

34TH SESSION OF THE UPR WORKING GROUP

PLURINATIONAL STATE OF BOLIVIA

SUMMARY OF THE UPR SUBMISSION

RIGHTS OF CHILDREN AND ADOLESCENTS

PARTICIPATION

CHILD LABOUR

PHYSICAL, PSYCHOLOGICAL AND SEXUAL VIOLENCE

VIOLENCE AGAINST WOMEN



Submission made by:

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- Edmund Rice International (ERI)
- Defensoría Edmundo Rice (DER)
- Red RUN (Congregaciones Religiosas con representación en las Naciones Unidas)
- Movimiento Franciscano Justicia, Paz e Integridad de la Creación (JPIC)
- Maryknoll Global Concerns Group in Bolivia
- VIVAT International
- Red de protección integral a niñas, niños, adolescentes y mujeres víctimas de abuso y violencia sexual, trata y tráfico de personas.
- Observatorio Infanto Juvenil del Instituto de Investigación de la Facultad de Humanidades de la Universidad Autónoma Gabriel René Moreno
- Visión Mundial Bolivia
- Red Viva
- Veeduría Ciudadana de Derechos Humanos (VCDDHH)
- Ñañope
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- Paz y Esperanza
- Universidad Católica - Regional Cochabamba
- Plataforma Estudiantil Cochabamba (PEC)
- Compañía de las Hijas de la Caridad

ACTIVE PARTICIPATION OF GIRLS, CHILDREN, ADOLESCENTS AND YOUNG PEOPLE

While recognizing the efforts made by the directive of the Plurinational Committee of Girls, Boys and Adolescents, it is noted however that the approval by the Ministry of Justice and the Vice Ministry of Equal Opportunities of departmental and municipal plans for children, as an operational framework for the implementation of specific initiatives and projects, remains pending. Therefore, the Plurinational System for the Integral Protection of Girls, Boys and Adolescents (SIPPROINA) has not yet been consolidated.

With regard to the active participation and empowerment of young people in decision-making processes at the national level, despite the adoption of Law No. 342 providing for quality of service for young people, much remains to be accomplished in terms of implementation of the law. For example, the process of obtaining legal entity status for a youth organization, which is a necessary requirement for a youth organization to be endorsed by the State, is often hindered by excessive bureaucracy.

In the Rights and Duties section of the aforementioned law, the emphasis is put on the defense of Human Rights and of Mother Earth, as well as the importance of education to achieve realization of these rights. The individual and collective participation in all areas of the political, social, economic and cultural life of the State are explicitly mentioned in the law as a political right of young people.

Although the Plurinational Youth Council is constituted, it still fails to disseminate information on public policies for the preparation and implementation of the Plurinational Youth Plan.

Finally, the Plurinational State of Bolivia has procedures to establish Student Governments through the Plurinational Electoral Body. However, while the goal of the Student Governments should be the promotion of intercultural democracy in the education system, this remains a purely pedagogical character, without finding a concrete application in the reality.

RECOMMENDATIONS OF THE PREVIOUS UPR

- **Ecuador** (133.33) Continue with major coordinated efforts of the State, civil society and other relevant actors to fulfil the Plurinational Plan for Children, Childhood and Adolescence, implementation expected from 2014 to 2025, while considering the importance deserved by the empowerment of beneficiaries, and the sensitization of society for a proper inclusion.

- **Nicaragua** (114.75) Continue promoting the active participation and empowerment of young people in the processes of national decision-making.

RECOMMENDATIONS FROM THIS COALITION

1. Simplify the requirements and bureaucratic procedures for the attribution of legal status to youth organizations.
2. Promote the short and medium-term projects of youth organizations, whose activities are of social benefit in accordance with the 2030 Agenda, by providing them support through public institutions as well as in collaboration with the private sector within the framework of their social responsibility.
3. Ensure that, in the medium term, the representativeness to the Student Governments becomes a compulsory requirement both at the departmental and national level, in order to ensure the right of participation of children and young people.

CHILD LABOUR

This coalition of NGOs welcomes the acceptance by the Government of Bolivia of previous UPR recommendations n. 113.36 and 113.44 regarding the Protection of Children and the minimum legal age to work. However, we note that these recommendations were not implemented, due to Art. 129 of Law 548 that allowed children under 14 to work legally, which contravened the Political Constitution of the State and international human rights obligations assumed by the country. Finally, the Constitutional Court ruled that such an article is unconstitutional.

The Survey of Girls, Boys and Adolescents conducted by the National Institute of Statistics (INE as per its acronym in Spanish) in 2016, identified 393,000 children and adolescents who carried out child labor, while the Child Labor Survey of 2008 estimated around 800,000 children and adolescents. This reveals a reduction of around 50% in child labor. The goal is to eradicate child labor by 2025, however, hazardous work still persists among children and adolescents.

Statistics show that 27.94% of children and adolescents between 5 and 17 years old actively participate in informal economic productive activities (paid or not). The levels of involvement in informal economy are much higher in rural areas (64.85%) than in urban areas (16.96%); and they are slightly higher for children and adolescents (18.12% in urban areas and 67.10% in rural areas) than for girls and adolescents (15.77% in urban areas and 62.43% in rural areas). In comparative terms, Bolivia is one of the countries that managed to retain the working child population in school, since only a little more than 7% of the population between 7 and 14 years of age work without attending school. However, the eradication of child labour remains a challenge that can be addressed only with the full commitment and collaboration of the State and the civil society.

RECOMMENDATIONS OF PREVIOUS UPR

- **Sweden** (113.36) Protect children and adolescents who are working and are obliged to work, through implementation of real and effective policies that consider their family situation, taking into account the Convention on the Rights of the Child.
- **Italy** (113.44) Ensure that the recently adopted legislation on the minimum legal age to work is properly applied

RECOMMENDATIONS FROM THIS COALITION

1. Promote strategic alliances of the State with civil society actors on education to ensure the schooling of working children and adolescents, providing adequate accompaniment to prevent school dropout of this population until completion of secondary school
2. Create specific health insurance for working children and adolescents, covering free of charge all the specialties of care in third level hospitals which have all the medical specialties and care of chronic cases.

PHYSICAL, PSYCHOLOGICAL AND SEXUAL VIOLENCE AGAINST CHILDREN AND ADOLESCENTS

The Girl, Boy and Adolescent Code (Law nº 548 of July 17, 2014) sets a national legal framework, providing for a series of actions to prevent violence against children and guarantee specialized care for victims of any situation of violence as a priority. Likewise, it establishes the protection of every child or adolescent, the prevention, reduction and elimination of violence, aggression and/or harassment in educational units and/or centers, with collective actions in the educational community.

On the same lines, Law No. 263 (July 31, 2012) against human trafficking establishes the gratuity of processes, social priority, the best interest of the child and adolescent, dignity and freedom, confidentiality, non-victimization, presumption of nationality, interculturality and harmony, protection of children and adolescents.

However, the statistics are alarming: 9 out of 10 children in Bolivia suffer some type or form of violence (Ombudsman's Office, 2015). According to the Fiscalía Especializada Para Víctimas De Atención Prioritaria (FEVAP), between January and August of 2018, 1,586 cases were opened for the crime of rape. In two fifths of the total number of cases the victims were children and adolescents. Another alarming fact is that a boy, girl or adolescent is killed every four days in Bolivia, according to the same source. Child sexual abuse in Bolivia increased by 28% compared to 2017. According to studies (Investigaciones en Ciencias del Comportamiento) of the Universidad Católica Boliviana, 12.4% of children and adolescents do not identify sexual abuse, especially if perpetrated in the family, which is one of the most risky environments. Other data indicate that out of the total cases of sexual violence, 41% correspond to victims under 10 years of age, 29% to victims under 15 years of age and 19% to victims under 18 years of age. Out of the total, 89% are women victims and 11% men (UNICEF, 2016).

Finally, there are several forms of violence that result in the involvement of girls, boys and adolescents in the sex trafficking: recruitment occurs through social networks, kidnapping, threats and coercion, peer influence, by advertisements in flyers or in the press.

RECOMMENDATIONS OF PREVIOUS UPR

- **Egypt** (114.120) Safeguard the rights of children and adolescents and enhance the protection accorded to them against all forms of violence, including by, inter alia, the conclusion of the Five Year Plan for the Prevention and Gradual Eradication of the Worst Forms of Child Labour and the Protection of Adolescent Workers.

- **Portugal** (113.40) Address the issue of violence in schools as matter of priority and take the appropriate measures to put an end to all forms of ill-treatment and abuses, including sexual violence, perpetrated in schools, including the necessary measures to protect the victims and to ensure that those responsible are brought to justice

- **Sweden** (113.43) Take all available measures to prevent all forms of violence against children and to bring cases of abuse to justice.

- **Italy** (114.123) Implement effective policies to tackle cases of physical, psychological and sexual abuse against children.

- **Montenegro** (113.38) Take additional measures to prevent abuse of children, particularly in schools, to investigate such abuses and bring perpetrators to trial.

RECOMMENDATIONS FROM THIS COALITION

1. Fund projects and programs of school mediation, so that children are protagonists and promoters of their rights, through participatory spaces in the concerted management of conflicts, with the aim of transmitting communication skills, assertiveness, identification of emotions, empathy and active listening among peers.

2. Continue strengthening, both economically and administratively, concerned institutional bodies, with the objective of optimizing and de-bureaucratizing protection measures for girls, boys and adolescents who are victims of physical, psychological and sexual violence, and equipping with knowledge and training the professionals who attend them with pertinence and promptness.

3. Regulate the media, especially audiovisual and written media on the dissemination of harmful content to the mental health of children, that incite psychological, physical and sexual violence and hypersexualization of girls.

VIOLENCE AGAINST WOMEN

The situation of violence against women in Bolivia continues to be worrisome, despite the legal framework established by Law 348 and Supreme Decree 2145. The figures given by different State departments show that cases of violence against women, typified as crimes in Law 348, are increasing. The Institute of Forensic Investigations, reported that in 2016, forensic doctors treated 65,064 people throughout the country and that 87% of cases were related to violence against women.

The processes and actions undertaken to prevent violence against women are insufficient. Law 348 prohibits conciliation: No institution receiving complaints, nor its staff, can promote conciliation or subscription of any type of agreement between the woman and her aggressor. However, women report that they are encouraged by police officers to conciliate to avoid complaints and for the welfare of their children. This illegal recourse in cases of violence against women, generates dramatic effects, such as: more frequent attacks and with greater violence, increased fear of the victim to denounce, and increased number of femicides.

Although the procedures are free, the complainant woman has to bear many indirect expenses such as transportation costs, etc. The number of forensic doctors remains insufficient in rural as well as in urban areas.

Contrary to the provisions of the Law, municipalities do not have shelters due to budget concerns. Legal advice and psychological support are not adequate and the procedure to enter is excessively bureaucratic. There is no continuity of personnel that attend cases of violence against women, which often causes women to desist from their trials.

RECOMMENDATIONS OF PREVIOUS UPR

- **Brazil** (114.79) Strengthen and increase current efforts, including through international cooperation, aimed at protecting the rights of children and women, with a particular emphasis on combating violence against women and social exclusion, in line with international instruments that the Plurinational State of Bolivia is party to.

- **Canada** (114.94) Provide sufficient resources to institutions responsible for implementing Law 348, the legislation that guarantees women a life free from violence, in order to improve access to justice and to ensure accountability in cases of violence against women.

- **Austria** (114.109) Establish without further delay shelters to protect women and girls from violence and effectively implement the legislation already adopted.

RECOMMENDATIONS FROM THIS COALITION

1. Before the next UPR, promote information about Law 348 and government services in a didactic way in all instances of local governance such as: Territorial Base Organizations (OTBs), neighborhood associations, unions, city councils, etc.

2. Ensure budget for the implementation of shelters in municipalities and governorates, facilitate the entry of women and include programs to overcome violence, improve self-esteem and help women to be economically independent and improve their labor skills.

3. Guarantee the permanence and continuity of qualified personnel and implement a national, independent system, so that the government can receive and systematize information on the care that the women victims receive.