

Bolivia

Commercial Sexual Exploitation of Children in Bolivia

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1. CONTENT

1.1 Description of the Institution

1.1.1. Juridical and Politico-Institutional context

In these last few years, the Bolivian State has implemented several structural reforms and has provided a new role and focus so that social policies can respond to the specific needs and demands of the different groups within the population, respecting their diversities in ethnic background, gender, generation, etc.

The government of the nation, through Law 1788 "LOPE" of 9/16/97, and Regulations by D.S. 24855 in its articles 34 and 35; and D.S. 25055 in its article 16 Inc. b), c), d), e), f), g); has established the basic norms for the organization and functioning of the executive power, determining its structure, number and attributions of the different Ministries as well as Norms for the functioning of the national public organisms. It also created the Vice-Ministerial Office for Matters of Gender, Generations and the Family (VAGGF), under the Ministry of Sustained Development and Planning, responsible for incorporating in public policies the concerns for Generations and the Family.

This institutional support places VAGGF as the guiding government body to integrate the focus on Generations and the Family into public policies.

In this sense, VAGGF's responsibilities are to design norms and policies that would create

the conditions for a comprehensive development of the population, supporting and supervising the implementation of national, departmental and municipal policies and programs within a framework to fight poverty.

The different generation groups have been considered strategic actors of development and the main efforts have been placed on the development of children, adolescents, the young and senior citizens (over 60)

- In Bolivia, 60% of the population is under the age of 24 and 6% of the population are senior citizens. This adds up to a total of 5.600.000 citizens under those two categories.
- Recent data show that pregnant teenagers (15 to 19 years old) make up 21% of the total of pregnant women. One in three women become mothers before the age of 20 and there is a direct relationship between early pregnancy and the level of education. Also it has been found that knowledge of family planning methods is low among adolescents and young people.
- Approximately 1.000.000 children and adolescents do not go to school. Most do not finish elementary education. 57.840 young people are illiterate. Of these 44.934 live in rural areas and 27.993 are women. Of the 12914 illiterate in urban areas, 8.538 are women.
- Over a million children, adolescents and young people (ages 7 to 24) are working. Young girls and female adolescents account for 26% of this total. This generation group represents 30.5% of the active working population of Bolivia. The salary of children, adolescents and young people is lower than that of adults and is not covered by social benefits, thus lowering la

- labour costs. 55% of senior citizens (over 60) are still part of the labour force.
- One in ten children and adolescents are mistreated physically or psychologically either at home, school or in the community. 65% of senior citizens suffer psychological abuse at home and 35% suffer physical abuse at home.

In view of these realities, the Bolivian State had developed the Generation Focus as part of its structural reforms to improve the life conditions, social perception and exercise of rights of these generation groups. This Generation Focus is the foundation for the formulation of norms, policies, plans, programs and projects in three specific areas:

- a) Exercise of Rights. These are all the actions directed to reverse the causes and situations affecting the exercise of Individual Rights, especially to life, health, education, identity and culture.
- b) Promotion of the Culture of Development. This incorporates all the actions of individuals and communities that will encourage their participation in the search for development. The underlying principle is that the formation of new Bolivians must begin from infancy, as subjects of rights, guarantees and obligations. The priority are actions directed to stimulate children, adolescents, young people and seniors to participate in their own development. This is only possible with the collaboration of family and society.
- c) Prevention of Risk Factors. This includes actions for the care and protection of children, adolescents, the young and senior citizens in situations of mistreatment, abandonment, expulsion, drug abuse, alcoholism and other aspects that may condition them not to exercise their rights and therefore have their personal development affected.

The structural reforms applied in Bolivia, such as the Law of Popular Participation (No 1551 of 1994) and the Law of Administrative Decentralisation (No 1654 of 1995) contributed to strengthen and widen Municipal powers and to allocate resources to social areas generating a process of social control. In this situation, in which the Bolivian State redefines its administrative structure, the agenda for including the rights of children and adolescents has been incorporated and the establishment of state and local mechanisms to guarantee its full application put in place. That way, the Bolivian State recognises children and adolescents as a priority group within the population.

Law 1702 (Law to Modify the Law of Popular Participation) in its article 7 widens the scope of article 14 of Law 1551 by promising:

"To defend and protect children and adolescents under their jurisdiction by creating agencies of Advocacy for Childhood and Adolescence in charge of promoting the defence of children and adolescents and the fulfilment of their rights".

Also to show its political will and engagement in the human development of children, the national government has modified its legislation regarding children and adolescents. "Law 2026 Code of the Child and Adolescent" recognises children and adolescents as specific subjects of rights, leaving behind the previous "adultist" approach.

Recognising also the importance of the comprehensive development of childhood and adolescence, the government acknowledges the importance of implementing broad prevention plans, including prevention of drug use.

1.2 Strategies and/or Plans in Force to Combat and Prevent Sexual Exploitation

1.2.1 Commercial Sexual Exploitation of Children.

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From the 1996 World Congress against Sexual Exploitation came the following definition: "commercial sexual exploitation of children is a fundamental violation of the rights of the child. This comprises the sexual abuse by adults and the remuneration the child or others receive either in cash or in kind. The child is treated as a sexual object and a commodity. Commercial sexual exploitation of children is a form of coercion and violence against children akin to forced labour and contemporary forms of slavery."

From this definition we can identify three forms of sexual exploitation: Child Pornography, Trafficking of children and adolescents for sexual purposes and, the most visible in our country, prostitution of children and adolescents understood as sexual exploitation in exchange for money or goods, usually negotiated through intermediaries.

As in many other countries of the region, there is still not much investigation of this problem in Bolivia. Few studies are known on this topic.

In commercial sexual exploitation, there exists a certain stratification or gradation depending on the economic resources of the customer. On the top, we find prostitution directed to wealthy adult customers, usually using adolescents 16 to 20 years old (although there have been cases of 10 or 11 years old involved), in the home, in an atmosphere of luxury, with the protection of networks of power, and therefore not subject to any kind of control.

Then comes the prostitution with adult middle-class customers that takes place in certain known locations or bars, less affluent economically, also involving adolescents and some adult women.

The next level is street prostitution, usually held near bus terminals and train stations, by 25 to 55 years old women who usually got into prostitution at the age of 14, 15. The customers are usually adult workers or clerks.

Finally we find "clandestine" prostitution using 13 to 16 years old girls who often work for drugs or gifts. This category is tied to life in the streets, permanent or part time, with some girls living in the streets during the day and frequenting bars or dance halls at night. The customer is usually an adult or young person with little money.

The great majority of young girls involved in prostitution work in the streets while teenagers do it in night places, bordellos, massage parlours and others.

A large percentage of young girls, and specially adolescents, working in the main cities like La Paz, El Alto, Cochabamba and Santa Cruz, are not natives of those cities. There is some sort of an internal migration between cities to avoid identification in their places of origin.

In general, most of the girls come from cities rather than from the country due to the fact that girls who migrate from the country to the city look first for other survival strategies, starting with menial jobs. It is only when their life in the city deteriorates, and lacking the solidarity support of family and community, that at around the age of 14 they might decide to migrate to other cities and get into prostitution.

The fact that this population is migrant, or so called "floating", allows those who exploit them the exclusive use of their services, since many of those girls have to live in the places of work day and night without the possibility of leaving before their local contract expires.

The most common risks for children and adolescents in prostitution are violence and exploitation in their places of work, in their relations with customers and in their dealings with the police. There also exists the risk of contracting diseases as well as the social stigmatisation attached to their work.

The complexity of their problems and adversities lowers these children's sense of self-value and self-esteem and makes them aggressive, distrustful or simply apathetic, without the will to leave the circle of oppression. They live a life without future. Child prostitution, although less frequent, also exists among young and adolescent boys.

In this overview, we can see that prostitution or sexual exploitation of children and adolescents has the following main causes: the economic crisis, the accelerated growth of some cities, the unemployment created by free enterprise and the fragility of the public policies towards the attention and care of children and adolescents.

1.2.2 The State approach to the problem

1.2.2.1 Legal dispositions

Regrettably, sexual exploitation, as a juridical entity, is not mentioned in our penal system. Still article 318 of the Penal Code (1972) talks about "corruption of minors", somehow encompassing this. But there is still a global vacuum on this issue.

Presently, the Ministry of Sustainable Development and Planning, through the Unity of Family, Social Services and Adoptions of the Vice-Ministry of Matters of Gender, Generations and Family, has presented to the President of the Republic, on the 21 of September of this year, the Bill AGAINST THE CRIMINAL ASSOCIATION TO ENGAGE IN TRAFFICKING, SALE AND PROSTITUTION OF CHILDREN AND ADOLESCENTS. This bill specifies as a crime the trafficking of children and adolescents, the sale of children and adolescents, child prostitution and child pornography.

1.2.2.2 Plan for the Progressive Eradication of Child Labour.

The Plan for the Progressive Eradication of Child Labour 2000 - 2010 is the result of a joint effort by State institutions, civil institutions

and Organisms of Co-operation who have formed the National Commission for the Eradication of Child Labour in view of the dramatic situation of this problem in Bolivia.

In the context of child labour, one of its most worrisome manifestations is the fact that a great number of children suffer exploitation under what is considered the worst forms of child labour.

The areas of child labour and exploitation most evident in the country are the ones related to the agro-forest production (rubber, chestnut, sugarcane harvest) and mining. To this we must add a more recent but fast growing activity, the sexual exploitation of children and adolescents through prostitution and pornography production.

Regrettably, we do not have precise data to visualise to what extents these worst forms of child labour are taking place in Bolivia. Specific studies have to be carried out to give us the necessary knowledge for the proper application of policies and lines of intervention.

Although it has been acknowledged that commercial sexual exploitation of children and adolescents cannot be specifically considered child labour, considering its financial aspects, it still has been included in the list in order to fight this crime.

In the Plan, the strategic objective for the eradication of the worst forms of child labour for children and adolescents is the following:

"Eradicate the worst forms of child labour by applying measures of control and punishment within the laws of the country and by improving the quality of life of families through mobilisation and social participation."

To achieve this objective, four lines of intervention will be implemented: Promotion, Prevention, Supervision and Direct Attention.

At this moment, the short, medium and long-range general activities have been planned.

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They will serve as guidelines for the creation of the Annual Operative Plans.

As one of the priority activities on Sexual Exploitation, a research project has been initiated to study Sexual Exploitation in the cities of Las Paz and El Alto followed by the same study in Santa Cruz and Cochabamba. This research project will start in November of this year and will last for three months, with financial help from UNICEF and IPEC-ILO. The adviser has already been hired and a first report is expected by early December.

This research, together with the aforementioned Project of Law, puts Bolivia well on its way to the development of a specific Plan of Action to combat Commercial Sexual Exploitation of Children and Adolescents.

The Municipal Advocacy of Childhood and Adolescence, that are free and permanent services for the defence and promotion of the Rights of Children and Adolescents is an achievement of which the Bolivian State feels proud. We presently have 204 advocacy offices in 186 of the 314 municipalities of the whole country.

2 Successful Program or Project in this area

2.1.1 Program of Care for Children and Adolescents Victims of Sexual Exploitation from Civil Society.

2.1.1.1 Congregation of the Sisters of Adoration (Hermanas Adoratrices)

The Congregation of the Sisters of Adoration, Slaves of the Blessed Sacrament and of Charity, was founded by Saint Maria Micaela in Madrid, Spain, in 1856, with the specific mission of liberating and promoting women oppressed by prostitution.

The work of this congregation in Bolivia, deals mainly with adolescent prostitution, a reality due to socio-economic factors affecting espe-

cially certain strata of our society. The sisters have been working since 1926 in the departments of La Paz, Cochabamba, Santa Cruz and Chuquisaca.

The objective of their work is to guide and support adolescents and single mothers suffering commercial sexual exploitation and being subject to prostitution in order for them to return to their place in society as dignified and useful members. They accompany their process through a formation that goes from human-Christian values to work skills that allow them to become independent, self-supporting and able to construct their own life project.

Specific Objectives

- Make contact with female adolescents in the streets or at the places where they live in order to invite them to reflect and to present them with a new life perspective.
- Provide psychotherapeutic, social, spiritual and technical support to the adolescents who join the program.
- Accompany the female adolescents and single mothers in their comprehensive formative process, stressing their strengths and their aptitudes to elicit their full participation and personal involvement.
- Reintegrate female adolescents and single mothers to the different areas of social life such as family, work etc.
- Accompany each one of them in their process or reintegration into society.
- Get the female adolescents and single mothers to participate in the restitution of their rights of citizenship at the juridical level.
- Offer babysitting services to the children of single adolescent mothers who join the program.

Stages of Reinsertion into Society

These objectives allow the completion of the following three stages of reinsertion into society.

1. Contact and welcoming of Female Adolescents

This is the most difficult stage and goes through a series of negative situations, especially searching for them in dance halls and bars where they live and stay in conditions totally inappropriate to adolescents. Once the contact is made, the invitation to search for new life alternatives towards a better future is proposed.

In this stage, the work is done under a sequence of specific goals:

- Get the work team to make the first contact with female adolescents and single mothers involved in prostitution at their place of work such as the streets or places where they live and conduct their activities.
- Get to know their situation and their needs and interests
- Create an atmosphere of trust and closeness between the work team and the adolescents and single mothers.
- Have an adequate infrastructure to receive those who voluntarily opt to join the program

2. Formation - Promotion

This stage consists in initiating the process of formation at all levels, human, Christian, technical, work skills, that would allow the girls to develop a sense of responsibility, involvement and self-reliance.

The objectives of this stage are:

- To offer psycho therapeutic, social and spiritual support for the girls to carry on the new process

- To accompany their process through individual and group therapies.
- To offer babysitting services for their children.
- To facilitate preventive medical attention to strengthen the health of mothers and children.
- To develop the girls' talents and initiatives through formative and productive activities of capacitation.
- To initiate the girls in performing self-sustaining jobs like ironing and washing, baking, cooking, cleaning and caring for children.
- Provide them with basic health training on pre and postnatal care.
- Prepare them to receive the sacraments.
- Help them in their juridical paper work to put their documentation in order.
- Make contact with the girls' families.
- Get their commitment to become agents of evangelisation.

This program is tailored to take care of a certain number of female adolescents and single mothers with their children. For that, the Congregation has the proper infrastructure and facilities.

They also have a multidisciplinary team made up of committed religious and lay people such as a social worker, an educator specialised in comprehensive formation and a lady psychologist who conducts sessions of intensive psychotherapy to raise their self esteem and look after their often complicated conduct patterns.

The education of these young women encompasses formal, non-formal and alternative aspects, being these last ones the most important to facilitate their eventual total independence and self reliance at all levels, personal, social, work.

Another alternative offered to them is to work in the nursery school where children are being looked after by the mothers themselves as

part of the process of learning child-rearing skills.

3. Transition and Reinsertion into Society

This stage of reinsertion into society of the adolescents and young mothers would be impossible without the planing of a previous stage, that is the process of transition through progressive independence. Their first need is a place to live, since they would now be homeless and unable to consolidate their life project of self-reliance and their personal involvement in defence of their rights. For this purpose, financing is being set up for the building of homes that would serve as transition dwellings for those adolescents and single mothers who want to better themselves but cannot count on anything or anyone to support them in this difficult stage of their lives and the lives of their children.

The Congregation considers that:

"The girls in formation should arrive to a full awareness of their inner capacities. This requires that they become agents of their own growth in a context of trust and freedom that will bring them to experience fulfilling affective, relational and family experiences."

3. Conclusions

Sexual exploitation in all its forms constitutes an attack on the Human Rights of children and adolescents, but women seem to be the ones most affected by this situation due to the inequality of job opportunities and the pervasive discrimination that subjects young girls and female adolescents to abuse, merchandising and domination.

In the opinion of trustworthy informants, the problem of sexual exploitation tends to get worse with the growth of clandestine prostitution, and this for two reasons: the need of an increasing number of young people to survive or feed their children and the increased de-

mands for adolescents from wealthy customers.

Sexual exploitation is a problem that concerns us all because it goes to the roots of human relations and therefore demands everybody's participation. It is important to build a culture of respect for Human Rights in general by fighting all forms of existing abuses, anticipating others, improving information channels, reinforcing present actions and promoting the civic participation of children and adolescents.

4. Recommendations

With the purpose of facing this situation we make the following recommendations:

- a) To promote policies of prevention, care and treatment of victims of sexual exploitation, particularly children and adolescents.
- b) Sensitise public opinion to this problem stressing the social responsibility of denouncing sexual abuses.
- c) Motivate the State to assume its full responsibility in the formulation and execution of public policies, the establishment of services of attention and treatment and the refining of legislation to attend to the protection and needs of the population already affected or at risk of being affected by sexual exploitation.
- d) Organise preventive measures to face sexual exploitation in all its forms. Organise institutional networks to make better use of the services destined to face these problems and to counsel children, adolescents, young people and specially families. Develop programs of Sexual Education tailored to the different social groups.
- e) Get the co-operation of the media in broadcasting educational prevention programs and in gradually eliminating sensationalist coverage associated with sexual exploitation.

5. Annex

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5.1 Bill Against the Criminal Association to Engage in Trafficking, Sale and Prostitution of Children and Adolescents.

Reasons for this Bill

The new forms of delinquent conduct, attacking juridical assets protected by the State such as the rights of children and adolescents, especially the growing international sale and trafficking of children for sexual exploitation and forced labour, is the main motivation for the insertion of this Bill into the Penal Code, Title VIII, Chapter V in order to guarantee the protection of our youth in their most fundamental rights.

There are cultural aspects in our country that make it difficult to understand the implications and ramifications of the trafficking of children and adolescents. There are situations today in which the family structure and traditions are debilitated or disintegrate. Certain parents, for example, because of their unsustainable economic situation send their children to "godparents" or tutors to look after them, but these tutors do not fulfil any longer their function as protectors of children. This is an important cultural aspect to be taken into account when dealing with the problem of child trafficking as a social problem.

Another aspect to be taken into account and which justifies the Bill, is that the Penal Code is very general in the definition of the types of criminal actions mentioned there. It is imperative to dedicate a specific Chapter to these new criminal activities that will allow the identification and proper punishment of the persons involved. New legal measures are imperative to achieve both social conscientization of the problem and the proper protection for children and adolescents.

LAW No.....
LAW of2001

JORGE QUIROGA RAMIREZ
PRESIDENT OF THE REPUBLIC

Since the Honourable National Congress has sanctioned the following Law

THE HONOURABLE NATIONAL CONGRESS

DECREES:

Single Article. Chapter V is incorporated into the Penal Code under Title VIII of Book Two
CHAPTER V
TRAFFICKING, SALE AND PROSTITUTION
OF CHILDREN AND ADOLESCENTS

Article 1.- (Trafficking of Children and Adolescents). Whoever through threats or deceit moves a child or adolescent from the national territory to another, or within our own territory for sexual exploitation, sale of organs, forced labour, pornography or illegal adoption will incur the penalty of privation of freedom for a term of five to twelve years.

Article 2. (Sale of Children and Adolescents). Whoever makes any type of transaction under which a child or adolescent will be transferred from a person or group to another person or group, in exchange for a payment in money or in any other form of retribution, will incur the penalty of privation of freedom for a term of five to twelve years.

Article 3. (Child Prostitution). Whoever by any means offers, obtains or facilitates a child or adolescent to be used in sexual activities in exchange of payment or any other form of retribution will incur privation of freedom for a term of five to twelve years.

Article 4.- (Child Pornography) Whoever by any means would use a child or adolescent to produce, distribute, broadcast, export and sell pornographic material will incur privation of freedom for a term of two to six years.