

Bolivia

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

The Government of Bolivia has been a member of ILO-IPEC since 1996.²³⁵ The government is currently participating in a USDOL-funded ILO-IPEC regional project to eliminate child labor in small-scale traditional mining in the Andean region.²³⁶ From 1999 to 2001, ILO-IPEC implemented a project to progressively eradicate urban child labor in El Alto.²³⁷ From 1996 to 2000, the Vice-Ministry of Gender Affairs, in collaboration with the Inter-American Development Bank, implemented a program for children between the ages of 7 and 12 who were working or at risk of dropping out of school. The program provided financial assistance to families of targeted children by covering school-related expenses, such as school materials, uniforms, transportation, and food.²³⁸ The Vice-Ministry is currently looking to fund a second phase of the project (2001-2004) that would provide additional children with financial support.²³⁹ In December 2000, the Inter-Institutional Commission on the Eradication of Child Labor completed a National Plan on the Progressive Eradication of Child Labor 2000-2010, which was approved by the Congress.²⁴⁰ The Vice-Ministry of Alternative Education is also implementing a program that is designed to keep children and adolescents in school by offering them night classes with specially designed curricula that are flexible and adapted to the students' specific needs.²⁴¹

²³⁵ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²³⁶ IPEC, *Project Document: The Regional Program on the Progressive Elimination of Child Labor in Small-Scale Traditional Gold Mining* [document on file].

²³⁷ Trabajo Infantil en la Ciudad de El Alto: Una experiencia de su erradicacion progresiva, Enda, Bolivia, La Paz, Bolivia, 11.

²³⁸ Ministerio de Desarrollo Sostenible y Planificación, Vice-Ministerio de Asuntos de Género, Generacionales y Familia, Dirección General de Asuntos Generacionales y Familia, *Programa de Asistencia Familiar para la Permanencia Escolar de Niñas y Niños Trabajadores*, February 2000 [hereinafter *Programa de Asistencia Familiar*]. See also Vice-Ministerio de Asuntos de Género, Generacionales y Familia, Dirección General de Asuntos Generacionales y Familia, Solicitud de Cooperación, *Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, 2001 [hereinafter *Proyecto de Continuidad del Programa*].

²³⁹ *Proyecto de Continuidad del Programa*. See also Naomi Westland, "Working Children Denied Education," *The Bolivian Times* [document on file].

²⁴⁰ U.S. Embassy— La Paz, unclassified telegram no. 5174, December 2000.

²⁴¹ Ministerio de Educación, Cultura y Deportes. Vice-ministerio de Educación Alternativa, *Boletín Informativo del Proyecto Curricular de la Escuela Nocturna-EJA*, Año 2-No. 2-Enero 1999.

Incidence and Nature of Child Labor

In 2000, the Ministry of Planning and Sustainable Development estimated that 23 percent of children between the ages of 7 and 14 are working. Approximately 60 percent of those children do not attend school. Of those who do not attend school, approximately 70 percent live in rural areas and 30 percent live in urban areas. Children in Bolivia generally enter the labor market between the ages of 10 and 12, but children reportedly as young as 6 years old work.²⁴² Children and adolescents frequently work the same number of hours as adults.²⁴³ The greatest proportion of working children is in rural areas, particularly working in the construction, livestock and agricultural sectors. In urban areas, children work in services, commerce, manufacturing and industry, and family businesses.²⁴⁴ Children also work as domestic laborers²⁴⁵ and small-scale traditional miners²⁴⁶ and are trafficked for the purposes of commercial sexual exploitation.²⁴⁷

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state and establishes free, compulsory primary education for eight years for children ages 6 to 14.²⁴⁸ In 1997, the net primary enrollment rate was 97 percent.²⁴⁹ More than 56 percent of

²⁴² The number of working boys in rural areas is twice as great as the number of working girls, while the number of working boys in urban areas is almost equal to the number of working girls. The Ministry of Planning and Sustainable Development has reported that, of the approximately 1.6 million children and adolescents between ages 7 and 14 in the country, nearly 370,000 work. See *Programa de Asistencia Familiar* at 6. See also Oficina Internacional del Trabajo, *Trabajo Infantil en los Países Andinos: Bolivia, Colombia, Ecuador, Perú y Venezuela* (ILO: Primera Edición, 1998, Lima, Peru) [hereinafter *Trabajo Infantil en los Países Andinos*], 17. In 1999, the ILO estimated that 13 percent of children between the ages of 10 and 14 years in Bolivia were working. See *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2000*] [CD ROM].

²⁴³ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Bolivia: Report for the World Trade Organization General Council Review of the Trade Policies of Bolivia* (Geneva, July 19 and 21, 1999), at <http://www2.iicftu.org/displaydocument.asp?Index=990916233&Language=EN&Printout=Yes>.

²⁴⁴ “Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la viceministra de Género, Jarmila Moravek,” *El Diario*, July 5, 2000, at [http://www.caj.../bdescriptor.in\]?bdatos=2000®istros=25&format=resumen&boolean=0499](http://www.caj.../bdescriptor.in]?bdatos=2000®istros=25&format=resumen&boolean=0499).

²⁴⁵ *Country Reports on Human Rights Practices for 2000—Bolivia* (Washington, D.C.; U.S. Department of State, 2001), Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/715.htm>.

²⁴⁶ ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document, March 09, 2000, 3 [document on file].

²⁴⁷ U.S. Embassy—La Paz, unclassified telegram no. 3284, July 2000. See also “Bolivia: Officials Launch Investigation on Child Trafficking” (as quoted in *La Paz Los Tiempos*, September 12, 2001), *UN Wire*, at <http://www.unfoundation.org/unwire/2001/09/12/current.asp#18042>.

²⁴⁸ UNESCO, *La EPT Evaluación 2000: Informes de País, Bolivia, Parte II: Sección Analítica, 3.1. En la Estructura Curricular*, at http://www2.unesco.org/wef/countryreports/bolivia/rapport_1.html.

²⁴⁹ *World Development Indicators 2001*.

Bolivian children and adolescents do not attend or have abandoned school.²⁵⁰ Girls frequently leave school at a young age to work and supplement the family income.²⁵¹

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.²⁵² The General Labor Law allows apprenticeships for children younger than 14 years, which may not exceed a two-year period.²⁵³ According to the Labor Law, employers are required to ensure that apprentices attend school during normal school hours,²⁵⁴ and any employer who has hired more than 30 school-aged children (typically between the ages of 6 and 14) is required to provide them with schooling if a public school is not available.²⁵⁵ The Labor Law also prohibits forced labor.²⁵⁶ Prostitution is illegal for individuals under 18 years, but enforcement is poor and police raids are

²⁵⁰ 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 *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil, 2000-2010*, elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil (La Paz, 2000), 11. See also Vice-Ministerio de Asuntos de Género, Generaciones y Familia, Dirección General de Asuntos Generacionales y Familia, *Solicitud de Cooperación: Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, 12. The Child and Adolescent Code calls upon the government to take steps to reduce school desertion rates, to build schools where they do not exist, 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. The Code further stipulates that the Bolivian government should provide primary school students with school materials, transportation, meals, and medical services. See Código del Niño, Niña y Adolescente: Ley número 2026 del 27 de octubre de 1999, U.P.S. Editorial, La Paz, Bolivia, 2000 [hereinafter Código del Niño], 38.

²⁵¹ *1999 Country Reports on Human Rights Practices—Bolivia* (Washington, D.C.; U.S. Department of State, January 2000), Section 5, at http://www.state.gov/www/global/human_rights/1999_hrp_report/.

²⁵² Código del Niño at 41. The Code also states that youths between ages 14 and 18 are required to obtain authorization from their parents or wards in order to work. If neither exists, they then need to request authorization from a labor inspector of the Labor Ministry. See Ley General del Trabajo-Eleva a Rango de Ley, Chapter 1, General Dispositions, Title II, Article 8, at <http://www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm>.

²⁵³ Ley General del Trabajo, Decreto Reglamentario, Código Procesal del Trabajo, Decreto Ley de 24 de mayo de 1939, elevado a rango de Ley el 8 de diciembre de 1942. U.P.S. Editorial, La Paz, Bolivia, 2000 [hereinafter Decreto Reglamentario], 20.

²⁵⁴ *Ibid.* The General Labor Law also prohibits minors from dangerous, unhealthy, and physically taxing work or work that negatively affects their moral and proper upbringing. It also outlaws minors from working in underground mines. The Labor Law further states that women and children under age 18 are permitted to work only during the day except those involved in fields such as nursing, domestic service, or others where exceptions apply. See Ley General del Trabajo, Eleva a Rango de Ley, Capítulo VI, Artículos 58-61, at <http://www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm>.

²⁵⁵ Employers who have hired fewer than 30 school-age children are expected to work together to provide a community school for all working children in the area to attend. See Decreto Reglamentario.

²⁵⁶ Decreto Reglamentario a Capítulo IV, Del Contrato de “Enganche,” U.P.S. Editorial, La Paz, Bolivia, 69.

ineffectual and easily avoided.²⁵⁷ All forms of pornography are illegal under Bolivian law.²⁵⁸ In March 2001, the Government adopted into law the stipulations of the Child and Adolescent Code that allow judges and other authorities of the Ministry of Justice to impose penalties for violations of children's rights within the country.²⁵⁹ Bolivia ratified ILO Convention 138 on June 11, 1997, but has not ratified ILO Convention 182.²⁶⁰

²⁵⁷ U.S. Embassy-La Paz, unclassified telegram no. 3434, August 2000.

²⁵⁸ *Ibid.*

²⁵⁹ "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos: Vida y Futuro*, March 21, 2001, at <http://www.lostiempos.com/pvyf4.shtml>.

²⁶⁰ ILOLEX database: Bolivia at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138>.

Note: Hard copies of all Web citations are on file.