

**Foundation Levántate Mujer
Congregation of Our Lady of Charity of the Good Shepherd**

Universal Periodic Review of Bolivia

**Individual Submission
20th Session of the Working Group on the UPR Oct/Nov 2014**

1. Executive Summary

The Bolivian State through its Country's Development Plan 'Bolivia Digna, Soberana, Democrática y Productiva para Vivir Bien' has improved the policy and legislative situation aimed at creating more equal and inclusive society, especially for groups that have previously been excluded, such as women, indigenous people, children and adolescents. However, the mechanisms for the implementation of these policies and regulations are weak.

2. This report aims to reflect on the political will of the Bolivian state since the 2010 report until the present moment, giving attention to the state's capacity to respond to issues confronting Bolivian society. Issues of key concern include:

Human Trafficking, Child Labour, Violence Against Women, and Migrants Rights.

3. Background and Structural Framework

The Congregation of Our Lady of Charity of the Good Shepherd established the Foundation Levántate Mujer in Bolivia to work on behalf of women, children, and adolescents who are at-risk. A primary goal of the Foundation is to carry out projects of a social nature benefiting women victims of gender-based violence, and other women who are excluded, discriminated against, and in other situations of risk. This work aims to underline the dignity of these women so that they can become agents in transforming their own lives and contribute to the construction of a more just society. The Foundation Levántate Mujer carries out work on themes such as gender-based violence, human trafficking, migration, and child protection. This work is recognized both at the local and national level through centres in five cities in Bolivia.

4. Human Trafficking

Many positive steps have been taken including but not limited to:

- Bilateral agreements have been signed among Peru, Brazil, and Argentina aimed at the early detection of human trafficking.

- The National Plan for Children and Adolescents Living Well, 2009-2013, overseen by the Vice-Ministry of Gender and Generational Affairs, has trained children, adolescents, parents, and guardians about the crimes and issues related to human trafficking.
 - According to the Office of Human Trafficking, a part of the Bolivian Vice-Ministry of Public Safety, recently a system was implemented to record data and official figures in the Human Safety Monitoring database.¹
 - In July of 2012, Law 263 “The Comprehensive Law against Human Trafficking” was implemented and a summit was convened to educate representatives from different states in Bolivia about the law.
5. However, the following are cause for concern:
- There were prosecutions and sentencing of public officials involved in human trafficking because of the enactment of Law 263.²
 - From 2011 to 2013, human trafficking cases and related offenses increased by 40%. Of these cases, only one case went to trial and resulted in sentencing while 10 accused offenders remain in custody awaiting trial.³
 - The issue of human trafficking is still not included in the information that students receive at school.
 - At the borders, appropriate forms of control do not exist to support the fight against human trafficking.
 - Society as a whole should be informed and sensitized about the ways behaviors that are normally tolerated, though not considered a form of human trafficking, can nonetheless lead to sexual exploitation. For example, at nightclubs women are often hired as “hostesses” and are later pressured into offering sexual services. Further, in classified ads, advertisements often say they are seeking female staff with sensual qualities, offering good compensation for women who fit the criteria.
 - The state does not have dedicated shelters to house victims rescued from human trafficking.
6. Therefore, the foundation makes the following recommendations:
- **There is a need for the institutionalization of staff and services targeting children and adolescents regarding the issue of human trafficking so that these services can continue to be strengthened through training and raising awareness.**
 - **Public and professional service providers who will provide help and support to people rescued from trafficking should be sensitized to this issue and given appropriate training.**
 - **Policies aimed at prevention of human trafficking must involve sustainable planning that uses various forms of mass communication such as radio and television.**
 - **Educational curriculum must include issues related to human rights, human trafficking, etc.**
 - **There must be management and provision of resources to effectively implement a shelter system as mandated by laws 263 and 348.**
 - **The state must effectively engage with government agencies, private institutions, and civil society to develop a strategy that avoids duplicating efforts.**

¹ www.destinos.com.bo , Ministra de Justicia Cecilia Ayllón interview

² www.gacetaoficialdebolia.gob.bo , Text Law of the 263

³ www.enlacesbolivia.com , “Trata y Trafico de personas subió un 40% en los últimos tres años”, 27/12

- **In relation to the issue of human trafficking, the state must interact and coordinate with neighboring countries to confront the networks engaged in these crimes, focusing their efforts on controlling the issue along borders.**

7. Child Labor

- Bolivia undertook the initiative called the “Triple Seal”, with the aim of preventing child labor, forced labor, and all forms of labor discrimination. There was a specific focus in critical labor sectors including sugar cane, soy, chestnut, timber, and mining industries, among others.
- The “Triple Seal” campaign was launched only in the state of Santa Cruz and focused on the farming sector. Therefore, the information gathered during this initiative is not applicable beyond this realm. For example, it does not include data from Potosi, where child labor is frequently used in mining.⁴
- The state has responded to the issue of child labor since the last UPR report of 2010 through the implementation of legislation and other initiatives including:
 - ✓ The Comprehensive Law against Human Trafficking
 - ✓ The General Law for Persons with Disabilities
 - ✓ The Parliamentary Advocacy Network for Children is awaiting the adoption of a national standard that lists the 23 worst forms of child labor in the country so that action can be taken to regulate these activities.
- Bolivia has the National Plan for Children and Adolescent Well-Being, 2009-2013, overseen by the Vice-Ministry of Gender and Generational Affairs of Bolivia. The objective of this plan is to promote, protect, and defend the exercise of the rights of this population through preventing and sanctioning all forms of violations against these rights.⁵ This plan includes programs that address child and adolescent labor and labor exploitation by applying measures of control and legal sanctioning when exploitative working conditions exist.
- The Defensoriadel Pueblo (the ombudsman) will manage and provide support for the National Plan for Children and Adolescents for the period 2012-2016. In doing so, they are prioritizing the rights of this population and creating strategies to promote the participation of children and adolescents in demanding the protection of their rights.⁶

8. However, the following are cause for concern:

- There continues to be widespread poverty in Bolivia, contributing to the need for children to begin looking for a source of daily income from a young age. This often puts these children in situations where their labor is exploited, working in jobs that are unsuitable for their physical capacities, jobs that do not allow them to go to school, and receiving unfair wages for the work they perform.
- The first people called upon to protect minors are their parents, but often it is parents who exploit or allow the exploitation of their children’s labor. This is common in the case of mining, farming, and other jobs where this continues to be an unsolved problem.

⁴ www.eldeber.com, December 22, 2013 “Ingenio Guabirá”

⁵ www.slideshare.net, National Plan - Bolivia

⁶ www.defensoria.gob.bo, Inform 2013

- Child workers have organized to push for regulations of their working conditions since either they have no parents or their parents have not taken the responsibility to do this on their behalf.
 - Although there are children's homes to accommodate children whose parents have abandoned them, died, or are in prison, the state does not have the capacity or sufficient resources to provide appropriate care for these children.
9. Therefore, the foundation makes the following recommendations:
- **Work with various media outlets for the campaign "triple seal" as a means to raise awareness and increase knowledge about businesses that reject child labor.**
 - **Campaign "triple seal" should be rolled out across the whole country**
 - **Bring attention to the rights of children and adolescents through different media outlets, creating awareness in society, especially among parents who need to respect these rights.**

10. Violence Against Women

According to the Ombudsman, 9,719 cases were reported to the police in 2013. Women, children and adolescents are the most affected.

On March 9, 2013, Law 348 was enacted. Entitled "The Comprehensive Law to Guarantee Women a Life Free of Violence," the objective is to establish means, mechanisms, and comprehensive policies to prevent violence and to protect and provide reparation for women who have experienced violence. This includes the persecution and sanctioning of perpetrators with the objective of guaranteeing women a life of dignity and the ability to exercise their right to a life free of violence.⁷

As a part of this new law, the sanctioning of aggression toward women has greater scope.

However, the following are cause for concern:

- Law 348 has not been fully implemented or enforced. This is because a previous law, Law 1647 "Law against Domestic Violence" has not been repealed. Further, there are legal loopholes and inconsistencies that prevent legal authorities from complying with the mandates of the new law.
- There is no regulation of the law, despite a speech President Evo Morales gave stating there should be the adoption and rapid development of regulations to enforce the law. According to officials from the Ministry of Justice, the law cannot be regulated by institutional policy alone, but must instead involve the development of protocols in order to be enforced. The lack of regulation has led to erroneous legal interpretations and legal loopholes.
- There has still not been the creation of specialized courts for violence, nor the hiring of prosecutors and forensic physicians specializing in violence against women, as mandated by law.
- The training and sensitization of employees that provide attention to victims of violence has not been initiated.
- The principle that services be quick and free, as required by law, is not being adequately met.
- There is a lack of widespread dissemination of Law 348 among the population.

11. Therefore, the foundation makes the following recommendations:

⁷ www.gacetaoficialdebolivia.gob.bo, Text of de Law 348

- **Policies aimed at prevention of violence must involve sustainable planning that uses various forms of mass communication such as radio and television.**
- **Educational curriculum must include issues related to human rights and gender based violence.**
- **There must be management and provision of resources to effectively implement a shelter system as mandated by law 348.**
- **The state must effectively engage with government agencies, private institutions, and civil society to develop a strategy that avoids duplicating efforts.**
- **There must be an approved protocol for the care of victims of violence, as outlined in Law 348.**
- **As mandated by law, specialized courts in violence that have prosecutors and forensic physicians who specialize in violence against women need to be created.**

12. Migrants, Refugees, and Asylum Seekers

Official data is not available that can provide evidence or be used to make recommendations regarding Bolivia's actions in relation to returning people to their home countries when there is evidence that a person's life is in danger in the home country. Nor is it available in relation to Bolivia's compliance with recommendations in following administrative procedures in relation to applications for refugee status.

A feminization of labor migration has recently been identified, with estimates showing that women constitute 70% of emigrants. This new trend in migration can be explained by the nature of work available to migrants in destination countries, with increased labor opportunities in domestic work, elder care, trade, and farm work, among other jobs.

Law 370, "The New Migration Law", passed on May 8, 2013, has the objective of regulating the entry, transit, stay, and departure of people within Bolivia. It also establishes space for institutional coordination to guarantee the rights of Bolivian migrants and foreign migrants.

13. The following are cause for concern:

- Migration involves family disintegration, creating other social problems such as children and adolescents being deprived of affection, protection, and guidance. This makes it easier for these children to become involved in trafficking, drugs, etc.
- The lack of knowledge and vulnerability of the human rights of immigrants
- The inexistence of policies for immigrants.

14. Therefore, the foundation makes the following recommendations:

- **In relation to migration, it is important to strengthen the work and management of this issue by implementing mechanisms to register information and characteristics regarding the flow of migrants.**
- **A strategy is required to disseminate Law 370, especially in places like transit stations, airports, borders, immigration offices, etc.⁸**
- **There is a need for the provision of timely and relevant information about immigration in the Offices of Migration, including mechanisms and time limits for processing each request.**

⁸ www.gacetaoficialdebolivia.gob.bo, Text of the Law 370