

Bolivia



Population: 10,290,003 (2012 est.)
Population Growth Rate: 1.664% (2012 est.)
Birth Rate: 24.24 births/1,000 population (2012 est.)
Life Expectancy: *total population:* 67.9 years; *male:* 65.16 years; *female:* 70.77 years (2012 est.)
Literacy Rate: *total population:* 86.7%; *male:* 93.91%; *female:* 80.7% (2001 Census)
Net Migration Rate: -0.84migrant(s)/1,000 population (2012 est.)
Unemployment rate: 5.5% (2011 est.)
Gross Domestic Product per Capita: \$4,800 (2011 est.)
Religions: Roman Catholic 95%, Protestant (Evangelical Methodist) 5%
Languages: Spanish (official) 60.7%, Quechua (official) 21.2%, Aymara (official) 14.6%, foreign languages 2.4%, other 1.2% (2001 Census)
Ethnic Groups: Quechua 30%, mestizo (mix white and Amerindian ancestry) 30%, Aymara 25%, white 15%
Capital: La Paz¹

Trafficking Routes

Bolivia is a country of origin for women, men, and children trafficked to other South American countries (such as Argentina, Brazil, and Chile), the United States, and Europe (Spain).² Internal trafficking exists in Bolivia, especially from rural areas to urban centers.³

The commercial sexual exploitation of children, including child prostitution, is a problem in Bolivia, particularly in the Chapare region and in urban areas. Internal trafficking of children for the purposes of prostitution, domestic service, forced mining, and agricultural labor, particularly on sugarcane and Brazilian nut plantations in Santa Cruz and Tarija, also occurs. Children from indigenous ethnic groups in the Altiplano region are at great risk of being trafficked. Girls from Argentina, Paraguay, Brazil, Chile, and Colombia are forced into prostitution in urban centers in Bolivia.⁴

Factors That Contribute to the Trafficking Infrastructure

¹ CIA, World Facebook, Bolivia, (February 26, 2010), <https://www.cia.gov/library/publications/the-world-factbook/geos/bl.html>.

² Observatorio de Trata de Personas, ESTRATEGIA NACIONAL CONTRA LA TRATA DE PERSONAS Y EL TRÁFICO ILEGAL DE MIGRANTES, 23 (2006) *available at*: http://www.observatoriotrata.org/otros_instrumentos/nacional/estrategia_nacional_contra_la_trata_de_personas_y_el_trafico_ilegal_de_migrantes

³ Id.at. 20

⁴ Id.at. 26

Due to extreme poverty and civil tension, many citizens become economic migrants. Some people eventually become victimized by traffickers as they move from rural areas to the city and sometimes abroad.⁵ Weak controls along the borders make the country an attractive route for transporting illegal immigrants who have been trafficked.⁶

Forms of Trafficking

Men, women, and children are trafficked from Bolivia and forced into sexual exploitation in Argentina, Chile, Brazil, Spain, and the United States.⁷

Trafficking for the purposes of forced labor is also prevalent in Bolivia. Most of the victims work in mines, agricultural centers, plantations, and fisheries. Reports show that there are more than a million Bolivian immigrants in Buenos Aires, Argentina, and around 80,000 in São Paulo, Brazil working in conditions of exploitation. Many Bolivians travel to these countries under the promise of a well-paid job. They are later forced to work sometimes more than 20 hours per day with little food, miserable salaries, and no freedom to leave.⁸

Children are trafficked for the purpose of begging, street vending, shining shoes, and to traffic drugs.⁹ Some children are brought or sent by their family members from rural to urban areas to work as domestic servants for higher-income families, often in situations that amount to indentured servitude.¹⁰

Organ trafficking also occurs in the country. In 2006, a scandal in Bolivia showed that organs from unknown patients were benefiting Argentinean patients. The donors were usually Bolivian students, housewives, or workers living in the poorest neighborhoods in Bolivia.¹¹

Children form a large part of the Bolivian armed forces. In July 2004, the government acknowledged to the Committee on the Rights of the Child that youngsters between 14 and 17 were forced to join the military service.¹²

Government Responses

The 1999 amendments to the Criminal Code of Bolivia introduced the crime of trafficking in persons.¹³ Trafficking in persons is defined as the inducement, promotion, or facilitation of the entry into or exit from the country—or movement within the country—of persons, through the use of deceit, force, or threat, for the purpose of prostitution. The

⁵ Observatorio de Trata de Personas, *supra* at 19

⁶ René Pereira Morató, Perfil Migratorio de Bolivia, International Organization for Migration (IOM) (2011)

⁷ Observatorio de Trata de Personas, *supra* at 23

⁸ Roberto Navia Gabriel, *Esclavos Made in Bolivia*, UITA-SECRETARIA REGIONAL LATINOAMERICANA, Apr 9, 2007, available at: <http://www.rel-uita.org/sindicatos/maquilas/esclavos-made-in-bolivia.htm>.

⁹ Talavera, Alex, *Bolivia: Niños utilizados como mulas en tráfico de drogas*, Infosurhoy, 03/07/2011, available at: <http://infosurhoy.com/cocoon/saii/xhtml/es/features/saii/features/main/2011/03/07/feature-02>

¹⁰ Observatorio de Trata de Personas, *supra* at 22

¹¹ Claudio Savoia, *Tráfico de órganos para Argentinos: allanan ocho clínicas y consultorios*, CLARIN.COM, Jun 28, 2006, available at: <http://www.clarin.com/diario/2006/06/29/sociedad/s-03501.htm>.

¹² Bolivia, *Child-Soldiers*, (2008), www.child-soldiers.org/document/get?id=1322.

¹³ CODIGO PENAL DE BOLIVIA No.2033 (1999) (Bolivia), available at: http://www.oas.org/juridico/MLA/sp/bol/sp_bol-int-text-cp.html.

penalty for this crime is four to eight years' imprisonment. The penalty is increased to five to 19 years of imprisonment if the victim is under 18 years of age and to six to 12 years of imprisonment if the victim is under 14 years of age.¹⁴

Exploitation of prostitution is also criminalized in the Criminal Code. More specifically, anyone who promotes, facilitates, or contributes to the corruption or prostitution of another person—or forces a person to stay in prostitution—for the purpose of a financial gain, by using force, threat, deceit, abuse of power, abuse of a position of necessity, or any other coercive means, is punished with imprisonment for three to seven years. The punishment becomes imprisonment for four to eight years if the victim is under 18 years of age or if the perpetrator of the crime is a relative, spouse, sibling, or guardian of the victim.¹⁵

The Criminal Code punishes the crime of corruption of minors with up to five years' imprisonment. This crime is committed by anyone who corrupts or contributes to the corruption of a minor through depraved acts.¹⁶ The penalty will be increased if: (a) the victim was under 14 years of age; (b) the crime was committed for the purpose of gaining an illegal profit; (c) the crime was committed through the use of force, deceit, or any other means of coercion or intimidation; (d) the victim had a disability; and (e) the perpetrator of the crime was a relative, spouse, sibling, or guardian of the victim.¹⁷

The moral corruption of adults is also considered a crime in the Criminal Code and is punished with imprisonment for three months to two years. Aggravating circumstances similar to those described above for the crime of corruption of children will increase the penalty for this crime also.¹⁸

Pornography is punished in the Criminal Code with a term of imprisonment ranging from three months to two years.¹⁹ The Code for Children and Adolescents lists among the jobs threatening the dignity of a child both child pornography and jobs in adult nightclubs.²⁰

Under the Law for the Protection of Victims of Crimes Against Sexual Liberty, victims of those crimes have the right to receive information from the first stages of the proceedings, the right not to appear as witnesses if other evidence is sufficient to prove the occurrence of the crime, the right to privacy, the right to medical care, the right to security, and the right to avoid a direct confrontation with the defendant. If the victim is a minor, he or she has the right to be represented by a guardian *ad litem*, who is named by the judge.

¹⁴ CODIGO PENAL DE BOLIVIA No.2033 (1999) art.321 (Bolivia), available at: http://www.oas.org/juridico/MLA/sp/bol/sp_bol-int-text-cp.html.

¹⁵Id.

¹⁶ CODIGO PENAL DE BOLIVIA No.2033 (1999) art.318 (Bolivia), available at: http://www.oas.org/juridico/MLA/sp/bol/sp_bol-int-text-cp.html.

¹⁷ CODIGO PENAL DE BOLIVIA No.2033 (1999) art.319 (Bolivia), available at: http://www.oas.org/juridico/MLA/sp/bol/sp_bol-int-text-cp.html.

¹⁸ CODIGO PENAL DE BOLIVIA No.2033 (1999) art.320 (Bolivia), available at: http://www.oas.org/juridico/MLA/sp/bol/sp_bol-int-text-cp.html

¹⁹ CODIGO PENAL DE BOLIVIA No.2033 (1999) art.323 art.324 (Bolivia) available at: http://www.oas.org/juridico/MLA/sp/bol/sp_bol-int-text-cp.html.

²⁰ LEY DEL CODIGO DEL NINO, NINA Y ADOLESCENTE No. 2026 (1999) art.135 (Bolivia) available at: <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/bol/iii/>.

Moreover, interviews and interrogations with a child victim must be conducted in the presence of a psychologist or social service agent.²¹

The Ministry of Public Affairs, in cooperation with the police, is responsible for investigating and prosecuting crimes against sexual liberty.²² To aid prosecution, the government of Bolivia establishes shelters and centers for the protection of the victims.²³

The Criminal Code punishes various forms of public corruption. A public official who accepts an undue advantage in exchange for exercising or refraining from exercising his or her duties is punished by imprisonment of between two and six years and a fine.²⁴

Under the Criminal Code, members of organized criminal groups can be punished by imprisonment of between six months and two years. An organized criminal group is defined as a group of four or more people acting with the aim of committing crimes. The penalty for members of an organized criminal group can be increased to one to six years in prison if the group's primary purpose is kidnapping children. The penalty is increased by one-third when the criminal group recruits children for the commission of crimes, or if a member of the organization is a public official whose duties are crime prevention, investigation, and prosecution.²⁵

In June 2006, the Prefecture of the Department of La Paz, in cooperation with the U.S. government, opened a shelter for victims of sexual exploitation that now provides care for teenage girls between 12 and 18 years of age.²⁶

Additionally, in 2006, Bolivia passed a law that makes trafficking in persons punishable with eight to 12 years of imprisonment, and special divisions for the fight against this crime have been established in the major cities. In 2007, 32 cases of trafficking in persons were reported at the national level.²⁷

Nongovernmental and International Organization Responses

The nongovernmental organization Infante, has programs that work against the abandonment of children. Additionally, it operates a program against human trafficking in women, adolescents, and children.²⁸

²¹ LEY DE PROTECCION A LAS VICTIMAS DE DELITOS CONTRA LA LIBERTAD SEXUAL No. 2033 (1999) art.15 (Bolivia) available at: <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm>.

²² LEY DE PROTECCION A LAS VICTIMAS DE DELITOS CONTRA LA LIBERTAD SEXUAL No. 2033 (1999) art.17 (Bolivia) available at: <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm>

²³ LEY DE PROTECCION A LAS VICTIMAS DE DELITOS CONTRA LA LIBERTAD SEXUAL No. 2033 (1999) art.15 (Bolivia) available at: <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm>

²⁴ CODIGO PENAL DE BOLIVIA No.2033 (1999) art.145 (Bolivia) available at: <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm>

²⁵ CODIGO PENAL DEJ No.2033 (1999) art.132 (Bolivia) available at: <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm>

²⁶ Embassy of the United States La Paz Bolivia, *Due to Efforts against Trafficking in Persons Bolivia Removed from Tier 2 Watch List*, U.S. STATE DEPARTMENT, available at: <http://bolivia.usembassy.gov/traffpb.html> (Last visited: Sep 17, 2008).

²⁷United Nations Office on Drugs and Crime, *Encountering Human Trafficking in Bolivia*, , (Jun 09, 2008), (prepared by Cristina Albertin) available at: <http://www.unodc.org/unodc/en/frontpage/encountering-human-trafficking-in-bolivia.html>.

²⁸ Infante: Promocion Intrgral de la Muger y la Infacia, <http://www.sustainablebolivia.org/INFANTE.html> (Last visited: March 3, 2010).

Terre des Hommes launched an International Campaign Against Child Trafficking in 2001, which is still active in Bolivia, Peru, and Brazil. It combines awareness-raising activities, advocacy work, and direct assistance to children.²⁹

In Bolivia, CARE's goal is to eradicate child labor in mining activities, to improve education services so that children complete primary school, and to provide opportunities for training in nonmining occupations.³⁰

The François-Xavier Bagnoud Association focuses on issues of sexual abuse and violence against children in Latin America, particularly Bolivia, Brazil, and Uruguay.³¹

Multilateral Initiatives

On May 30-31, 2007, the Department of Public Security of the organization of America States (OAS) held a regional seminar in La Paz, in order to reinforce regional cooperation on the issue of human trafficking. Governmental authorities from Bolivia, Argentina, Paraguay, Brazil, Peru, and Chile, as well as members of civil society, participated in the seminar. One of the main achievements was the creation of a Regional Network of Repatriation for Trafficking Victims to be coordinated by Oscar Sandoval, regional director for Andean Countries of the International Organization for Migration (IOM).³²

In May 2007, the Specialized Women's Conference of Mercosur (Mercado Común del Sur, or Southern Common Market) was held in Asunción. Representatives from the member states (Argentina, Brazil, Paraguay, Uruguay and Venezuela) and associate countries (Bolivia and Chile) attended the conference. Additionally, representatives from the United Nations Development Fund for Women, the United Nations Population Fund in the ILO, the Pan American Health Organization, and the IOM were present. The Delegates are part of a multidisciplinary working group to coordinate trafficking prevention actions, awareness-raising campaigns, and services provided to trafficking victims.³³

During July 17-18, 2007, a seminar between Bolivia and Chile, "The Worst Forms of Child Labor with Emphasis on the Prevention of Human Trafficking and Trafficking of Minors", took place in La Paz. The objective was to analyze and agree on areas of cooperation between both countries for the prevention and prosecution of human trafficking, along with protection and rehabilitation of victims, with emphasis on children and youth.³⁴

²⁹ Projects, Terres des Hommes, <http://www.terredeshommes.nl/projecten/> (Last visited: Sep 17, 2008).

³⁰ *Eliminating Child Labor Through Community Participation*, NEWSROOM-CARE.ORG, Jun 12, 2006, available at: http://www.care.org/newsroom/articles/2006/06/20060906_child_labor.asp.

³¹ FXB Country Program: Bolivia, The Francois-Xavier Bagnoud Association, : <http://www.fxb.org/country/Bolivia.html> (Last visited: Sep 17, 2008).

³² Activities, Organization of American States, (May 31st 2007), http://www.oas.org/dsp/atip_Detail.asp.

³³ Reunion Especializada de la Mujer de Mercosur, MERCOSUR / REM / ATA N° 01/07: XVII Reunion Especializada de la Mujer del Mercosur: Asunción, 17 y 18 de mayo de 2007: Acta final, Mercosur (2007), available at: <http://www.mercosurmujeres.org/XVIIacta.htm>.

³⁴ International Organization for Migration (OIM), *OIM Chile participa en Seminario Taller en Bolivia*, IOM (2007), at: <http://www.oimchile.cl/Secciones/Areas/CapacitacionInterna.html>.