regarding child protection

Bolivia has made notable progress towards developing a protective environment to prevent and respond to violence, abuse and exploitation of children and adolescents. Yet many challenges still persist.

Significantly, the Assembly has recently passed key human rights protection legislation, namely Law 348 that guarantees the right of women to live with no violence (2013), and Law 263 on human trafficking and smuggling (2013), with special chapters to protect children and adolescents. However how to effectively enforce this new legislation requires huge efforts at all levels, particularly in remote rural areas.

The 2014 Child and Adolescent Code has been a major breakthrough, bringing much of Bolivia’s legislation for children in line with international treaties. For instance it maintains the minimum age of 14 for working children although this has been to some extent compromised by two exceptions for children aged between 10 and 12. Nonetheless, the Code demands the state to eliminate child labour within five years by implementing a more comprehensive social protection programme. Also the Code sets heavy penalties for sexual violence against minors and sexual harassment as well as establishes a juvenile justice system for adolescents in conflict with the law, giving the opportunity to promote alternative measures to the deprivation of liberty.

In addition, recently child-friendly techniques have been integrated into judicial procedures, which include the use of one-way mirrors as well as age-appropriate and accessible vocabulary in court proceedings.

Other accomplishments, which have been led by the Ministry of Justice, include the drafting of the National Action Plan for Children and Adolescents; the revision of the process for national and international adoption of children and adolescents; strengthening of the national and departmental working groups on juvenile justice and institutionalization of child protection community promoters who work with indigenous populations in rural areas.

However, Bolivia still lacks the capacity to ensure that it can fulfil a child’s right to protection. Personnel in child protection need to receive more specialized training and they need access to appropriate equipment, such as that required in child-friendly court proceedings. Moreover, although the Ombudsperson Office has been reinforced in all the country’s nine departments, their technical capacity remains weak. More training is also required for personnel in the Prosecutor’s Office, the Judiciary, the police and the Municipal Children and Adolescent Defence centres (DNA), particularly in light of the 2014 Child and Adolescent Code. But all this requires funds which are at present not forthcoming. The allocation from the national budget for child protection is inadequate resulting in many programmes not being implemented. Advocating for more resources is difficult due to the lack of updated data on child protection issues. However, the scant data that does exist gives some indication about the dimension of the challenges. A 2008 child labour survey shows that 11 per cent of boys and girls between the ages of 5 and 13 were involved in some form of labour activities. Of those working children, girls’ participation in domestic labour is higher than that of boys.
(83 per cent and 77 per cent respectively). Census data also indicate that 97 per cent of the population was registered compared to 90 per cent in 2001. The most recent data on domestic violence indicate that as many as 53 per cent of female adolescents and youth who were married or in some kind of union were victims of violence by their partner. In addition, approximately 80 per cent of children were victims of violent and humiliating discipline at home; 50 per cent of children were engaged in bullying as victims, aggressors or witnesses; and 60 per cent of students were victims of violence perpetrated by their teachers. These findings were publicized by the Government of Bolivia, with the support of the International Labour Organization, the Academy and UNICEF, in order to increase awareness about these issues.

To effectively address these child protection challenges, the government, communities and families, with the technical assistance and institutional capacity building offered by UNICEF, need continued support from the international donor community and the United Nations.

**UNICEF in action**

UNICEF’s Country Programme for 2013-2017 agreed with the Government of Bolivia, positions children at the centre of national and subnational public policies, programmes and budgets. The country programme works within seven thematic areas divided into three programme components: 1) quality basic social services with equity; 2) protection of children and adolescents; and 3) knowledge management and social inclusion for the promotion of child rights. The programme supports upstream work at national and subnational level, whereas downstream interventions are mainly concentrated in the departments of Chuquisaca (El Chaco region), Potosi, Santa Cruz, Cochabamba and Beni.

Child Protection is a key programme component looking at the prevention of and response to violence, abuse, exploitation and neglect of children. In partnership with the government, UNICEF’s work focuses on four areas in child protection:

1. Prevention of violence against children and adolescents: this involves supporting families, communities and community based organizations in prioritized geographical areas to promote good treatment of children and adolescents as well as to reject harmful practices and to report all forms of violence against children and adolescents;
2. Support to children and adolescents who are victims of violence, abuse, exploitation and neglect: this involves ensuring children and adolescents in prioritized geographical areas have access to formal child protection services that have a gender and intercultural perspective;
3. Strengthening capacities of national and sub-national government child protection agencies and institutions: this involves improving legal frameworks and strengthening their planning, coordination, implementation and monitoring skills. They also need to be able to assess the cost effectiveness of interventions and to ensure that the interventions have a child rights and equity perspective;
4. Support to children and adolescents in emergency
situations: this involves ensuring they have access to child protection services and psychosocial programmes as well as to ensure birth registration.

UNICEF support has yielded positive child protection outcomes. For example, with technical and financial assistance from UNICEF, in 2007, the first Prevention and Therapeutic Care Centre (CEPAT) for children and adolescents who have been victims of sexual violence was created. Today, the Departmental Social Services (SEDEGES) run seven CEPATs throughout Bolivia all of which are equipped with a Gesell Chamber—a child-friendly methodology composed of two rooms and divided by a one-way mirror—that allows for the interviewing of survivors of abuse, without re-victimizing them during the preparation of legal testimonies. The CEPATs work in coordination with other entities, such as the Municipal Child Rights Defender’s Office, the National General Attorney’s Office and the police. In 2013, as many as 343 children and adolescents were assisted by these specialized services.

UNICEF has also promoted the design and development of integral attention models for vulnerable population groups, including for children and adolescents living on the streets as well as for adolescents in conflict with the law.

Capacity building is critical for sustainability and adequate prevention of different forms of abuse and violence and for the care of the survivors. For example, UNICEF, with the Plurinational Public Management School, supports the development of training programmes for civil servants on child protection. UNICEF has also recently assisted with specialized courses for the Bolivian Police Academy, the national schools of public prosecutors, the Judiciary and court officers. To date approximately 800 public servants have been trained.

Bolivia is committed to eradicate the worst forms of child labour, and in this regard, UNICEF has provided technical assistance to the Ministry of Labour to develop a communication strategy on the consequences of child labour. UNICEF has also supported the development of the new National Plan for the Prevention of Child Labour and the Protection of Adolescent Labour that will reflect the changes approved in the Children and Adolescent Code. For example, at department level UNICEF provides technical assistance to Santa Cruz to develop and implement a departmental plan on the eradication of child labour and the protection of adolescent labour, with a particular focus on eradicating child labour in the sugar cane plantations.

Bolivia has reduced disparities in birth registrations. Both as a result of the country’s commitment and capacity building, over the past two years birth registration has increased by 5 per cent. With UNICEF’s technical assistance and advocacy actions, a coordination process was initiated aimed at linking national and multi-sectorial mechanisms to improve timely birth registration, and reduce disparities in birth registration, particularly amongst women and children in indigenous communities.

A key challenge is to develop a specialized information system with data collection on child protection issues that allow for a better understanding of the actual situation of violence in the country and how it is being addressed.
This will assist the government to design public policies to eradicate abuse and exploitation of children and adolescents.

**Impact**

The country programme is designed to enable UNICEF to contribute to the realization of the rights of all children, with a specific focus on the most disadvantaged. In child protection, the programme’s impact will be reflected in progress towards national, regional and global development and human rights commitments based on indicators. More specifically, the country programme aims at ensuring that children and adolescents, especially those who are most vulnerable, are protected by an enhanced legal and policy framework in the form of social welfare, law reform and the justice system. This involves strengthened capacities among national and sub-national state child protection bodies so that they can operate within a child rights and equity framework. Also communities and families are supported to protect their children from violence, exploitation and abuse and neglect by integrating an intercultural approach.

In response, to recurrent natural disasters in Bolivia, mainly droughts and floods, UNICEF enhances the government’s capacity to ensure protection of children and adolescents and provision of psychosocial services for them during humanitarian emergencies.

**Strategic approach**

UNICEF supports the strengthening of the protection system for children and adolescents at national, departmental and municipal levels to help ensure the enforcement of laws and interventions that prevent and respond to all forms of violence, abuse and exploitation of children. Much of UNICEF’s work involves advocating for child protection policies, leveraging funds from national budgets and providing technical assistance. Key actions include:

- Strengthening intersectoral coordination among all sectors and actors involved in the national and/or the local child protection system;
- Implementing a comprehensive training on child rights and child protection at national and local levels including for child protection community promoters working with indigenous communities and also training for the Judiciary;
- Disseminating the tools developed for children and adolescent who are victims of sexual abuse;
- Supporting the establishment of departmental working groups and specialized programmes to promote alternative socio-educative measures to detention for children in conflict with the law;
- Designing and developing departmental action plans for children and adolescents aligned with the National Action
Plan; and advocating for increasing the allocation of the public budget;

- Advocating and awareness-building on the right to live within a family, promoting the non-separation from the family and family-based alternative care; and developing guidelines and standards for children living in institutions while sensitizing on the Global “Call to action to end the institutionalization of children under 3 years”;
- Preventing violence, exploitation and abuse and neglect, including through strengthening the protective capacities of families and communities, integrating an intercultural approach;
- Extending timely birth registration interventions among remote populations especially in indigenous communities, and promoting inter-sectorial cooperation to reduce birth registration gaps;
- Strengthening the information system on child protection and providing information about the situation of children and adolescents affected by violence;
- Improving technical institutional capacities of the national child protection system with emphasis on departmental and municipal levels in order to contribute to the development and implementation of the Monitoring Results for Equity System (MoRES);
- Continuing advocacy efforts and providing technical assistance to strengthen the decentralization process, as well as the planning and management capabilities within the sector;
- Documenting lessons learned to improve governance, services and resource allocation; including South-South cooperation.
- Increasing knowledge and information on child protection issues, such as the situation of children accompanying parents in prisons;
- Eradicating child labour, with particular emphasis on the worst forms and the two recently approved exceptions of 10 and 12 years, through the design of public policies and national and departmental plan.

**Partnerships**

Strategic partnerships continue to play a central role in advancing results for children with equity. UNICEF continues its longstanding practice of building capacity through partnerships with national and local governments, civil society, academic institutions and the private sector, reducing the dependence of governments and other actors on development assistance over time.

The main partners supporting the protection of children and adolescents component of the country programme are:

- Ministry of Justice
- Ministry of Labour
- Prosecutor’s Office
- The Municipal Children and Adolescent Defense Centres
- The Plurinational Public School for Public Servants
- Ombudsman Office
- The National Social Services Network (REDNAGES)
- Social Services at the Departmental level
- Supreme Electoral Tribune (TSE) & Civil Registration Service (SERECI)
- Municipal governments, bilateral and multilateral cooperation agencies.
- Rural and indigenous community organizations

Denied a family life
By Ruth Ansah Ayisi

Waking up on a Saturday morning in his large dormitory at 6.30 a.m. is the most challenging part of living at the care institution, says 12-year-old Rafael, picking at his cuticles. “They turn the lights on to wake us up but I would like to sleep more.”

His Saturdays are spent cleaning, watching TV, and playing football. He recently helped paint a colourful mural on the walls around the yard with some young volunteers who help at the care institution.

Apart from the volunteers, Rafael has had no visitors nor has he spent a weekend away since he was first brought by social workers to the care institution in La Paz three years ago. According to his records he was found alone in the streets of a rural town in Los Yungas, some 200 kilometres away from La Paz.

His family remains a mystery. “Maybe he was abandoned,” says the director of the care home, who preferred to remain anonymous. “He does not mention his parents; the only information we have is that his grandfather sells water melons in Santa Cruz.” The director points out that the care institution is meant to be a transit centre for children aged 6-12 years, not a permanent home. “So we will soon have to move Rafael to another institution where he can stay until he is 18.”

This care institution currently has 53 children, 17 boys and 36 girls. Rafael has stayed there the longest. “Most of the children have been abandoned or abused; some are victims of sexual violence,” says the director.

The chances of Rafael having a family life are remote. “We have been trying to trace Rafael’s grandfather, but we have not yet got any information about him,” says the director. “If they find out he has no living family member, adoption or fostering is also unlikely. Most Bolivians prefer to adopt babies or young children.” The legal process is also long and complex. In the past three years, no child has been adopted from the institution and international adoptions have been suspended while procedures are being reviewed by the Central Authority.

Meanwhile to develop the best type of care for the many children without family care, UNICEF in collaboration with the INGO Amici dei Bambini, is providing technical assistance to the Ministry of Justice to gather data. “It is essential to have a better picture of how many children are in care institutions so that we have a basis to develop standards,” says Rosana Vega, UNICEF Child Protection Chief in Bolivia. “Children should not end up living in institutions. All children have the right to a loving, caring family life whether it is with their relatives– there is often an aunt, uncle or cousin–or a foster
family. Alternative family based care needs to be promoted and there needs to be more awareness about the impact institutionalization has on a child’s development. Scientific research shows that institutionalizing children can hinder their brain development, affecting their abilities to socialise, learn, play and to take care of themselves.

The last adoption from Rafael’s care institution was in 2010 when a nurse, a single woman, had wanted to adopt a 3-year-old boy who was living there with his brothers aged 5 and 15. Their parents had died in a car accident. “We told the nurse that the brothers couldn’t be separated, so she took all three of them. They all seem happy and so is she. We follow up on children who are adopted or fostered for at least two years,” explains the director.

By contrast Rafael only gets a taste of “normal life” outside the institution when he attends school. “Mixing with other children is important for the children’s mental health,” says the director, who adds some of the children become too institutionalised. “We try to take an integrated approach, building their educational and social skills.”

Their efforts are evident. The library is packed with books and the TV room is cosy and full of toys. However, Vega points out, “Material provisions should not seduce people into thinking that putting children into a care institution is a solution to their problems. In Bolivia, poverty is sadly a common justification to separate children from their families, but no material intervention can replace the love, care and attention that a child receives from his or her mother or carer,” stresses Vega. “Children in care homes often suffer neglect, lack of affection and stimulation as institutional carers have to look after many children at the same time.”

The director is well aware of this. It is also apparent that there is a sadness and insecurity in Rafael’s demeanour. Yet Rafael is making huge efforts to fit in. “He is doing well in school and always does his homework,” says the director. “We only have to push him a bit with his domestic duties.” She looks fondly at Rafael, who has a charming smile. He has changed into smart football gear and shows off his nifty football skills in the yard within the walls of the institution. “I love football,” he says. “I like to play it every day.”

He also loves school. “I want to be a doctor,” Rafael says resolutely. To achieve his dream he knows he has to study hard at school, but Rafael concedes the school break times are his favourite. “I get to play with other children.”
## Budget Estimate

### Output/Line of Actions

<table>
<thead>
<tr>
<th>Output/Line of Actions</th>
<th>Expressed in USD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015</td>
</tr>
<tr>
<td>1. Families, communities and social organizations in priority areas promote good treatment, reject violence, and report all forms of violence against children and adolescents</td>
<td>276,000</td>
</tr>
<tr>
<td>1.1 Raising the awareness of families and communities about all forms of violence against children and adolescents and the importance of reporting these violations</td>
<td></td>
</tr>
<tr>
<td>1.2 Generating knowledge and evidence on local and community practices that promote good treatment and protection of children and adolescents</td>
<td></td>
</tr>
<tr>
<td>1.3 Raising the awareness of the private sector to incorporate child protection within their CSR policies</td>
<td></td>
</tr>
<tr>
<td>2. Children and adolescent victims of all forms of violence, abuse and negligence in priority areas have access to institutional protection services, with a focus on gender and interculturality</td>
<td>483,000</td>
</tr>
<tr>
<td>2.1 Development of specialized programmes for child and adolescent victims of violence that have a gender and intercultural focus</td>
<td></td>
</tr>
<tr>
<td>2.2 Strengthening of capacity and skills of civil servants that work within the protection system, with a focus on the design and development of curricular content</td>
<td></td>
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<tr>
<td>2.3 Campaigns and inter-sectoral strategies to reduce the number of children and adolescents not having birth registrations</td>
<td></td>
</tr>
<tr>
<td>2.4 Generating evidence on efficient protection services and issues related to violence, abuse, exploitation and negligence</td>
<td></td>
</tr>
<tr>
<td>3. Capacity of public institutions (national and subnational), within the framework of protection, have an improved legal framework and strengthened its capacity to plan, coordinate, implement, and monitor cost-effective interventions, with a rights-based and equity-based approach</td>
<td>414,000</td>
</tr>
<tr>
<td>3.1 Development and design of public policies and plans related to child protection and legal reform</td>
<td></td>
</tr>
<tr>
<td>3.2 Generating evidence on successful experiences with developing public policies aimed at protecting children and adolescents</td>
<td></td>
</tr>
<tr>
<td>3.3 Implementation of public policies aimed at protecting children and adolescents</td>
<td></td>
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<tr>
<td>3.4 Advocating for increasing the national budget allocation for child protection services to prevent and to provide care to victims of violence, abuse, exploitation and neglect</td>
<td></td>
</tr>
<tr>
<td>4. Children and adolescents in emergency situations that have access to services protecting them from violence and providing psycho-affective recovery therapy</td>
<td>207,000</td>
</tr>
<tr>
<td>4.1 Strengthening the coordination capacity of the protection system in times of emergencies to immediately identify vulnerable children and adolescents, and provide emotional recovery services</td>
<td></td>
</tr>
<tr>
<td>4.2 Strengthening the capacity to respond to emergencies to protect child and adolescent victims of violence, abuse, negligence and exploitation</td>
<td></td>
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</tbody>
</table>

| Total Required Budget | 1,380,000 | 1,380,000 | 1,380,000 | 4,140,000 |
| Total Available       | 1,076,862 | 180,000   | 180,000   | 1,436,862 |
| Funding Gap           | 303,138   | 1,200,000 | 1,200,000 | 2,703,138 |