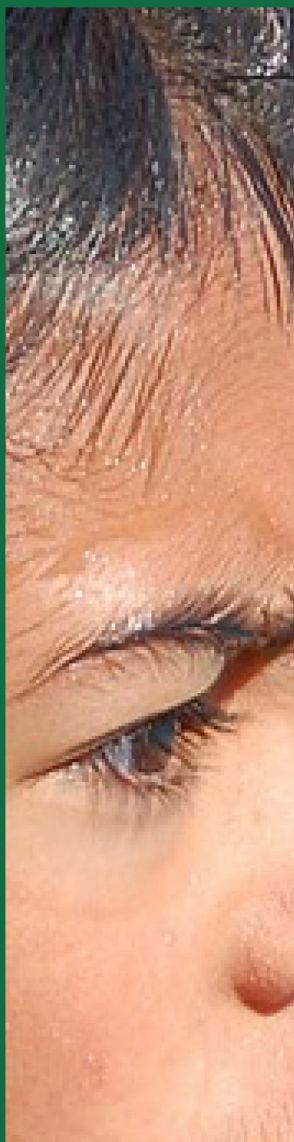


SITUATIONAL ANALYSIS OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN BOLIVIA





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October, 2015

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ABBREVIATIONS AND ACRONYMS

ADD	Acute Diarrheal Diseases
AECI	Spanish Agency for International Development Cooperation
AIDS	Acquired immune deficiency syndrome
ARIs	Acute Respiratory Infections
ATT	Regulatory Authority for Telecommunications and Transportation
CIEC	Community Studies and Research Center
CPE	New Bolivian Constitution
CRC	Convention on the Rights of the Child
CSE	Commercial Sexual Exploitation
CSEC	Commercial Sexual Exploitation of Children
CSV	Commercial Sexual Violence
DCI	Defence for Children International
DNA	Child Defence Office
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ENDSA	National Demographic and Health Survey
FAO	United Nations Food and Agriculture Organization
FELCC	Special Force in the Fight Against Crime (Bolivian Police)
FRI	Forensic Research Institute
HIV	Human immunodeficiency virus
HR	Human Rights
ICCO	Interchurch Organization for Development Cooperation
ILO	International Labour Organization
INE	National Statistics Institute of Bolivia
IOM	International Organization for Migration
MCVSCEA	Working Group against Commercial Sexual Exploitation El Alto
MDG	Millennium Development Goals
NGO	Non-Governmental Organisation
NNA	Children and Adolescents
NNASC	Street children and adolescents
NPA	National Plan of Action
OHCHR	Office for the High Commissioner for Human Rights
ONAEM	National organisation for women's emancipation
PMH	Pastoral Care of Human Mobility
SAFCI	Intercultural Community Family Health Program
SEDEGES	Departmental Social Services
SEDEPOS	Departmental Service of Social Policies
SEDES	Departmental Health Service
SIPPROINA	Child Protection Plurinational System
SLIM	Municipal Integral Legal Services
SUMI	Universal Maternal and Child Insurance
UDAPE	Social and Economic Policy Analysis
UN	United Nations
UNESCO	United Nations Education, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UVE	Special Victims Unity
VIJUNTE	Vice-ministry of Youth, Childhood and the Elderly
VIO	Vice-ministry of Equal Opportunities
VWAU	Victim Witness Assistance Unit
WHO	World Health Organization

EXECUTIVE SUMMARY

This Situational Analysis of the Commercial Sexual Exploitation of Children (CSEC) in Bolivia was developed by ARCE&VARGAS Consulting Group at the request of ECPAT International, in coordination with the Working Group against Commercial Sexual Violence El Alto (MCVSCEA). The research was conducted in the nine departmental capital cities of Bolivia as well as El Alto city between 8 November 2014 and 6 April 2015.

The **overall objective** of the research was to describe and conduct a critical analysis of the sociocultural, political and economic components of the commercial sexual exploitation of children in Bolivia. The specific objectives were 1) to identify and describe the dynamics of commercial sexual exploitation and the actors involved, 2) to identify the risk factors, causes and effects of commercial sexual exploitation, 3) to analyse the formal and informal child protection systems in Bolivia, 4) to carry out a mapping of private and public institutions working to fight CSEC, and 5) to recommend strategies for prevention, protection and advocacy to address CSEC in Bolivia. In order to achieve the objectives, the following **methodology** was used: *analytical, observational participatory, non-experimental, qualitative and quantitative* with a rights-based approach, as well as four data collection techniques: semi-structured interviews, narratives, mapping of actors and analytical review of secondary sources.

The key actors were selected in accordance with the mandate conferred by Law N° 263 (Integral Law against Trafficking in Persons), Law N° 548 (Code for Children and Adolescents), international organisations and civil society institutions working with CSEC.

This report begins with a historical analysis of CSEC globally, in the region and within Bolivia. It provides an overview of the situation of children and adolescents in Bolivia, incorporating data from the Child Protection Plurinational System (SIPPROINA). The study goes on to provide a specific analysis of the commercial sexual exploitation of children.

CSEC is a latent problem in Bolivia and has been established for several decades; yet the problem only started to attract real recognition at the beginning of 2001 with a counter approach that mainly focused on trafficking in persons. It was not until 2002 that both the Ministry of Justice and NGOs working on this issue began to form working groups against CSEC in the nine departmental capital cities of Bolivia. However, for various reasons over time, these efforts became diluted and eventually disappeared altogether.

In 2006, the Law against Trafficking in Persons and other Related Offences (Law No. 3325) was enacted, from which point CSEC started to become visible as an offence related to trafficking in persons, and other offences such as child pornography, sexual exploitation in travel and tourism, paedophilia and commercial sexual violence, as well as procuring.

This marked the beginning of the Working Group against Commercial Sexual Violence in the city of El Alto in 2010, which brings together public and organised civil institutions and has been the driving force in the elaboration of National Law No. 263 “Integral Law against Trafficking and Related Crimes.” This law was a great achievement for those who had advocated for its approval for several years and for those who sought the punishment of the “perpetrator” promoting the activities of the human traffickers and pimps by paying to commit violence against children.

This analysis is presented in five chapters and focuses on the dynamics of commercial sexual exploitation, the exploitation of children in pornography and the exploitation of children in travel and tourism, identifying for each manifestation the actors involved, the actions and regulations relating to prevention, care and prosecution as well as the best practices found.

From the results of the research, the risk factors for commercial sexual exploitation were compiled and divided into the following areas: 1) personal/individual, and 2) community/family. In addition, the determining factors of commercial sexual exploitation in Bolivia indicated by the study are proposed.

Finally, the conclusions and recommendations are presented in a didactic and practical way in order to support the future actions of the State, international cooperation and civil society organisations.

METHODOLOGY

I. PROBLEM IDENTIFICATION

The Commercial Sexual Exploitation of Children (CSEC) is one of the worst forms of violence against children and infringes upon their dignity and human rights, interrupts their normal and healthy development and leaves psycho-emotional and physical scars that, in some cases, last for much or all of their adult life.

According to the United Nations Children’s Fund (UNICEF, 2006 (b)), CSEC prevents children from accessing education, may lead to sexually transmitted diseases such as HIV/AIDS and may result in early and unwanted pregnancies, which also generate high rates of maternal mortality. All these factors are also obstacles to the global achievement of the Millennium Development Goals (MDGs) as at least half of the eight proposed goals are affected by this kind of violence: MDG 1 “Eradicate extreme poverty and hunger”; MDG 2 “Achieve universal primary education”; MDG 5 “Improve maternal health”; and MDG 6 “Combat HIV/AIDS.”

Concerned about CSEC, the international community addressed it in various international instruments as one of the strategies to stop its spread. The issue is clearly visible in the Convention on the Rights of the Child (CRC) and its two Optional Protocols (one of them addressing CSEC exclusively).

1.1 Convention on the Rights of the Child

The Convention, which is made up of 54 articles, was adopted by the United Nations General Assembly on 20 November 1989. This is the most ratified international human rights treaty¹ and has substantially altered the conception of childhood across the world: before its coming into force childhood was considered a passive object of protection and care and since its approval it is considered an active social subject of developing rights whose capacities for evolution must be respected and protected.

The CRC also establishes that every human being under 18 years is considered a child, “unless under the law applicable to the child, majority is attained earlier”, and shall be protected as such.

The CRC’s work is guided by the following four main principles:

- Non-discrimination - All children have equal rights.
- The child’s best interests – Any decision, law or policy affecting the child should be made considering the child’s wellbeing above all else.²
- Right to life, survival and development - All children have the right to live and enjoy an appropriate development.
- Participation – Children have the right to be consulted on issues affecting them and their opinions should be taken into account.

¹ To date, the only UN Member State that has not ratified the UNCRC is the United States of America.

² Article 3 states, “In all actions concerning children, whether undertaken by public or private social welfare, institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” Article 27 establishes that the child’s best interest refers to integral and simultaneous development and an adequate standard of living.

The CRC addresses CSEC in the following declarative articles:

- Art. 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
 - (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
 - (b) The exploitative use of children in prostitution or other unlawful sexual practices;
 - (c) The exploitative use of children in pornographic performances and materials.
- Art. 35: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.
- Art. 36: States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

1.2 Optional Protocols

In May 2000, the United Nations General Assembly adopted two Protocols supplementing the CRC:

- 1 The **Optional Protocol on the involvement of children in armed conflict** establishes a minimum age for compulsory military service in the armed forces of 18. It entered into force on 12 February 2002 and, as of 2015, 159 States have ratified the Protocol and 14 States have signed but not ratified it.³
- 2 The **Optional Protocol on the sale of children, child prostitution and child pornography** (OPSC) calls, in particular, for the criminalisation of these serious violations of children's rights. It also underscores the importance of raising public awareness and international cooperation in the activities to combat these issues. It came into force on 18 January 2002, and as of 2015, it has been ratified by 169 States and has been signed but not ratified by nine.⁴

The OPSC provides for measures in the areas of law, administration and social policy that the undersigned States should adopt in order to guarantee the compatibility of their national legislation with the CRC in terms of child protection, raising awareness of the general public, assistance to victims, and ensuring international cooperation through bilateral, regional and multi-lateral agreements against the sexual exploitation of children.

Art. 2 provides the following definitions:

- a) **Sale of children** means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- b) **Child prostitution** means the use of a child in sexual activities for remuneration or any other form of consideration;
- c) **Child pornography** means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

³ See: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en

⁴ See: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en

1.3 Commercial Sexual Exploitation of Children in the context of the International Labour Organization (ILO)

A second clear moment in which CSEC was addressed in the universal human rights system was brought about by the Governing Body of the International Labour Organization (ILO) calling a General Conference in Geneva in June 1999, where Convention 182 with regard to the 'Worst Forms of Child Labour' was adopted. Art. 3 of this Convention stipulates the following:

For the purposes of this Convention, the term the worst forms of child labour comprises:

- a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

In this regard, the ILO considers CSEC a form of exploitation by an adult of a child under 18, accompanied by the payment in cash or kind to the child or to a third person or persons. This is similar to slavery and forced labour, as it comprises:

- The use of children in sexual activities remunerated in cash or kind (commonly known as child prostitution) in the streets or inside establishments such as brothels, discotheques, massage parlours, pubs, hotels and restaurants,
- Trafficking of children for the purposes of sexual exploitation,
- Sexual exploitation of children in travel and tourism,
- Production, promotion and distribution of child pornography,
- The use of children in sexual shows (public or private).

The ILO has two other instruments addressing forced labour that are related to Convention 182; these are Conventions N°29 and N°105 which were adopted in 1930 and 1957 respectively. The first defines forced labour and establishes certain exceptions to the prohibition. The second adds a specific obligation for States Parties, as they are required to make expressly clear in their legislation that forced labour is considered a form of coercion of workers.

1.4 Convention against Transnational Organized Crime

This Convention was adopted by the United Nations General Assembly on 15 November 2000 in Palermo, Italy, in order to promote international cooperation to prevent and combat transnational organised crime. It has three Optional Protocols and the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, defines this crime in Art. 3, as follows:

“

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

”

This Protocol establishes a common legal language for the States Parties so that they can regulate the crimes mentioned above and it also harmonises the national and regional legislation with regard to trafficking in persons, seeking to avoid gaps and omissions.

All the instruments mentioned above were signed and ratified by the Plurinational State of Bolivia, thus assuming the commitment to carry out action in the fight against trafficking in persons and hence against one of the forms of CSEC.

Table 1: List of instruments ratified in Bolivia

INSTRUMENT	OBSERVATIONS
Abolition of Forced Labour Convention (N° 105)	Geneva, 25 June 1957 It came into force on 17 June 1959 It was ratified by Bolivia by Law N° 1119 and enacted on 1 November 1989
Convention on the Rights of the Child	New York, 20 November 1989 It was ratified by Bolivia by Law N° 1152 and enacted on 14 May 1990 Deposit of the instrument of ratification – 26 June 1990
Protocol to prevent, suppress and punish trafficking in persons, especially women and children	Palermo, Italy, 15 December 2000 It was ratified by Bolivia by Law N° 2273 and enacted on 22 November 2001 Deposit of the instrument of ratification – 16 June 2006
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	New York, 25 May 2000 It was ratified by Bolivia by Law N° 2367 and enacted on 7 May 2002 Deposit of the instrument of ratification – 3 June 2003
Worst Forms of Child Labour Convention (N° 182)	Geneva, 17 June 1999 It was ratified by Bolivia on 6 June 2003 Enacted by Law N° 2428 on 28 November 2002
Forced Labour Convention (N° 29)	Geneva, 28 June 1930 It was ratified by Bolivia on 31 May 2005 and enacted by Law N° 3031 on 29 April 2005

INSTRUMENT	OBSERVATIONS
United Nations Convention against Transnational Organized Crime	Italy, 15 December 2000 It was ratified by Bolivia by Law N° 3107 and enacted on 2 August 2005 Deposit of the instrument of ratification on 10 October 2005

Source: Elaborated by the research staff based on official documents⁵

1.5 Major progress in International Law to combat CSEC

Now that CSEC has gained the attention of the United Nations system and been identified as a priority issue to address, many governments and societies of different countries of the world are taking concrete legislative measures to combat CSEC.

1.5.1 First World Congress against CSEC

In 1996, ECPAT International, UNICEF, the Group of Non-Governmental Organisations (NGO) for the CRC and the Government of Sweden organised the First World Congress against CSEC in Stockholm, which was attended by government representatives of around 120 countries, civil society organisations, international agencies, UN agencies, academics, child participants and the media. In this respect, no documentary evidence was found during this study that attested to the participation of any representatives of Bolivia in the Congress.

The final document produced by the Congress was “The Stockholm Declaration and Agenda for Action,”⁶ which represented the commitment to form a global partnership against CSEC. It also called for the creation of “National Plans of Action (NPAs)” with indicators of progress, specific goals and deadlines for implementation in order to reduce the number of children vulnerable to commercial sexual exploitation. It established mechanisms for implementation and monitoring, or focal points at the national and local levels, by which the disparate data on vulnerable children or the victims of CSEC and on those who exploit them can be gathered and shared. Some primary objectives that were reflected in this document were:

- To underscore the existing international commitments,
- To promote the coordination and cooperation for prevention, protection, recovery and reintegration of victims,
- To develop regulations to strengthen national actions,
- To promote child participation in decision-making fora.

1.5.2 Second World Congress against CSEC

In December 2001, ECPAT International, UNICEF and the NGO Group for the follow-up to the CRC, in partnership with the Government of Japan, organised the Second World Congress against CSEC in Yokohama. It was attended by delegations from governments, NGO representatives, children, academics and government agencies from different States, among which was the representation of Bolivia by way of the Director of Childhood, Adolescence and Youth of the Vice-ministry of Youth, Children and the Elderly, Sandra Arellano Ochoa (UNICEF, 2004).

5 See: http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BO/A_HRC_WG6_7_BOL_1_STATE_PLURINATIONAL_OF_ANEX-OIII_S.pdf

6 See: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/2449>

The objectives of this Congress were:

- To increase the political commitment for the implementation of the Agenda for Action,
- To analyse the progress achieved by its implementation,
- To share experiences and good practices,
- To identify the main problem areas and/or gaps when fighting CSEC,
- To strengthen the follow-up process of the World Congress.

The final document of this Congress was “The Yokohama Global Commitment,”⁷ which called upon the international community to promote action to eradicate child prostitution, child pornography and trafficking of children for sexual purposes.

The commitments made in the Yokohama Declaration stipulated the following in their main points:

- Highlight the belief in the rights of children,
- Explicitly include all forms of child abuse and sexual exploitation in action against CSEC,
- Make the greatest efforts to tackle the root causes that put children at risk of being exploited (including poverty, inequality, discrimination, persecution, violence, armed conflicts, HIV/AIDS, dysfunctional families and criminality),
- Implement laws based on the rights of children, as elaborated in: 1) the Protocol to prevent, suppress and punish trafficking in persons, especially women and children; 2) the Convention on Cybercrime, taking into account relevant clauses of the Rome Statute of the International Criminal Court; 3) ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour; and 4) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,
- Reaffirm the need for global action to build sustainable monitoring mechanisms,
- Promote a network with closer ties among all authorities and young people themselves,
- Ensure adequate information, education and resource allocation,
- Take appropriate measures to address the negative aspects of new technologies,
- Reaffirm the importance of family and community vigilance.

1.5.3 Third World Congress against CSEC

In November 2008, the Third World Congress against CSEC was held in Rio Janeiro, Brazil, with the participation of representatives of governments, the private sector, civil society and children, which reaffirmed the importance of the inclusion of children and their active participation in matters affecting their lives.

Some of the objectives of this Congress were:

- To renew the global commitment to the fight against CSEC and the international will to implement concrete actions to ensure the protection of children,
- To build new strategies based on what has been achieved to date,
- To examine new challenges and dimensions of sexual exploitation and establish strategies and measures to tackle them,
- To examine effective action in different regions and identify and share experiences,
- To improve international cooperation on key topics such as inter-regional and cross-border cooperation,

⁷ See: http://white.lim.ilo.org/ipecc/documents/compromiso_yokohama.pdf

- To catalyse a systemic and interdisciplinary approach which guarantees the right of children to be protected against sexual exploitation,
- To establish objectives with appropriate time lines to promote and monitor the progress of the topics discussed at the Congress.

The result of this event was the “Rio de Janeiro Declaration and Call for Action,”⁸ which once again reinforced the importance of implementing instruments such as: 1) ILO Convention 182; 2) the OPSC; and 3) the Convention against Transnational Organized Crime and its Optional Protocol to prevent, suppress and punish trafficking in persons, especially women and children.

This event primarily addressed the sexual exploitation of children in travel and tourism (also known as “child sex tourism”), concluding with some recommendations to governments and civil society, such as to:

- Urge the tourism, travel and hotel sectors and their service providers to adopt the Code of Conduct for the protection of children against sexual exploitation in the travel and tourism industry,
- Refine research strategies,
- Vigorously pursue individuals accused of committing CSEC,
- Prohibit the production and dissemination of materials advertising the sexual exploitation of children in travel and tourism,
- Alert travellers to the criminal sanctions to be applied in cases of CSEC.

2. INTERNATIONAL CONCEPTUAL FRAMEWORK

There are currently various definitions of CSEC written into human rights documents, which have served as the basis for the definition of the sex trade in children in many countries of the world and take action against this violence.

The table below presents some of the key definitions used by many countries in the world.

Table 2: Definitions of CSEC internationally

INSTRUMENT	ORIGIN	DEFINITION
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	UN	Art 2. For the purposes of the present Protocol: (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

8 See: <http://resources.ecpat.net/EI/Updates/SPWCIIIOutcome.pdf>

INSTRUMENT	ORIGIN	DEFINITION
Worst Forms of Child Labour Convention (N° 182)	ILO	<p>Art 3. For the purposes of this Convention, the term the worst forms of child labour comprises:</p> <p>(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;</p> <p>(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.</p>
Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime	UN	<p>Art. 3: For the purposes of this Protocol:</p> <p>(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or</p>
		<p>services, slavery or practices similar to slavery, servitude or the removal of organs;</p> <p>(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.</p>
Declaration of the First World Congress against Commercial Sexual Exploitation of Children	ECPAT	<p>“The commercial sexual exploitation of children is a fundamental violation of children’s rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery”.</p>
Declaration and Action Plan of the First and Second World Congresses (Stockholm and Yokohama)	UNICEF	<p>Child prostitution is one of the worst forms of labour and a modern form of slavery. Sexually exploited children are often treated as criminals. Child prostitution is all forms of sexual abuse accompanied by a fee to the child or to a third party or parties, in cash or in kind.</p>

Source: Elaborated by the research team based on official documents.

According to these definitions, CSEC is understood as:

- One of the worst forms of child labour,
- An extreme abuse of power violating the fundamental rights of children,
- A modern form of slavery that reduces children to the status of a commodity or product for exchange.

Therefore, the principal manifestations of CSEC are:

- Exploitation of children through pornography/child sexual abuse materials,
- Sexual exploitation of children in travel and tourism,
- Trafficking of children for sexual purposes,
- Exploitation of children through prostitution.

3. OBJECTIVES OF THE RESEARCH

3.1 General Objective

To describe and perform a critical analysis of the sociocultural, political and economic components of CSEC in Bolivia.

3.2 Specific Objectives

- a) To identify and describe the dynamics of CSEC and the actors involved,
- b) To identify the risk factors, causes and effects of CSEC,
- c) To analyse the child protection systems, formal and informal, in Bolivia,
- d) To carry out a mapping of public and private institutions related to the topic,
- e) To recommend strategies of prevention, protection and advocacy in the fight against CSEC in Bolivia.

4. METHODOLOGICAL STRATEGY

Considering that the current research was carried out with scientific rigour, the following considerations must be taken into account:

- The interviews, narratives and direct observations were carried out by researchers specialised in the social area and with a great deal of experience in commercial sexual exploitation and qualitative research.
- The legal analysis was carried out by a lawyer specialised in the topic.
- The transcription of the interviews was carried out by independent persons, unrelated to the data collection.
- The analysis of the data and the drafting of the final report were carried out by a multidisciplinary team of professionals with extensive work experience on the issue.

The findings and results of the situational analysis were socialised and validated at a workshop in the city of La Paz on 19 December 2014, with the participation of representatives of state institutions from Bolivia's main cities (La Paz, Cochabamba and Santa Cruz) such as the Deputy Minister of Public Safety, the Public Prosecutor, the Municipal Offices of Childhood and Adolescence (DNA), and the Special Force in the Fight against Crime (FELCC). It was also attended by civil society institutions and international organisations such as UNICEF and Interchurch Organization for Development Cooperation (ICCO) Cooperation.

The organisation of the workshop was under the charge of the Working Group against Commercial Sexual Violence El Alto (MCVSCEA) and the Vice-Ministry of Public Safety through the National Directorate for Combating Trafficking in Persons.

4.1 Methodological Design

The current research was carried out under the methodology of: **SITUATIONAL ANALYSIS**, using the following methodological design:

Analytical, observational participatory, non-experimental, qualitative-quantitative

Qualitative research studies the quality of the activities, relationships, matters, media, materials or instruments in a particular situation or problem. It seeks to achieve a holistic description, that is to say that it exhaustively analyzes a particular subject or activity.

On the other hand, quantitative research is a type of study that, through observation and translation into numerical data, is able to analyse, infer or project data. (Hernandez R., et al., 2006). Unlike descriptive, correlational or experimental studies, rather than determining the cause and effect relationship between two or more variables, it is more interested in analysing the dynamics of the research subject.

The situational analysis is obtained by describing and performing a critical analysis of the socio-historical, cultural and socio-demographic components of the population, with great personal, family and community risks taken to identify their interrelationships and explain a disease or a given social situation (Pria MC., et al., 2004). It takes aspects from ethnographic research as this is a systematic process of approximation to a social situation, considered in a comprehensive manner in its own natural context (Vallés, 1997).

In addition, the research was based on a human rights approach, holding to the three principles of such an approach - universality, accountability, and indivisibility - throughout the entire diagnostic process.

It is in this sense, and in accordance with the recommendations of the World Health Organization (WHO, 2009), that four questions should guide a situational analysis with a human rights-based approach:

- What is happening: where and who are those most affected? (Evaluation)
- Why do these problems occur? (Causal Analysis)
- Who is compelled to do something about it? (Function analysis)
- What capacities do affected people and duty-holders need to act? (Capacity analysis)

4.2 Techniques and Instruments

Four techniques were used to collect the data at the national level:

- The **semi-structured interview** consisting of a conversation between the researcher and the person who responds to questions designed to obtain the information required by the objectives of the study; it is effective in obtaining relevant data and exposing facts, phenomena or social situations. It is flexible and

open. Although the objectives of the research are governed by the questions, their content, order, depth and formulation are entirely in the hands of the interviewer, so that he or she can adapt them to various situations and particular characteristics of the subjects of the study (Hernandez et al., 2006).

- **Narratives** are the study of the ways in which human beings experience the world. From a methodological point of view narrative research, according to the contribution of Connelly and Clandininen in 1995 (quoted by Fernandez and M. Ramirez Paula, 2004), is a process of gathering information through people regarding their lives and the lives of others. The sources of collection of such stories are interviews.
- **Mapping of actors** is regarded as an investigative instrument that allows the placing of the information collected according to social, spatial and temporal dimensions in order to offer an overview of the field of study as a whole. The method is suitable for interactive, strategic, analytical and planning purposes. The mapping of actors is generally conducted in order to gather information regarding key stakeholders (individuals and institutions) in terms of features, activities, visions, field of action, etc. which is then sorted and classified by categories.
- **Review and analysis of secondary sources** involves a thorough review of the existing literature (research, studies, statistical data, periodic publications, yearbooks, etc.), either in physical or digital form, and processing this through a data collection matrix to the information most relevant to the study.

The specific techniques and instruments used in the current research, according to the target population, were the following:

Table 3: Techniques and instruments used by type of actor

KEY ACTORS	TECHNIQUE	INSTRUMENTS
Authorities from Ministries, Vice-ministries and Central Government entities	<ul style="list-style-type: none"> ■ Semi-structured interview 	<ul style="list-style-type: none"> ■ Outline of questions ■ Audio recordings ■ Field notes
United Nations Organisations (UNODC, UNICEF, ONU Women, UNFPA, ACNUDH)	<ul style="list-style-type: none"> ■ Semi-structured interview 	<ul style="list-style-type: none"> ■ Outline of questions ■ Audio recordings ■ Field notes
	<ul style="list-style-type: none"> ■ Mapping of actors 	<ul style="list-style-type: none"> ■ Data collection matrix
	<ul style="list-style-type: none"> ■ Review and analysis of secondary sources 	<ul style="list-style-type: none"> ■ Data collection matrix ■ Documentary analysis matrix
Authorities from Departmental Governments (SEDEGES, SEDEPOS, SEDES, Commissions on public safety and councils against trafficking)	<ul style="list-style-type: none"> ■ Semi-structured interview 	<ul style="list-style-type: none"> ■ Outline of questions ■ Audio recordings ■ Field notes
	<ul style="list-style-type: none"> ■ Mapping of actors 	<ul style="list-style-type: none"> ■ Data collection matrix
	<ul style="list-style-type: none"> ■ Review and analysis of secondary sources 	<ul style="list-style-type: none"> ■ Data collection matrix ■ Documentary analysis matrix
Authorities from Municipal Governments (Child Defence Offices, Public Safety Office, Municipal Council for Children and Adolescents)	<ul style="list-style-type: none"> ■ Semi-structured interview 	<ul style="list-style-type: none"> ■ Outline of questions ■ Audio recordings ■ Field notes
	<ul style="list-style-type: none"> ■ Mapping of actors 	<ul style="list-style-type: none"> ■ Data collection matrix
	<ul style="list-style-type: none"> ■ Review and analysis of secondary sources 	<ul style="list-style-type: none"> ■ Data collection matrix ■ Documentary analysis matrix

KEY ACTORS	TECHNIQUE	INSTRUMENTS
International and national NGOs	■ Semi-structured interviews	■ Outline of questions ■ Audio recordings ■ Field notes
	■ Mapping of actors	■ Data collection matrix
	■ Review and analysis of secondary sources	■ Data collection matrix ■ Documentary analysis matrix
CSEC victims – Interviews will be conducted only with victims living on the street and brothels	■ Narratives	■ Outline of questions ■ Audio recordings ■ Field notes
Children and adolescents at high risk		

Source: Elaborated by the research staff.

4.3 Scope of the Research

Time frame

The situational analysis on CSEC was carried out between 8 November 2014 and 6 April 2015. The interviews, review of secondary sources and the collection and systematisation of the data were carried out from 17 November to 7 December 2014.

Study sites

The following were considered in this research: authorities and technical staff of national, departmental and municipal public institutions; NGOs and the international community working on this topic; and victims of commercial sexual exploitation from the nine departmental capital cities of Bolivia: La Paz, Cochabamba, Santa Cruz, Oruro, Tarija, Sucre, Potosí, Trinidad and Cobija, as well as the city of El Alto due to its similar particularities.

4.4 Criteria for selecting key actors

The key actors selected for interview as part of this research belong to:

- Public institutions responsible for the enforcement of the Law against Trafficking in Persons (Law 263),
- Public institutions that are members of the Plurinational System for the Protection of Children and Adolescents (SIPPROINA) according to the Code for Children and Adolescents (Law 548),
- Representatives of the international community in Bolivia working with children, human rights, labour, gender and health,
- Civil society organisations and members of the Network to Fight Trafficking in Persons led by the departmental representatives of the Office of the Ombudsman and referred by the MCVSCEA, directly or indirectly involved with the problem of commercial sexual exploitation in Bolivia,
- Children involved in commercial sexual exploitation that were referred and contacted by the institutions working on this issue,

- Children at high risk of commercial sexual exploitation that were referred and contacted by the institutions working on this issue.

Interviews were formally requested of those in the institutions, to the extent of their capabilities, with the highest authority or with a technical specialist in the field.

In some cases the snowball sampling method was used⁹ for references of institutions, especially NGOs. In that sense, and according to the standards of political administration of the Plurinational State of Bolivia, the interviews were conducted as follows:

- At the Central Government level, all the Ministries and Vice-ministries related to Laws 263 and 548 were interviewed.
- At the Departmental Government level, representatives of entities related to this topic in the different cities were interviewed: Social Services Department (SEDEGES), Departmental Health Service (SEDES), Special Force in the Fight against Crime (FELCC), Council Against Trafficking in Persons and Public Safety.
- At the Municipal Government level, all the entities related to the issue were interviewed: Child Defence Offices (DNA), Municipal Integral Legal System (SLIM), Councils of Public Safety, and prosecutors dealing with trafficking in persons.

4.5 Ethical Considerations

Taking into account the particularities of the key actors in this situational analysis, including children suffering from commercial sexual exploitation and those at high risk, the informed consent of each was obtained and complete confidentiality of personal data and the locations of the interviews was maintained.

This explains the use of pseudonyms or fictitious names for the stories of the children and generic data (without specifying names) for some interviews with authorities throughout the document.

In summary, throughout this research the physical, emotional and legal integrity of the individuals interviewed was protected.

4.6 Study Limitations

The limitations of this research are related to:

- *The temporality of the research:* Taking into account that the collection of data was carried out between November and December 2014, that is to say at the end of the year, it is necessary to point out that many public institutions, international organisations and civil society organisations postponed or even suspended the interviews as they had institutional evaluations or the end-of-year closing. The socialisation workshop held on 19 December was also affected by this factor.
- *The limited availability of information and data:* Although Bolivia has made advancements in the regulation of CSEC, the availability of information and official data is limited or non-existent. That is why, in many instances, data from past years (2008-2013) was used to perform the corresponding analysis.
- *The small sample of children involved in or at high risk of commercial sexual violence (CSV) is due to:* 1) CSV often being camouflaged and concealed in brothels or massage parlours where entering is difficult or highly dangerous; and 2) the migration of children to other cities with their family members for the Christmas and New Year holidays.

⁹ Technique where existing study subjects recruit future subjects from among their acquaintances.

CHAPTER II:

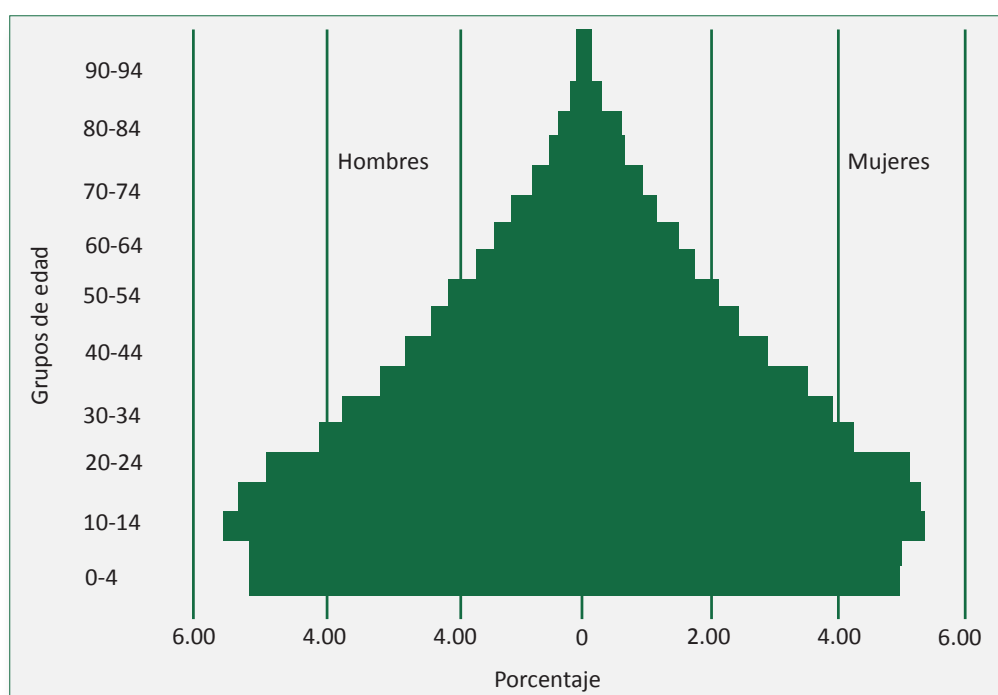
ANALYSING THE BOLIVIAN CONTEXT

1. SOCIO-DEMOGRAPHIC DATA IN BOLIVIA

The Plurinational State of Bolivia, according to the New Political Constitution (NCPE), is a plurinational community State with autonomous areas. It recognises the existence of 36 native-indigenous nations and peoples and 37 official languages. Bolivia has an area of 1,098,581 km², 6743 km of border with Argentina, Paraguay, Brazil, Peru and Chile. Politically and administratively the country is divided into nine departments: La Paz, Cochabamba, Santa Cruz, Chuquisaca, Beni, Pando, Oruro, Tarija, and Potosí, which, in turn, are further subdivided into 112 provinces and 339 municipalities.

According to the latest national census conducted by the National Institute of Statistics of Bolivia (INE, 2013) in 2012, there are 10,027,254 people in Bolivia, and most of the population lives in urban areas of the country (67% of the total); the departments with the largest populations are La Paz, Cochabamba and Santa Cruz. The structure of the Bolivian population is young: 31.01% is under the age of 14 years; 10.57% is between 15 and 19 years; 52.3% is between 20 and 64 years and 6.12% is over 65 years. Life expectancy is 69 years (INE, 2013).

CHART 1: Population pyramid of Bolivia by sex



The official data of the population and housing census conducted by INE and the National Demographic and Health Survey (ENDSA, 2008) provides the following information:

- Incidence of poverty: 51.3%;
- Incidence of extreme poverty: 26.1%;
- 70% of the population own their own home; 15.9% live in rented accommodation; 3.5% live under a system of *anticrético* (a property owner requests a “loan” from a tenant in exchange for housing, which shall be paid back by the owner at the end of the contract), 9.1% live in rented homes, and 1.5% in other types of housing;
- 66.1% of households have drinking water, 78.18% have electricity and 69.92% have access to the sewerage system;
- The main source of fuel or energy used for cooking is gas in cylinders 61.3%, followed in order of importance by firewood 24.0% and piped gas 10.1%;
- The literacy rate of Bolivia is 94.9%;
- The school attendance rate in people aged between 6 and 19 years is 83.5%;
- The school attendance rate for people aged between 6 and 14 years is greater than the age group of 15 to 19 years. In fact, only 65% of people who should attend secondary school do so regularly;
- Maternal mortality in women aged between 20 and 49 years is 21.6%;
- 67.30% of women over 15 years of age who have been mothers gave birth in a health facility, 28.02% gave birth at home, 2.2% gave birth elsewhere and 2.5% did not specify the place;
- Unplanned pregnancies in women between 14 to 59 years are at 11.3%, while the rate in adolescents aged 15 to 19 years is 74%;
- According to the National HIV/AIDS Programme (Ministry of Health, 2013), the historical records of registered cases of HIV/AIDS¹⁰ between 1984 and 2012 comes to 8369 cases;
- With regard to sexual and reproductive health in adolescents, 12.5% reported they used contraception; maternal mortality in adolescents aged between 15 and 19 years is 13%.

According to the Observatory of Gender (Women’s Coordinating Office, 2013), the figures related to violence against women show the following trends:

- 7 of every 10 women have suffered from some type of violence;
- Of every 10 people who turn to the Municipal Integral Legal Services (SLIM), nine are women and children who suffered physical, psychological, sexual or economic assault;
- 12 is the average number of complaints of sexual violence against women and girls recorded daily in the capital cities of 6 departments of the country and in the city of El Alto;
- A woman victim of femicide dies every three days in Bolivia.

Also, ENDSA reveals alarming data on physical, psychological and sexual violence against women, disaggregated by types of violence and aggressors.

10 HIV/AIDS National Programme

CHART 2: Types of violence and aggressors

TYPES OF VIOLENCE TOWARDS WOMEN IN BOLIVIA

Violence by partner:

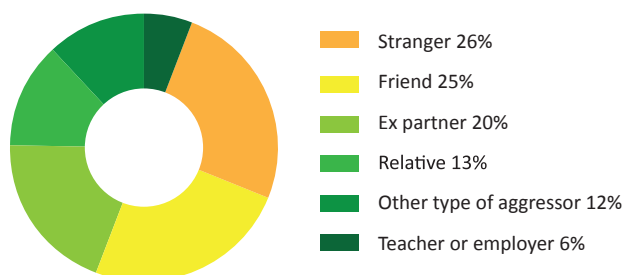
Psychological violence: 38%

Physical or sexual violence: 24%

Violence by another person other than the partner:

Sexual violence: 4%

TYPES OF AGGRESSORS



Source: Elaborated by the research staff based on ENDSA 2008 information.

2. SITUATION OF CHILDREN IN BOLIVIA

According to the latest census in 2012 (INE, 2013), children in Bolivia represent about 41.6% of the total national population, which represents a smaller percentage of the figures recorded in 2001, equivalent to 49.2%.

According to Article 44 of the CRC, States Parties must present reports on the state of compliance with the rights of children in each country. According to the latest report submitted by Bolivia in 2009, the following recommendations were received:

Table 4: Recommendations to follow-up CRC

AREA OF DEVELOPMENT	RECOMMENDATIONS OF THE FOURTH REPORT (2009) ¹¹
Survival	Reinforce initiatives to give a stronger role to the community and greater consideration of cultural diversity.
	Reduce neonatal mortality and provide better assistance to pregnant women.
	Give priority to child nutrition at national level.
Development	Ensure free primary education.
	Strengthen measures to keep children in school and facilitate the transition from primary to secondary school.
	Ensure that girls and indigenous children have access to education.
	Improve the quality of teacher training, particularly with regard to inter-cultural and bilingual education.
	Expand the professional training facilities, particularly for children who leave school before graduation.

¹¹ See: <http://www.politicaspUBLICAS.net/panel/onudh/informes-ddhh/288-ddhh-bo/581-cdn-2009-bolivia.html>

AREA OF DEVELOPMENT	RECOMMENDATIONS OF THE FOURTH REPORT (2009)
Protection (physical, psychological and sexual violence)	Prohibit, by law, cruel and degrading corporal punishment in all settings. Carry out public education campaigns on the negative consequences of corporal punishment.
	Develop a data collection and analysis system on sexual exploitation and abuse of children and the prosecution and conviction of perpetrators.
Protection (child work, discrimination, disability)	Create and implement norms to regulate apprenticeships.
	Prevent and eliminate all forms of discrimination against indigenous and afro-descendant children, girls, children with disabilities, children living in rural and remote areas and children from economically disadvantaged families.
	Conduct research on the extent and causes of disabilities. Support parents to ensure that all children with disabilities receive adequate services.
Participation	Children, particularly in rural areas, must be registered in the civil register. Identify children who are not registered or don't have ID.
	Incorporate, facilitate and implement, in practice, within the family, schools and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child.
Institutionalism	Guarantee a high level of competence and adequate resources for the Office of Children and Adolescence. Set up of Municipal Child Defence Offices, particularly in rural communities. Strengthen the interdisciplinary institutions (the National Council and Commissions for Childhood and Adolescence).
	Establish a Children's Ombudsman to process complaints and also promote the Convention and Optional Protocol. Reinforce the Municipal Child Defence Offices and the Municipal Child and Adolescence Commissions seeking to adapt these to the indigenous communities or establish community leaders working with the Ombudsman.

Source: Elaborated by the research staff based on official recommendations

Additionally, the Municipal Index of Child and Adolescent Development (UDAPE and UNICEF, 2005) estimates that the full exercise of the rights of around 400,000 children under the age of 18 years living in 71 municipalities is not guaranteed.

2.1 Health care

The Sectorial Plan of Development (2010-2020) of the Ministry of Health of the Bolivian government lays the groundwork for the implementation of the Integrated Intercultural Community Family Health System (SAFCI) that, through a series of strategies and programmes, aims to provide universal health care to the entire Bolivian population.

Regarding specific strategies and programmes for children, the following can be said:

- Universal Maternal and Child Health (SUMI): created in 2002, it seeks to protect pregnant mothers and children under the age of 5 years through comprehensive, compulsory and free medical care.

Some health indicators for this programme related to children are vaccination coverage, with provision of the third dose of the polio vaccine reaching 80.5% and the coverage of the third dose of the pentavalent vaccine reaching 78.2%.

It should be noted that the percentage of boys and girls who suffered from an acute diarrheal disease (ADD) came to 20.6%, and children with acute respiratory infections (ARI) reached 41.4% (INE, 2014).

- *Juana Azurduy de Padilla Bonus*: established in 2009, this aims to safeguard the lives of mothers in the gestation stage and of the child under the age of 2 years, through the payment to every pregnant woman of 200 bolivianos (BOB) (USD 29.80)¹² for every four prenatal visits, BOB 150 (USD 22.40) at the time of delivery, and BOB 125 (USD 18.60) for each bimonthly health check the child attends up to the age of 2 years (UNFPA, 2014). According to the data related to the fourth maternal check-up, there was an increase of 36.1% in 2000 to 49.2% in 2011.
- National Strategic Plan to improve Maternal, Perinatal and Neonatal Health in Bolivia (2009-2015), with the objective of reducing maternal and neonatal mortality.

The statistics on maternal mortality have registered little change since 2003. In the year 2012, 3 out of every 10 deaths of pregnant women were due to haemorrhaging, 2 by infection acquired before, during or after the birth, and 1 during abortion. The remainder died of other causes (Ministry of Health, 2010).

Regarding infant mortality in the country, until 2012 there were 36 deaths per 100 thousand live births. Among the leading causes of death were infection in 32%, premature births in 30%, and choking in 22%.

- The Zero Malnutrition Programme, implemented in 2007 in order to provide supplementary food to pregnant women and children of less than 5 years old, prioritises the poorest and most vulnerable municipalities at the national level.

According to reports of the United Nations Food and Agriculture Organization (FAO), in recent years the country has made efforts to reduce the percentage of malnourished people from 38% in 1990-1992 to 19.5% in 2012-2014 (FAO, 2014).

2.2 Education

In terms of education, Bolivia has increased public investment in this area. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO, 2013) Bolivia is ranked as the second highest country in the region to have invested in education, after Cuba and before Argentina, reporting the following data: 1) the percentage of enrolment in 2013 was 63%; 2) the transition rate from primary to secondary school was 85%.

The truancy rate (lack of attendance) of boys and girls aged 6 to 11 years was 4.5% (INE, 2014), according to the 2012 Census.

¹² Exchange rate from bolivianos to US dollars, calculated on 29 January 2015 at <http://www.oanda.com>

2.3 Work

In 2012, the Ministry of Labour, Employment and Social Welfare reported that about 850,000 children and adolescents (between 5 and 17 years) worked, more than 87% of which was hazardous child labour, putting the health, physical and mental integrity and dignity of children at risk (Los Tiempos, 2012).

The Code for Children and Adolescents, enacted on 17 July 2014 (Law N° 548), states in Article 129 that the Plurinational State of Bolivia allows children between the ages of 12 and 14 years to be self-employed, with the prior evaluation and authorisation of the Child Defence Office, and as an employee from the age of 14.

2.4 Violence

Regarding children exposed to violence, in 80% of households punishment is used as a medium for disciplining children, and a high percentage of these punishments are physical/corporal (ENDSA, 2008).¹³

According to data from the American NGO International Justice Mission working in Bolivia, the following data were published in *La Razón* local newspaper in 2013:

- 16 children are raped daily.
- 23% of children are sexually assaulted before turning 18.
- 34% of girls are sexually assaulted before turning 18.
- 75% of the cases occur in the household or school.
- 0.5% of the cases end in judgments.
- 90% of the hearings are suspended.
- 0.25% of the victims receive psychological support.

2.5 Juvenile Criminal Justice

The Code for Children and Adolescents stipulates in Book III, Chapter I, that youth between 14 and 18 years of age, who commit a crime established in the Penal Code are legally responsible. For this purpose, SEDEGES has therapy centres for juvenile offenders.

According to the information published by the Interdisciplinary Centre for Community Studies (CIEC, 2010),

“

“Until December 2006, approximately 850 youth were deprived of their liberty in 18 SEDEGES centres and in adult prisons. The most common offences committed by male adolescents are drug trafficking, theft, and murder. In the case of female adolescents drug trafficking and robbery are the most common. In some cases youth are deprived of their liberty as they fled from home or due to problems in the family without having committed any act prohibited by law.”

”

¹³ 65% is applied by mothers and 75% by fathers.

3. CHILD PROTECTION SYSTEM

Bolivia ratified the CRC by Law 1152 on 14 May 1990,¹⁴ which altered the former approach to minors as a problem into an approach focused on the principle of universality and the interdependence of the human rights of all children, considering them active subjects of rights, regardless of their condition as victim or offender.

According to this law, the Bolivian Constitution also recognises children as holders of rights, inherent to their development and ethnic, socio-cultural, gender and generational identity, without distinction as to origin, always bearing in mind the principle of the best interests of the child, as set out by the following articles (CPE, 2009):

CHART 3: Articles of the Bolivian Constitution related to children

Art. 58

Children and adolescents have rights recognised in the Constitution, with the limits established by it, and they have the specific rights inherent to their development; to their ethnic, socio-cultural, gender and generational identity; and to the satisfaction of their needs, interests and aspirations.

Art. 59

Every child and adolescent has the right to physical development. Every child and adolescent, without regard to origin, has equal rights and duties with respect to his or her parents.

Art. 60

It is the duty of the State, society and the family to guarantee the priority of the best interests of the child or adolescent, which includes the preeminence of his or her rights, the priority of receiving protection and aid in any circumstance, priority in the attention of public and private services.

Art. 61

Any form of violent punishment against children or adolescents is prohibited, both in the family as well as in society. Forced work and child labor is prohibited. The activities of children and adolescents within their families and society shall be directed to their full development as citizens.

Source: Elaborated by the research staff based on the Bolivian Constitution

¹⁴ See: <http://www.lexivox.org/norms/BO-L-1152.xhtml>

3.1 Code for children and adolescents - Law 548

The adoption of the CRC by the Bolivian State led to the promulgation of the Code for Children, thereby bringing its legislation into line with the standards of the CRC. After a few years, this Code was amended by Law 2026 in 1999, to further adapt to the CRC. In 2014, this Code was again modified by Law 548 on 17 July, entering into force on 6 August of that same year as the “Code for Children and Adolescents”, whose provisions were expected to be promulgated by the time of this document’s completion.

This Code is made up of 348 articles divided into books: the first corresponds to the “Rights, guarantees, duties and protection of children and adolescents”; the second to “Judicial protection”; and the third addresses the “Criminal Justice System for Teenagers”. It also has five additional provisions, thirteen transitional provisions, derogation provisions and two final provisions.

The novelty of this Code is that the second part, from Article 159, establishes the creation of the SIPPROINA as “the set of articulated bodies, agencies, institutions, organisations, entities and services that shall execute the Plurinational Plan for Children and Adolescents, whose specific objectives, strategies and programmes should ensure the full enjoyment of the rights of children and adolescents”.

To fulfil the goals of the Plurinational Integral System, the Code establishes the guidelines for the Plurinational, Departmental and Municipal plans for children and adolescents, each with their respective programmes in the context of public policy, without impeding the establishment of other programmes by the competent authorities.

SIPPROINA is composed of:¹⁵

- The Ministry of Justice;
- The Council on Sectorial and Inter-sectorial Coordination for themes related to the child;
- The Congress on the Rights of Children;
- The Departmental Technical Office of Social Policy;
- Child Protection Offices;
- Child Committees;
- Social organisations and civil society, through the mechanisms stipulated in the Participation and Social Control Law;
- Authorities of the indigenous-native nations and peoples;
- Public Courts in the field of Childhood and Adolescence;
- The Plurinational Constitutional Court;
- The Ministry of Labour, Employment and Social Welfare;
- The Ministry of Development Planning; and
- Other institutions related to the protection of children and adolescents.

The Ministry of Justice is the head of this system through the Vice-ministry of Equal Opportunities. Article 162 stipulates the following protection mechanisms by which SIPRONIA guides its work:

- Public policies;
- Plurinational Plan for Children and Adolescents;
- Municipal and Departmental Plans for Children and Adolescents;

¹⁵ Article 161 of the Code for Children and Adolescents (Law 548).

- Plurinational Programme for Children and Adolescents;
- Municipal and Departmental Programmes for Children and Adolescents.

Other means of protection, prevention and assistance include:

- Protection measures;
- Administrative authorities at central, departmental, municipal and rural native-indigenous levels;
- Legal protection agencies;
- Legal proceedings;
- Defence actions provided for in the Bolivian Constitution as well as sanctions.

Table 5: Institutional responsibilities by administrative level

<p>CENTRAL LEVEL National Government</p>	<ul style="list-style-type: none"> ■ Act as the Central Authority in the application of international conventions and treaties related to childhood and adolescence; ■ Represent and direct international relations and foreign policy and coordinate the activities of the international community; ■ Align and harmonise the work of the international community related to children; ■ Register private institutions working with children and adolescents;
<p>DEPARTMENTAL LEVEL Departmental Governments</p>	<ul style="list-style-type: none"> ■ Lead the steering of the department in topics related to children; ■ Establish, implement and institutionalise departmental entities of social and child protection services; ■ Design and implement the Departmental Plan for Children and Adolescents in the framework of national policies; ■ Ensure quality, professionalism and aptitude as well as constant updates in technical training for public workers; ■ Comply with guidelines and administrative proceedings on the execution of measures regarding international return, extradition, and any corresponding child protection; ■ Generate and send adequate information to SIPPROINA; ■ Contribute to the elaboration of the national policy; ■ Create a monitoring entity to evaluate departmental public services related to children in its jurisdiction; ■ Promote the participation of society in the socialisation, promotion, development and assistance of children's rights and guarantees; ■ Support the formation of the Departmental Child Committee;

LOCAL LEVEL City Halls	<ul style="list-style-type: none"> ■ Lead the steering of the municipality to guarantee children’s rights; ■ Design and implement the Municipal Plan for Children in the framework of national policies; ■ Ensure quality, professionalism and aptitude as well as constant technical updates for public workers working with children; ■ Institutionalise and supply human resources and materials to existing Child Defence Offices and create them in locations where they do not yet exist; ■ Follow-up and control of the Municipal Plan and Policy; ■ Contribute to a National Policy by sending information required by the central level; ■ Create a monitoring agency to evaluate the municipal services related to child protection; ■ Design and implement municipal services and programmes of prevention, protection and assistance to children for the compliance of social protection measures, according to the current Code; ■ Promote the participation of society in the socialisation, promotion, development and assistance of children’s rights and guarantees, stimulating the creation of private programmes according to the municipality’s needs; ■ Promote the knowledge and socialisation of children’s rights and guarantees within its jurisdiction;
RURAL NATIVE LEVEL Native Authorities	<ul style="list-style-type: none"> ■ The rural native-indigenous level guides the responsibilities of the Rural Native-Indigenous Governments (Art.189); ■ The Rural Native-Indigenous Governments shall exercise the responsibilities established by the Municipal Autonomous Governments in their respective jurisdiction.

Source: Elaborated by the research staff based on Law 548

CHAPTER III:

FINDINGS

1. REGULATORY BACKGROUND

CSEC in Bolivia is a prevailing reality that is increasing at an alarming rate despite attempts by the State and Bolivian society to address it in recent years. With this in mind, Bolivia participated in the Second World Congress against CSEC held in Yokohama, Japan in 2001, where all the participating countries made commitments to combat this form of violence.

For this reason, in 2002, the then Vice-Minister for Youth, Children and the Elderly (VIJUNTE) under the Ministry of Justice, who is responsible for formulating and implementing public policies ensuring the observance of the rights of children and adolescents, with the current Vice-Minister for Equal Opportunities (SAW) and UNICEF support, organised the formation of the National and Departmental Bureau against Commercial Sexual Violence. Its actions were to be focused on prevention through the production of educational materials highlighting the sexual abuse of children, which was shared by way of information workshops for the general public. However, Bolivian legislation was still not adequate to combat CSEC.

In 2004, the results of a study entitled *La Niñez Clausurada* (ILO and UNICEF, 2004) were published in Bolivia as part of the “Worst Forms of Child Labour” series, conducted in coordination with the Ministry of Labour and the National Commission for the Progressive Eradication of Child Labour, which involved the cities of El Alto, La Paz, Cochabamba and Santa Cruz. Among other findings, this research identified around 1453 girls between the ages of 11 to 17 years as victims of commercial sexual violence in the four cities. Some male adolescents and young boys were also identified as victims. This document reflected a prevailing reality in Bolivia that was entrenched due to the limited approach on the part of the State and society toward the problem and the normative and institutional weakness that the country had at that time.

In 2005, the office of the Vice-Minister of Gender and Generational Affairs, formerly VIJUNTE, continued the momentum of creating working groups (*mesas*), with those formed in the border towns of Puerto Quijarro (Bolivia-Brazil), Yacuiba (Bolivia-Argentina), and the cities of Cobija, Guayaramerín, La Paz, El Alto, Cochabamba and Santa Cruz in particular. These working groups were composed of Child Defence Offices belonging to the municipalities, the SEDEGES of local governments (today known as departmental governments) in each department of the country, and institutions of civil society. Each of them developed preventive actions. In the year 2006, however, most of these working groups were dismantled; others lost the momentum to operate, and gradually disappeared.

In 2006, the Law against Trafficking in Persons and other related offences was enacted (Law N° 3325). This law inserted “Trafficking in Persons” into the Criminal Code in Chapter V, and established it as a criminal offence in accordance with the Palermo Protocol. The only difference with respect to the Protocol is in regard to child victims, as the Protocol’s protection parameters for children do not require any of the “means” (coercion, abduction, fraud, deception, abuse of power, etc.) necessary to constitute trafficking of adults; this aspect was not taken into account by the Bolivian law.

Article 281 that was incorporated into the Criminal Code says the following:

Any person shall be punished with a penalty of deprivation of liberty from eight (8) to twelve (12) years if: by any means of deception, coercion, threat or use of force and/or of a situation of vulnerability, even with the consent of the victim or a third person, induces, performs or favours the transfer or recruitment, deprivation of liberty, harbouring or receipt of human beings, within or outside the national territory with any of the following purposes:

- a. Sale or other acts with the intent to make a profit,
- b. Sale or illegal transport of human organs, tissues, cells or corporal fluids,
- c. Practices similar to slavery,
- d. Illegal Adoptions or Guardianship,
- e. Commercial Sexual Exploitation (pornography, paedophilia, sex tourism, commercial sexual violence),
- f. Labour exploitation,
- g. Servile marriage,
- h. Any other form of exploitation in illegal activities.

Since that time CSEC began to be addressed by the State and Bolivian society under the lens of trafficking in persons. This Law also altered several existing criminal offences, as established in Article 321 on procuring:

Anyone who, in order to satisfy the desires of others or with the motive of profit, promotes, encourages or facilitates the prostitution of persons of one sex or the other, or forces them to remain in it, shall be punished by imprisonment of from two (2) to six (6) years and a fine of thirty to one hundred days. The same penalty shall be assigned to anyone who illegally runs his own or a third person’s house of prostitution or a place intended for encounters with lewd purposes. When the victim is a child, teenager, or a person who suffers from any type of disability, the sentence of imprisonment shall be of four (4) to nine (9) years in the same way the punishment will be aggravated by a quarter where the author or participant is the father, mother or guardian of the child, adolescent, or disabled person of whom they have custody.

Art. 281: Pornography and obscene performances with children reads as follows:

Anyone who for himself or for a third person, by any means, promotes, produces, exhibits, trades or distributes pornographic material, or promotes obscene performances where children are involved, will be punished with imprisonment of three (3) to six (6) years. The penalty will be increased by a quarter when the author or participant is the parent, guardian or whoever has the child under their care, supervision or authority.

While mentioning aggravations in the case of children and adolescent victims, neither article identified the pimp’s client or the buyer of child pornographic material nor did they identify a specific behaviour of the criminal action of CSEC.

This detail can also be noted in the publication of the document “Monitoring of Commercial Sexual Exploitation of Children in Bolivia” (ECPAT, 2006) which had the NGO *Pro-Adolescentes* as a representative in Bolivia. This document described the actions of the State and civil society, addressing CSEC from the approach of trafficking in persons.

A practice that started to increase and was not made visible by the State and civil society working against CSEC with a focus on trafficking was commercial sexual exploitation of girls and boys who were living on the street and resorting to the commercialization of their bodies as a survival strategy, without being subjected to a trader or a pimp.

According to the research conducted by Antonio Moreno (Moreno A., et al., 2007):

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“Most of the girls and adolescents living on the street have fallen into prostitution after going through a series of traumatic experiences, such as hunger, abuse, incest, rape and marginalisation. According to this harsh reality and the need to survive, either on their own account or on behalf of other people, the street girls and adolescents engaged prematurely in prostitution are also victims of sexual violence, and, with serious physical and psychological limitations, they are forced to develop this activity in a context that has multiple dangerous nuances”.

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This aspect confirmed the urgency of addressing CSEC outside the scope of trafficking in persons without rejecting the existing connection with this crime.

This was one of the reasons that prompted the formation of MCVSCEA, a network formed by public and private institutions in the city of La Paz and El Alto, aiming to address CSEC by addressing the action of the trafficker, the pimp and the perpetrator whose behaviours had not been punished criminally until that time. The institutions of the network also campaigned for the term “sexual exploitation of children and adolescents,” to no longer be used in reference to the sex trade in children, considering that this term linked this type of violence with “labour”, concealing the existence of payment for the practice of this violence.

In 2008, through the legislative body’s Committee on Human Rights (HR), a Technical Committee was formed composed of several institutions,¹⁶ public and private, to build the draft of the Integral Law against Trafficking in Persons. The document remained in the files of the Commission without being able to enter the legislative agenda. In this draft law, CSEC was seen as a purpose of trafficking.

In 2009, the New Constitution of the State (NCPE) was enacted, which established in Articles 15, 22, 23, 46 and 61 obligations to fight against trafficking in persons, taking the voice of civil society calling for the State to strengthen the protection of victims and the criminal prosecution of traffickers into account. The aforementioned articles provide that:

¹⁶ The institutions working as part of the Technical Table were the Ministry of Justice, the Ombudsman, IOM, Courts for Children and Adolescents, Bolivia Inter-parliamentary Union, Pro-Adolescents Bolivia, FELCC Trafficking Office, UNODC, UNICEF, Women’s Therapy Center, and Pastoral Care of Human Mobility.

Table 6: CPE articles related to trafficking

Art. 15	I. Every person has the right to life and physical, psychological and sexual integrity. No one shall be tortured, nor suffer cruel, inhuman, degrading or humiliating treatment. The death penalty does not exist. [...] V. No person shall be submitted to servitude or slavery. The trade and trafficking of persons is prohibited.
Art. 22	The dignity and freedom of persons is inviolable. It is the primary responsibility of the State to respect and protect them.
Art. 23	Every person has the right to freedom and personal security. Personal liberty may only be restricted within the limits set forth by law to assure the discovery of the true facts concerning acts in jurisdictional processes.
Art. 46	Every person has the following rights: 1. To dignified work, with industrial and occupational health and safety, without discrimination, and with a fair, equitable and satisfactory remuneration or salary that assures a dignified existence for the worker and his or her family. 2. To a stable source of work under equitable and satisfactory conditions. II. The State shall protect the exercise of work in all its forms. III. All forms of forced work or other analogous exploitation that obligates a person to work without his or her consent and without fair remuneration is prohibited.
Art. 61	I. Any form of violent punishment against children or adolescents is prohibited, both in the family as well as in society. II. Forced work and child labour is prohibited. The activities of children and adolescents within their families and society shall be directed to their full development as citizens, and they shall have a formative function. Their rights, guarantees, and the institutional mechanisms for their protection shall be the object of special regulation.

Source: Elaborated by the research team based on the CPE

These constitutional obligations facilitated a return to the draft of the Integral Law against Trafficking in Persons to achieve its enactment.

In 2010, the Commission on Human Rights of the Chamber of Deputies of the Plurinational Legislative Assembly formed a Technical Committee once again, with the participation of State institutions and civil society. It used the previous “Preliminary Draft of the Integral Law against Trafficking in Persons” as a basis for the national law. The MCVSCEA performed the necessary steps to incorporate the proposal of considering CSV a crime with punishment of the “perpetrator’s” behaviour. This attempt was successful and the draft law included the consideration of CSV as a separate crime and not only as a purpose of trafficking in persons.

In the year 2012, the Commission on Human Rights of the Plurinational Legislative Assembly, with the support of civil society, succeeded in passing the National Law N° 263 “Integral Law against Trafficking in Persons and related offences” which was enacted on 31 July 2012, and Law N° 3325 was abrogated.

Table 7: Comparative chart between Laws 3325 and 263 regarding CSEC

LAW 3325	LAW 263
Introduces trafficking in persons as a criminal offence in the Bolivian criminal legislation.	Addresses trafficking in persons in a comprehensive manner, taking into account prevention, protection and prosecution.
Includes commercial sexual exploitation within the purposes of trafficking, covering pornography, paedophilia, sex tourism and commercial sexual violence.	Identifies CSEC as a crime related to trafficking, under the name of commercial sexual violence.
The penalty for trafficking in persons is 8 to 12 years.	The penalty for trafficking in persons is 10 to 15 years.
Procuring is punished with 2 to 6 years and a fine of thirty to one hundred days. The same penalty applies to anyone who runs a house of prostitution or place intended for encounters with lewd aims.	Procuring is punished with 10 to 15 years and from 8 to 12 years for anyone running an establishment where exploitation and/or commercial sexual are/is promoted.
Promotion, production, exhibition, marketing and distribution of pornographic material involving children or adolescents will be punished with imprisonment of 3 to 6 years.	Pornography also involves any person who records, photographs, describes through print advertisements, data files in public network or communications, computer or electronic systems, electronic, shows, stores, distributes or sells, shall be punished with imprisonment of 10 to 15 years.

Source: Elaborated by the research team.

1.1 Commercial Sexual Violence in the Bolivian Framework

The enactment of Law No 263 was a great achievement for those who promoted its approval for several years and those who intended to punish the perpetrator's behaviour in the context of commercial sexual exploitation of children, as it addresses the person who encourages the activity of the trafficker and the procurer by paying them to exercise violence against children.

In Bolivia, CSEC is punished by the criminal prosecution of four crimes: trafficking in persons, procuring, child pornography, and commercial sexual violence. Such crimes are inserted in the Bolivian Criminal Code as follows:

Table 8: Articles amended in the criminal law according to Law 263

ARTICLE	CONCEPT
<p>281 bis TRAFFICKING IN PERSONS</p>	<p>I. “Any person who, by any means of deception, intimidation, abuse of power, use of force or any form of coercion, threats, abuse of the situation of dependency or vulnerability of the victim, granting or reception of payments for his own benefit or for the benefit of a third person, induces or encourages the recruitment, transfer, transportation, deprivation of liberty, harbouring or receipt of persons within or outside the national territory, even with the consent of the victim, with any of the following purposes, shall be punished with imprisonment of ten (10) to fifteen (15) years:</p> <ol style="list-style-type: none"> 1. Sale or other acts of disposition of the human being with or without profit. 2. Removal, sale or disposal of illicit fluids or body fluids, cells, human organs or tissues. 3. Slavery or similar practices. 4. Labour exploitation, forced labour or any form of servitude. 5. Traditional servitude. 6. Commercial sexual exploitation. 7. Forced pregnancy. 8. Sex Tourism. 9. Guardianship or adoption. 10. Forced begging. 11. Servile marriage, free union or common-law marriage. 12. Recruitment of persons for their involvement in armed conflicts or religious sects. 13. Use of people in criminal activities. 14. Illegal biomedical research. <p>II. The penalty shall be increased by a third when:</p> <ol style="list-style-type: none"> 1. The offender or partaker is a spouse, common-law partner or partner of the victim, has kinship to the fourth degree of consanguinity or second degree of affinity, or holds legal custody, guardianship or education of the victim. 2. The offender is a public servant, has diplomatic immunity, or is a health-care worker. 3. Drugs, medicine or weapons are used. <p>III. The penalty shall be of fifteen (15) to twenty (20) years when the victim is a child, a person with a physical disability, illness or mental deficiency, pregnant woman, or the offender is part of a criminal organisation, a very serious injury is done, or the life, the integrity or security of the victim is put in jeopardy.</p> <p>IV. If the crime causes the death of the victim, the penalty for the crime of murder shall be imposed.”</p>

ARTICLE	CONCEPT
<p>321 PROCURING</p>	<p>I. “Anyone who, by deceit, abuse of a position of need or vulnerability, a relationship of dependence or power, violence, threat or any other means of intimidation or coercion in order to satisfy the desire of a third party or with the intent to make a profit, promotes, facilitates or contributes to the prostitution of individuals of both sexes and obliges them to remain in that situation, shall be punished with imprisonment of ten (10) to fifteen (15) years.</p> <p>II. The sentence of imprisonment shall be of twelve (12) to eighteen (18) years when the victim is a disabled person under eighteen (18) years of age.</p> <p>III. The sentence of imprisonment shall be of fifteen (15) to twenty (20) years if the victim is under fourteen (14) years of age, even with his or her consent and the circumstances set forth in paragraph I are not present, or the offender or partaker is the ascendant, spouse, common-law partner, brother or sister, tutor, guardian or a person entrusted with the custody of the victim. Same penalty will be imposed on the offender or partaker who uses drugs, medications, and other substances to force, oblige, or submit to the victim.</p> <p>IV. A sentence of imprisonment shall be of eight (8) to twelve (12) years for every person who, on his own account or by a third party, ostensibly or clandestinely runs a house or establishment where sexual exploitation and/or commercial sexual violence are encouraged.”</p>
<p>323 bis PORNOGRAPHY</p>	<p>I. Anyone who intends, forces, facilitates or induces, by any means, on his own account or by a third party to another person without her consent to carry out sexual acts or corporal exhibitionism with lascivious purposes with the purpose of videotaping, photographing, filming, exhibiting or describing them through print ads, transmission of data files in public network or communications, computer systems, electronic, or similar, shall be punished by imprisonment for ten (10) to fifteen (15) years.</p> <p>The same penalty will be imposed when the author or partaker plays or stores, distributes or sells pornographic material.</p> <p>II. The sentence of imprisonment shall be increased by one third when:</p> <ol style="list-style-type: none"> 1. The victim is a disabled child. 2. The offender is a spouse, common-law partner, father, mother or the person exercising some kind of authority or legal responsibility for the victim. 3. The offender maintains a labour, kinship, consanguine, or affinity relationship with the victim. 4. The victim is a pregnant woman. 5. The offender is a public servant. 6. The offender is the person responsible for protecting the rights and integrity of the persons in a vulnerable situation. 7. The offender would have been part or participant of a delegation or diplomatic mission at the time when the crime was committed. 8. The offence is committed against more than one person. 9. The activity is customary and for profit. 10. The offender is part of a criminal organisation. <p>III. Anyone who purchases, rents or sells pornographic material, where images of children are displayed, shall be punished with imprisonment of five (5) to eight (8) years.”</p>

ARTICLE	CONCEPT
322 Commercial Sexual Violence	<p>Anyone who pays in cash or kind, either directly to a child or adolescent or a third person, to have any kind of sexual, erotic or pornographic activity with a child and adolescent to satisfy his or her interests or sexual desires, shall be punished with imprisonment from eight (8) to twelve (12) years.</p> <p>The imprisonment will be aggravated by two-thirds when:</p> <ol style="list-style-type: none"> 1. The victim is a child under 14 years. 2. The victim is physically or mentally disabled. 3. The offender uses any type of substance to control the victim. 4. The offender has a contagious disease. 5. As a result of the offense, the victim becomes pregnant. 6. The offender is a public servant.

Source: Elaborated by the research staff based on the Bolivian Criminal Code and Law 263.

1.2 Institutions working with CSEC

According to Law 263, the public and civil society institutions working on CSEC are the following:

■ Child Defence Offices (DNA)

A municipal public service, permanent and free, created through Popular Participation (Law 1551) with the aim of creating a culture of protection of the rights of children and adolescents. The DNAs' task is to mobilise and involve the State, civil society and the family in the promotion, protection, defence and dissemination of the rights of children, reporting and providing assistance to any violation claim that may be brought against them. These entities are present in almost all the 339 municipalities of Bolivia and offer support.

■ Departmental Social Services (SEDEGES)

According to Decree N° 25287, decentralised agencies exist that report directly to the Departmental Autonomous Governments. Their goal is to implement national regulations and policies in the prevention and protection of children and the elderly. These entities manage and coordinate the childcare programmes, the implementation of which can be delegated to private institutions and foster care centres for children, centres of juvenile criminal justice, institutes or rehabilitation centres for children in conflict with the law, orphans, street children or victims of violence.

■ Court for Children and Adolescents

According to the Code for Children and Adolescents, the Judge for Children and Adolescents has an integral role in the protection of children and adolescents as he or she should be familiar with and be able to resolve complaints about acts that endanger the health or physical and moral development of children, taking the necessary steps for their treatment, care and protection. At present, there are 14 district childhood and adolescent courts in Bolivia, distributed between the nine capital cities: La Paz, Cochabamba, Santa Cruz, Pando, Beni, Oruro, Tarija and Sucre, as well as El Alto city.

■ Special Force in the Fight Against Crime (FELCC)

This is the Bolivian Police Force responsible for the investigation and prosecution of general crimes. Through its Trafficking in Persons Office, it works on the investigation and prosecution of crimes of trafficking and related crimes, which include procuring, child pornography and commercial sexual violence. These offices work in all nine capitals of the departments of the country and El Alto city and on some borders such as Desaguadero (Bolivia-Peru), Villazón (Bolivia-Argentina), Yacuiba (Bolivia-Argentina), and Puerto Quijarro (Bolivia-Brazil).

■ Non-Governmental Organisations

In Bolivia there are several NGOs working with CSEC directly through programmes and projects of prevention, protection, research and advocacy (these institutions are described below). These and other NGOs are also organised into inter-institutional networks.

2. DYNAMIC OF CSEC IN BOLIVIA

The commercial sexual exploitation of children in Bolivia is a harsh reality that is growing at an alarming rate. Those who benefit directly are traffickers, pimps and perpetrators.

This research identified several official documents (Ministry of Sustainable Development, 2004) in which reference is made to commercial sexual violence, without making a clear distinction from the concept of trafficking in persons and without clearly distinguishing it from smuggling of immigrants. At present, despite the legislative advances, the overall scale of CSEC is not given sufficient consideration, which weakens the approach.

CSEC is most commonly referred to as commercial sexual violence in Bolivia and is contextualised in the following ways:

- *Crimes related to trafficking in children and adolescents*, due to the close link between the two offences, since the perpetrator sexually exploiting a child may be paying a trafficker to provide the child for his or her sexual satisfaction.

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“...As far as I know, supposedly the people taking them (children) offer to pay them 100 or 200 dollars, but once arriving there, they are exploited and receive a minimum of what the people who take them make. A minimum percentage of the 100 dollars paid is converted into only 200 bolivianos,¹⁷ in addition, they keep them hidden, as far as I know, the clubs in Cochabamba are very big, or the brothels run by Glenn”¹⁸
(Interview of a pimp from Trinidad City, 4 December 2014).

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- *Crimes related to procuring children and adolescents*, where the related element is once again the “perpetrator” who pays the pimp for a child to satisfy his or her sexual desires. In this way, the pimps recruit children to meet the demand, and abuse them in legal or clandestine brothels which are often owned by the pimp. The pimps find that street children are often easy prey due to their vulnerable position; in many cases, it is enough to provide a plate of food and a place to sleep for the victim to gain confidence and trust the perpetrator. To recruit victims who live in a family environment, the pimps groom them into submission. In other cases, the practice of procuring is exercised by adolescents from 17 or 18 years towards younger children of 12 or 13. This practice is very common in street settings. In this context, there is no discrimination with respect to male and female victims when it comes to subjugating them.

¹⁷ Equal to USD 30.00.

¹⁸ The interviewed pimp mentioned another pimp called ‘Glenn’.

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“...he says that his ‘clients’ (perpetrators) are men of all ages from the cities of La Paz and El Alto, and that they contact him through a pimp who also has other children and teenage boys under his command which he offers for around BOB 200 (USD 29.80)¹⁹ for every sexual relationship. Besides, he says that the pimp charges him a commission of BOB 50 (USD 7.50) per client, as compensation for referring him to a client and for protection...”
(Interview with a teenage boy in La Paz city – 10 December 2014).

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- *Crimes of Commercial Sexual Violence* committed by the “perpetrator” who becomes the client of traffickers and pimps whom he pays to have sexual relations with a child. However, this perpetrator also takes advantage of the vulnerable situation of street children who use the sexual commercialisation of their bodies as a survival strategy. The children stand on the streets at certain times in known “red-light district” areas, making direct contact with perpetrators or “clients”. According to the “National Census of Street people in ten cities of Bolivia, 2014” (Vice-Ministry of Social Defence and Controlled Substances, 2014) a significant percentage of street children claim to be involved in CSEC, but this percentage does not reflect the reality of this crime.
- Some adolescents living apparently normal lives in a family setting, attending school and participating in activities according to their age enter CSEC, not precisely for economic reasons, but rather due to being victims of sexual or physical abuse in their families, poor communication within the family or aspiring to the culture of consumerism encouraged by the media. According to Elizabeth Zabala,²⁰ President of MCVSCEA, this type of case has been occurring among teenage girls coming from public and private schools in recent years. These teenage girls, through contact with a friend or partner, go to brothels, massage parlours or night clubs where they are hired to “work”, charging between BOB 300 and 500 “*por pieza*”²¹(USD 44.80 and 74.90²²). These teenage girls generally come from unstable households where lack of communication and the absence of the father or mother, due to work reasons, is notorious. In some cases, they are victims or sexual assault.

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“...some girls and teenage girls are directly contacted by the ‘clients’, who are mostly adults (men), to have occasional sexual relationships in exchange for money, payment in kind or any other type of compensation”
(Interview with a DNA officer in Trinidad – 21 November 2014);

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“...they are usually contacted by mobile phones or social networks...”
(Interview with the Director of ENDA Trinidad – 26 November 2014).

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19 Exchange rate from bolivianos to US dollars, calculated on 29 January 2015 at <http://www.oanda.com>

20 Interview conducted in La Paz city on 19 December 2014.

21 ‘*Hacer pieza*’ means to have sexual relationships in exchange for money, in a room.

22 Exchange rate from bolivianos to US dollars, calculated on 29 January 2015 at <http://www.oanda.com>

2.1 Direct actors in CSEC

The 'Reference Guide on Commercial Sexual Violence', published by the Munasim Kullakita Foundation and El Alto Municipal Government (Ramirez (a), 2014), identifies three types of actors involved in this crime:

- Perpetrators or “clients” – They are mostly men, of all social classes, with different occupations and who usually live in the same communities as their victims. Although fewer in number, there are also foreigners who seek to have sexual relationships with children. The perpetrators or “clients “ are divided into:
 - *Occasional customers*: individuals taking advantage of the opportunity to be intimate with children due to various factors (peer pressure and social pressure, alcohol and drug consumption, machismo, etc).
 - *Regular clients*: they are mostly men, with stable jobs and particular psychological profiles, though it is not necessarily considered paedophilia.

While there are no specific phenotypic characteristics to determine whether a man or a woman fits this profile as a “perpetrator”, the aforementioned research carried out by the Munasim Kullakita Foundation on those demanding sexual activity with children in El Alto can be used as a reference (which cannot necessarily be extrapolated to other national contexts) where their characteristics are as follows:

- Adults (average age of 33 years)
 - Stable jobs with an average income from BOB 1.200 to 2000 (equal to USD 178.80 and 298.10)²³
 - Borderline narcissistic personality
 - They resort to violence as a medium of submission
 - They come from dysfunctional families
 - They suffered physical and psycho-social violence in their childhood (naturalisation of violence)
 - They do not have apparent psychological or physical problems
 - They do not have criminal records
 - In some cases, they have a history of domestic violence against their partners or ex-partners
 - Sexual and emotional dissatisfaction with current partner.
- *Traffickers*: men or women who, by any means, either through deception, intimidation, abuse of power, use of force or any form of coercion, recruit, transfer, transport, deprive of liberty, harbour or receive children and adolescents to trade them for sexual purposes.
 - *Pimps*: anyone who, by deceit, abuse of a position of need or vulnerability, a relationship of dependence or power, violence, threat or any other means of intimidation, promotes, facilitates or contributes to the exploitation of adolescents of both sexes and obliges them to remain in that situation.

In this scenario, sometimes friends or relatives of teenage girls become their pimps. This fact is corroborated by several stories of children involved in this dynamic, but particularly that of a 17-year-old teenage girl from El Alto, who told of how since she was 14 years old her mother had involved her in commercial sexual violence by transferring her to Oruro city where her family lived on her earnings for more than two years.

²³ Exchange rate from bolivianos to US dollars, calculated on 29 January 2015 at <http://www.oanda.com>

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“... when I was 14, my mom kidnapped me. I lived with my aunt in El Alto because my dad was in prison. She took me to Oruro... there, men abused me and the money I made was spent by my mom on things for the house and the rent... my mom made my sister do the same thing, but she never complained as she thought that it was a game with boys...”
(Interview with a 17-year-old teenage girl conducted in El Alto – 16 December 2014).

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2.2 Indirect actors in CSEC

Indirect actors are those who gain a profit from this crime by providing physical spaces, geographic locations or information as to where commercial sexual exploitation takes places (Ramirez (b), 2014), including:

- Owners, managers, or employees of certain hotels, motels, pubs, massage parlours, nightclubs, Internet shops, tourist agencies, brothels, informal traders or public toilets.
- Certain operators of justice and public servants who consider children involved in CSEC as offenders and take advantage of them through extortion so that children can keep doing this activity.

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“...some policemen come and ask us for money or they want to have sex with us for free, they are very abusive...” (Interview with a teenage girl involved in CSEC in El Alto city, 12 de Octubre neighbourhood).

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- Certain taxi drivers who transport children or refer clients for commercial sexual exploitation.

2.3 Forms of recruitment on the part of traffickers and pimps

The methods that traffickers and pimps use to capture victims are multiple and ingenious. They mainly operate through employment agencies where they offer well-paid jobs with few technical skills required. They also use online social networks, pretending to be boyfriends or girlfriends of the potential victim's same age, creating false profiles to court their victims.

“

“...you know...they distribute flyers requiring girls without experience and a salary of XXX...I didn't want to go into rooms to provide sex anymore, so I thought I could work there as documents were not required, people used to say that, so I went, it was by the Plaza de Lustrabotas,²⁴ it was an office so I went up and talked to man who told me, 'you have to work like this, you have to be with adults', let's say that you can make BOB 250 (USD 37.30) per night and the half is for them and the other half is for you, but I told him, 'no, it's ok. I'm sorry'. I was afraid to be there with those people, first you have to be with the owners and when I said no and stepped out of the room, for many days people came to La Ceja to look for me, also girls came...”
(Interview with a teenage girl involved in CSEC in El Alto – 5 December 2014).

”

24 Square called “Plaza del Lustrabotas” (Shoe Shiners' Square), located in El Alto city

By reviewing the statistical data from state institutions working against the crimes of CSEC, trafficking, procuring, and pornography, such as the FELCC Trafficking and Smuggling Offices, CSEC is not indicated in their statistical charts. After inquiring about this detail, they were not able to provide any reason. This may lead to the conclusion that CSEC is not yet known by some operators of justice. Furthermore, the data forms used by the police are not up-to-date since they have not yet incorporated the stipulations of Law 263, enacted on 31 July 2012, regarding this new criminal activity. This situation was observed in all nine cities as well as in El Alto. This fact demonstrates the urgent need to socialise the concept and typology of commercial sexual exploitation among the justice operators, thus allowing the clear distinction among crimes such as trafficking, prostitution and pornography to generate increased prosecution of the “perpetrator”.

Another important finding revealed itself during interviews with prosecutors assigned to the Police Division on trafficking and smuggling of immigrants and in the presentations of prosecutors at the workshop which was held on 19 December 2014, where it was evident that there is an urgent need to strengthen the capacities that allow for identification of the manifestations of CSV and their differentiation from trafficking in persons or procuring. The current confusion leads to serious difficulties, since the majority of the cases of procuring or CSV are investigated under other categories of criminal offenses, which prevents the case from advancing, given that the criminal activities, and therefore the evidence required to prove a crime, are different. In this case, tests to verify the consummation of the offense of trafficking are not the same as those that could prove the crime of CSV or procuring.

At the same workshop, during the round table discussions, it was noted that many policemen and some attorneys would confuse the crime of rape with CSV. The reason for this may be related to the fact that rape is more widely known than CSV, although its categorisation is different and the element of ‘payment’ distinguishes the two types of crimes:

“

“...this crime of CSEC would require evidence of catching the offender in the very act of paying (in flagrante delicto) in cash or kind or the testimony of the victim, which in practice is difficult to establish. Perhaps for this reason, many attorneys resort to an accusation of rape or attempted rape as this crime is better processed among the operators of justice, even with the differences that the crimes have...”

(Part of a speech of the workshop held in La Paz on 19 December 2014).

”

The above information provides an important element to be considered for the prosecution of commercial sexual violence: *in flagrante delicto*. According to Article 230 of the Code of Criminal Procedure, *in flagrante* is used when the offender is surprised at the time of attempting, committing or immediately after, while he is being pursued by a police officer, the injured party or the eyewitnesses of the act.

In this regard, the State Political Constitution in Article 23 Paragraph IV states that every person found committing a crime may be apprehended by any person, even without a warrant, to be led before a competent judicial authority who will resolve his legal situation within a maximum period of twenty four hours by a summary process.

Law 007,²⁵ despite its omissions, can be applied to CSEC once the negotiation or the payment from the ‘perpetrator’ to the victim is verified. This aspect should be taken into account when training justice operators in CSEC, particularly considering that the state institutions’ databases such as the Police Department and the Attorney’s Office do not include CSEC. It is also the case with the database of the Ministry of Justice (2013) and the Observatory of Trafficking (Coordinadora de la Mujer, 2014) where there are no records of CSEC. There are only records of the crimes of trafficking and procuring as can be seen in the following chart:

²⁵ Law 007, enacted on 18 May 2010, made amendments to the criminal regulatory system and amended the title and the code of criminal procedure, introducing the “immediate procedure for ‘in flagrante delicto.’”

Table 9: Data on trafficking in persons and procuring in Bolivia

CRIME	Total	La Paz	Santa Cruz	Cochabamba	Oruro	Potosí	Chuquisaca	Tarija	Beni	Pando
2012										
Trafficking in persons	319	155	60	55	0	10	13	12	7	7
Procuring	25	16	0	6	0	0	1	2	0	0
2013										
Trafficking in persons	362	193	43	53	11	7	16	33	2	4
Procuring	6	1	1	3	0	1	0	0	0	0
2014 (January – September)										
Trafficking in persons	283	138	34	47	18	6	13	18	7	2
Procuring	10	2	2	3	0	1	0	0	2	0

Source: Elaborated by the research team based on official data.

Moreover, the Ministry of Justice (2013) only records the crimes of trafficking for sexual purposes, trafficking for the purpose of labour and trafficking for the purpose of illegal adoption, but CSV is not separately considered. According to the National Observatory of Public Safety (Vice-Ministry of Public Safety, 2013), the rate of trafficking crimes increased from 0.4 for every 100.000 inhabitants in 2005 to 4.5 in 2013.

Table 10: Relation between detentions and sentences by type of trafficking, 2010

CRIMES	DETENTIONS	SENTENCES	Adult victims			Victims under 18 years		
			WOMEN	MEN	TOTAL	BOYS	GIRLS	TOTAL
Trafficking for sexual purposes	1	0	0	0	0	0	1	1
Trafficking for labor purposes	0	0	0	0	0	0	0	0
Trafficking for illegal adoption	0	1	0	0	0	1	0	1
TOTAL	1	1	0	0	0	1	1	2

Source: Elaborated by the research team based on trafficking in persons in Bolivia 1999-2014

Table 11: Relation between detentions and sentences by type of trafficking, 2011

CRIMES	DETENTIONS	SENTENCES	Adult victims			Victims under 18 years		
			WOMEN	MEN	TOTAL	BOYS	GIRLS	TOTAL
Trafficking for sexual purposes	3	3	4	0	4	0	2	2
Trafficking for labor purposes	5	3	1	3	4	4	0	4
Trafficking for illegal adoption	2	1	0	0	0	2	1	3
TOTAL	10	7	5	3	8	6	3	9

Source: Elaborated by the research team based on trafficking in persons in Bolivia 1999-2014

Table 12: Relation between detentions and sentences by type of trafficking, 2012

CRIMES	DETENTIONS	SENTENCES	Adult victims			Victims under 18 years		
			WOMEN	MEN	TOTAL	BOYS	GIRLS	TOTAL
Trafficking for sexual purposes	6	0	1	0	1	0	5	5
Trafficking for labor purposes	6	0	2	2	4	2	0	2
Trafficking for illegal adoption	1	0	0	0	0	1	0	1
TOTAL	13	0	3	2	5	3	5	8

Source: Elaborated by the research team based on trafficking in persons in Bolivia 1999-2014

There is a strong disparity between the number of registered complaints and the number of documented detentions. This leads to the questioning of the existing discrepancies among the different systems of statistical documentation, as there is no unified structure to statistically record the various stages of the process from the moment of filing a complaint to the sentencing.

Despite the fact that trafficking is one of the crimes that has attracted the most attention on the part of the State and society, a structure to generate strong databases to enable the sourcing of reliable statistics when determining the extent of this crime has not yet been developed. Therefore, related crimes such as CSV, procuring or pornography are even less represented in these databases.

2.4 Subjective perception of CSEC victims

The children involved in commercial sexual exploitation must undoubtedly be considered victims of a crime threatening their emotional and physical integrity. This is a very complex situation with many implications regarding the long-term consequences for these victims concerning physical, psychological and emotional health and psycho-social development. The trauma caused by sexual exploitation, the exercise of power surrounding it, and the stigmatisation of victims on the part of society, among others, usually endure for a long time and present many difficulties for children in living a 'normal' life (Echeburúa E. y P. De Corral, 2006). Martin Berndorfer, President of the National Network for the Defence of the Rights of Street Children and Adolescents, says the following:

“

“...there exists in the country a basic consensus on the part of the professionals working on this topic in which concepts, terminologies and analysis of CSEC are defined to express the degree of vulnerability of the rights of children involved in CSEC, from an adult-centrist view. In all these processes, the subjective view of children involved in CSEC is not taken into account and, according to the reference of the professionals who assist them, children do not consider themselves as victims, but express a subjective conformity with their situation as they see their context as an opportunity to meet their needs in life, survival as in the case of street children, or consumerism and mercantilism for some adolescents”

(Interview via Skype on 30 November 2014).

”

This is a true statement, as evidenced in interviews with victims of prostitution where the naturalisation of violence on the part of the adolescents who do not perceive CSEC as a hardship in their lives, but as a possibility to create new opportunities in life and build emotional security was indicated.

Considering the determining factors²⁶ which pull children into this situation, combined with the strategies that the traffickers, pimps and perpetrators use to create social, economic and emotional dependency,

²⁶ Chapter III, numeral 5.

they succeed in creating adequate conditions to encourage the children to ‘accept’ their reality as normal. They no longer have the capacity to react and change their living conditions as their environment provides different elements, filling many gaps of elements they would have had at home.²⁷ It also gives children a certain predisposition to minimise the negative or destructive effects of their situation and overestimate the subjective ‘benefits’ of this activity.

Of course this does not change the fact that this is a serious violation of the fundamental rights of these children, but it is necessary to underscore it in order to go deeper in understanding the different degrees of involvement of the victims in their context and of their own conception of the reality in which they live.

This explains why, in many situations, CSEC victims have a different interpretation of their reality conditioned by the factors outlined above and, therefore, are not expecting to be ‘rescued’ or ‘released’ from their situation. On the contrary, they often express ‘consent’ to their situation. For instance, when the police are on the verge of rescuing children or when they are intercepted by a justice operator, the children are hostile to the officers and tell them that they are in the situation voluntarily. This was verified in the statement of an attorney who attended the above-mentioned workshop:

“

“What can we do with these teenage girls who prostitute themselves and when we rescue them, they say that we are taking their jobs away and that they are in this situation because they want to and do not want to leave?...so they like to be like that...”
(Part of a speech of the workshop held in La Paz – 19 December 2014).

”

Nevertheless, the way the children perceive their reality must be seen as a product of the factors mentioned above, due to which the acceptance of their reality²⁸ prevails over the external criteria of the protection system, which, of course, considers this life situation as unacceptable.

When addressing CSEC it is necessary to consider this analysis and the distinction that the justice operators must make when rescuing a victim of sexual trafficking or a victim of procuring. Some victims are deceived to be drawn into this situation and hope to escape from this situation as soon as possible; others are exposed to psychological coercion for some time before being drawn into CSEC and, for this reason, they naturalise and accept their situation, so the way to address these cases must be different. This is a critical aspect to be considered at the moment of building or adopting a care and protection system adjusted to the realities, perceptions and expectations of victims.

In the same way, this degree of analysis and interpretation must be practised by all actors from both the protection and care systems as well as from the prosecution and legal institutions to be able to differentiate between the experiences as expressed by CSEC victims (who, in many cases, do not consider themselves as such) and the emerging need to curb this serious violation of the rights of children.

2.5 Risk and determining factors for CSEC

The Plurinational State of Bolivia, through the Analysis Unit of Social and Economic Policies, with the support of UNICEF (UDAPE/UNICEF, 2008), published a document entitled ‘Determining factors for violence against children and adolescents’, distinguishing individual, family, socio-economic, and environmental factors as well as factors related to the way children are raised. If CSEC is taken as a distinct issue, there is no local scientific evidence to determine the risk factors.

27 For instance: vacuums with respect to recognition, security and protection, economic resources, membership, etc. It is again underscored that these interpretations are absolutely subjective on the part of the children, and it is not intended to justify by the authors of this document that CSEC will actually cover such vacuums.

28 It results from resignation and the degree of involvement and emotional damage suffered along with fear and resistance to change.

In this regard, after reviewing the existing publications and investigations on this issue at national and international levels, analysing institutional experiences, opinions of experts, and the life stories of CSEC victims and children at high risk, the risk factors in this study are structured according to two dimensions: personal/individual and family/community, as shown in the following chart:

Table 13: Risk factors for CSV

AT PERSONAL/INDIVIDUAL LEVEL	AT FAMILY/COMMUNITY LEVEL
<ul style="list-style-type: none"> ■ Low self-esteem ■ History of physical, sociological and sexual violence ■ Low school performance ■ School dropout ■ Sexting ■ Bullying ■ Alcohol and drug use at early age ■ Start of early sexual activity ■ Mercantilism and consumerism ■ Child work ■ Inappropriate use of peer pressure 	<ul style="list-style-type: none"> ■ Highly conflictive families/mistreatment ■ Dysfunctional families ■ Internal and external migration ■ Highly permissive community to CSEC ■ Socially and economically disadvantaged families ■ Parental neglect and orphanage ■ Street children ■ Hyper-sexualisation of children ■ Macho and patriarchal society

Source: Elaborated by the research staff based on the situational analysis data

More specifically, the determining factors for CSEC are the following:

Table 14: Determining factors for CSV

DETERMINING FACTORS FOR COMMERCIAL SEXUAL VIOLENCE IN BOLIVIA
<ul style="list-style-type: none"> ■ Low self-esteem ■ Highly conflictive and dysfunctional family ■ History of domestic violence (sexual, psychological and physical violence) ■ Economic factors ■ Highly permissive community (complicity from hotel, bars' owners/administrators and taxi drivers) ■ Ignorance, omission, or complicity of regulation in CSEC on the part of justice administrators

Source: Elaborated by the research staff based on the situational analysis data

Of all the CSV victims interviewed for this research, 100% admitted entering CSV for economic reasons, but 90% stated that they come from families in socially and economically precarious situations. They affirmed that this reason, as well as a history of domestic violence (physical, psychological or sexual), led them to leave or 'runaway from' their homes and to enter CSV as a survival strategy.

Conversely, the remaining 10% affirmed that they were involved in CSV because their socioeconomic level did not allow them to live the lifestyle they aspired to and they found CSV an easy way to make money.

There are also areas in some cities of Bolivia, such as neighbourhood 12 de Octubre in the city of El Alto, in the vicinity of the bus terminal of Cochabamba, Villa Primero de Mayo in the city of Santa Cruz, Plaza Alonso de Mendoza in the city of La Paz or some streets of the cities of Cobija and Trinidad, where CSEC takes place and is operated by traffickers and pimps who conveniently remain undetected by some justice operators and society. These are some specific examples:

- In the cities of Trinidad and Cobija some wealthy men, who are married or have a good social position, have relationships with teenage girls with the tacit consent of the children’s families in exchange for remuneration (in cash or in kind). According to the Director of ENDA Trinidad, CSEC is a phenomenon that has been occurring for a long time in this city, but it is well camouflaged and concealed by the community:

“

“...the sexual trading of children is something that has always been present, but it is hidden and most of the time by the parents who allow this because their children bring money to their families, so their parents hide this situation because they are okay with that without worrying about the risks and consequences that their child is exposed to...”

(Interview with the Director of ENDA Trinidad – 26 November 2014).

”

- In the city of Cochabamba, it has been observed that at certain times of the day there are children standing on the sidewalk close to the bus terminal offering their services, before the eyes of a permissive society and with the complicity of some taxi and bus drivers who are the perpetrators’ ‘clients.’ There is also complicity on the part of owners or administrators of hotels, hostels or other accommodation in the area that enable the perpetrators to commit CSEC in their establishments (it was witnessed from 17-23 November by the researcher in the city of Cochabamba).
- In the city of El Alto, from early afternoon, children and teenage girls can be seen wandering in the vicinity of la Ceja and the 12 de Octubre neighbourhoods ²⁹ waiting for ‘clients’. A similar phenomenon occurs in the city of La Paz, by Alonso de Mendoza Square or America Avenue where prostitution (women and transvestites) is camouflaged by the commercial activity of this area. The following is the story of a teenage girl involved in CSV:

“

“...a friend gets clients for us, he calls us to tell us to wait for him by Alonso de Mendoza (square), Pérez Velasco (square) or there in the middle of the Eguino (square)...with him we have like a book where we write down the times he calls us to get us clients and according to that we pay him according to how much we make...” (Interview with a teenage girl involved in CSEC in La Paz city – 5 December 2014).

”

“...they mostly do it by appointment since they are minors, they take them to hotels for professionals, engineers or men who pay very well, a good price for these underage girls, but they also have contact with FELCC; they call them to check when they will carry out an investigation, they have people who warn them...”

“...well, personally I saw that they (clients) already have his (the pimp’s) phone number, I heard about him in a restaurant...and they (clients) told me, “wow, this guy brings me many girls, many underage girls” and I also saw these types of things with the FELCC and the Council Officers...”

*Procurer
Cobija*

²⁹ The neighbourhood 12 de Octubre of El Alto is the red light area of the city where there are pubs and brothels. The acceptance by the community of this nightlife situation is such that the daily life and the nightlife are mixed which makes for an interesting symbiosis to be analysed.

3. USE OF CHILDREN IN PORNOGRAPHY

The current data show that FELCC received 15 cases of pornography in 2014, no cases in 2013, and 11 cases of pornography and obscene performances with children plus two cases of publications and obscene performances in 2012.

Table 15: Data on the use of children in pornography

CRIME	TOTAL	LA PAZ	SANTA CRUZ	COCH-ABAMBA	ORURO	POTOSÍ	SUCRE	TARIJA	BENI	PANDO
DATA 2014 (until September)										
Pornography	15	4	1	4	0	0	4	0	1	1
DATA 2013 (until June)										
Pornography and obscene shows with children and adolescents	0	0	0	0	0	0	0	0	0	0
Publications and obscene shows	0	0	0	0	0	0	0	0	0	0
DATA 2012										
Pornography and obscene shows with children and adolescents	11	6	2	2	0	1	0	0	0	0
Publications and obscene shows	2	0	1	1	0	0	0	0	0	0

Source: Elaborated by the research team based on data from the Plurinational Policy of Fight against Trafficking in Persons.

Two possible modalities in which children are used in pornography were identified:

- Consumption: from person to person by sending pictures or videos with nudity or pornographic material by courier services or sexting, making use of instant messaging services or social networking.

This type of action has become a relatively common practice, especially among teenagers and young people in the country who practise “sexting”, showing parts of the body in order to attract someone, show interest in someone or demonstrate commitment. According to stories of lawyers who work with children and adolescents, this may be related to grooming³⁰, although there is no scientific evidence to affirm or deny it (according to the information from an interview with the DNA representative of Tarija – 26 November 2014).

- National websites or blogs where videos and pictures of children involved in pornographic acts are shown.

In this regard, it is worth mentioning that FELCC had a division on cybercrime responsible for tracking websites, blogs, Facebook accounts, etc. However, this division was closed due to economic reasons in 2009 (interview with FELCC in La Paz – 21 November 2014). Currently, the police laboratory of criminology is located within that of the Police University, but it has little funding for its operations.

Something that was not verified regarding pornography is the existence of production in the country. Therefore, the aforementioned data show the national consumption but not the national production of child pornography, which may exist though it is not yet shown by official data.

Cybercrimes are the most investigated by the police agencies which are able to carry out some technical research and use of technology, but there is little existing information on the use of children in pornography in Bolivia:

³⁰ According to ECPAT International, online grooming is the solicitation of children through the use of information and communications technologies for sexual purposes.



“From 2002 to 2011, the trials prosecuting cybercrime grew by 890%, from 8 to 79; from which 62 are about computer handling and 17 are about alteration, access and misuse of computer data. Furthermore, in that decade, the courts of La Paz received 228 cases of the first offence and 15 related to the second. Also, in the first four months of this year, there are already 29 complaints: 27 dealing with article 363 bis and two dealing with article 363 b of the Criminal Code (...) With regard to cybercrimes, we analysed electronic and optical devices for information storage such as computer hard drives, CD, DVD, mobile phones; searched child pornography websites and carried out cyber patrols. We tracked Facebook or suspicious pages that intend to recruit potential victims for prostitution. In this way, we found a website in Cochabamba city” (La Razón, 2012).



3.1 Analysis

Law 263 amends Article 323 bis of the Criminal Code, referring to pornography:

Anyone who intends, forces, facilitates or induces, by any means, by himself or a third party, another person without consent to carry out sexual acts or corporal exhibitionism with lascivious purposes with the purpose of videotaping, photographing, filming, exhibiting or describing them through print ads, transmission of data files in public networks or communications, computer systems, electronic, or similar, shall be punished by imprisonment for ten (10) to fifteen (15) years. The same penalty will be imposed when the author or partaker plays or stores, distributes or sells pornographic material.

The sentence of imprisonment shall be increased by one third when:

1. The victim is a child or disabled person.

Also, paragraph III of Article 23 states:

In order to prevent the offences set forth in the current law, all notices offering sexual services shall be regulated to protect the dignity of individuals by banning the use of images of complete or partial nudity of women or men, with the use of messages providing the regional, local or national origin of the individuals, and ensuring that in no case children and adolescents are involved.

3.2 Prevention

Law 263 sets general parameters of prevention involving all crimes that form part of this body of law. With this in mind, some State institutions carried out actions to prevent this crime such as the Vice-Ministry of Public Safety, which took the initiative to regulate the operation of Internet shops in order to restrict access to pornographic websites. This rule is being elaborated:

“

“The Government is drawing up a rule to restrict access to web sites containing child pornography in Internet shops. The announcement was made at the Safer Internet Day, with the aim of protecting children from the sex trade (...) We are working on legislation with other bodies (central government, state governments and municipalities) to restrict access to sex trade and child pornography websites.” Sergio Ibañez, Head of Prevention at the Vice-ministry of Public Safety (La Razón, 2014).

”

Upon completion of this research, there is no evidence of any kind of regulation that monitors or tracks websites in Bolivia.

On the other hand, some NGOs, mainly working in La Paz, Cochabamba and Santa Cruz, devote a large part of their specific actions to the prevention of CSEC. For example, the Dutch organisation ICCO formed *Movimiento Vuela Libre* which carries out actions to prevent trafficking and considers CSEC as a purpose of such. It works in the cities of Cochabamba, Santa Cruz and La Paz. (Interview with a representative of *Movimiento Vuela Libre* - Cochabamba, 18 November 2014).

The Pastoral Care of Human Mobility (PMH) is currently running a project on preventing CSEC in the cities of Cobija, Tarija, Yacuiba, Potosi, Villazón, Santa Cruz and Puerto Suarez with high-school junior and senior students, in which the crimes of child pornography and prostitution are addressed (Interview with Elizabeth Zabala - La Paz, 19 December 2014).

3.3 Prosecution

A clear example of prosecuting this crime is written in Article 39 of Law 263 making reference to the destruction of pornographic material:

Any pornographic material seized in physical or digital formats will be destroyed by the Public Prosecutor and the Bolivian Police within a period of no more than ten (10) working days after enforcement of the sentence. Pornographic material in which children are involved will be destroyed by the Public Prosecutor and the Bolivian Police 24 hours after it was seized with the intervention of a Public Notary. The detailed report of this diligence shall be attached to the process as evidence existing before trial, separating to this effect a sample that is no higher than five percent (5%) of this material.

The main bodies responsible for the prosecution of this offence are the FELCC Trafficking and Smuggling Offices. However, the Municipal Guard (accountable to the Municipal Governments), whose responsibility it is to check the trading licences of individuals selling products in the streets, could be trained to immediately send traders offering child pornography to the police. Given that this is a crime identified by public servants like the Municipal Guard, they would be obliged to report it.

In many cities of Bolivia, mainly in La Paz, Cochabamba and Santa Cruz, there are specific areas where pornographic material is sold:

“

“In the city there are more than 300 places. According to the research of El Día newspaper, there are pornography vendors camouflaged as phone and Internet shops near Los Pozos Market, La Ramada and the university campus. There are dark rooms located in the back of buildings and inside there are computers divided by curtains and partitions. You don't need to be of legal age to get in, you only pay the cost of the Internet time, which ranges between BOB 3.00 and 1.50, depending on the equipment to be used. There, the potential consumers include minors aged between 11 and 18. It is estimated that in the city there are more than 300 locations offering child pornography, according to the owner of a services network, who did not want to be identified.” (www.ejutv.com, 2013)

”

Image 1: Picture shows pornographic material being destroyed



Source: Screen shot taken at www.ejutv.com

3.4 Findings, best practices and lessons learned

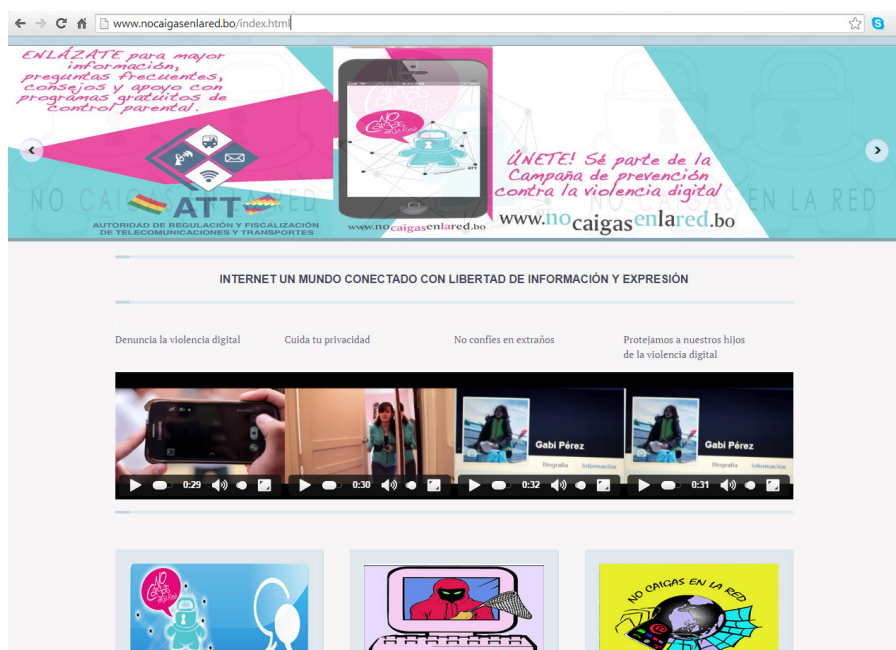
As of December 2013, there were 2,400,000 Facebook accounts in Bolivia (ENREDOMINIO, 2014) of which 1,820,000 belonged to individuals between the ages of 13 to 28; potential victims of violence in online environments.

The ENREDOMINO pilot programme, implemented in Bolivia by the REDES Foundation, shows the following information, according to the monitoring report on the Information Society (*Sociedad de la Información*) in Bolivia:

- 7 out of 10 students accept unknown contacts in chat rooms and social networks and, furthermore, show themselves through webcams or exchanging pictures.
- 3 out of 10 arrange casual encounters.
- 10 out of 10 teens had seen pornographic videos on mobile phones and/or the Internet.
- 10 out of 10 students frequently receive false and fraudulent messages (phishing) on their mobile phones (“...you won _ , and your prize is _...” -electronic fraud-, “...come and pick up your prize at _...”), which is one way of establishing contact for trafficking or sexual violence.
- Internet cafés without regulation become spaces to commit such offences: direct contact with children for illicit purposes, identity theft, or theft and recovery of passwords. The software that many Internet café administrators use to control content costs from BOB 10 to 25 (around USD 1.50 to 3.70)³¹.
- There is a close relationship between trafficking networks and some Internet café networks in urban areas and peri-urban areas.
- Parents and the educational community are unaware of the content to which their children are exposed.

The Prevention Campaign focuses on Digital Violence. From that, the REDES Foundation is adapting its prevention model and has also positively influenced and supported the Regulatory Authority for Telecommunications and Transportation (ATT) in the publication of the portal www.nocaigasenlared.bo where there is information for parents and teenagers about the risks and consequences of online activity.

Image 2: Screen shot



Source: Screen shot from www.nocaigasenlared.bo

³¹ Exchange rate from bolivianos to US Dollars calculated on 29 January 2015 at <http://www.oanda.com>.

4. SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

There is no evidence that Bolivia is a sex tourism destination in general and least of all with respect to minors. Even so, it remains true that the use of children for sexual purposes is a latent danger in any society, and the perpetrators can be local residents or foreigners. That is to say that the presence of children being commercially sexually exploited may facilitate the growth of a structural type of tourism around this with the purpose of having sexual relationships with children. Currently, Bolivian law contemplates sex tourism as a purpose of trafficking. Therefore, this research worked within this dimension.

The dynamic of tourism in connection with CSEC is driven by the situations that facilitate these actions, aided by intermediaries such as taxi drivers, receptionists or bellboys who gain profit by offering children to tourists, especially wealthy lone travellers, even where no such request had been made or interest shown.

4.1 Analysis

Item 10 in Section 6 (Definitions) of Title I (General Provisions) in Law 263 states that sex tourism is:

The use of persons to offer them for sexual services related to tourism, cultural or eco-tourism packages, promoted through messages and images of an erotic nature disseminated by any means of telecommunication, information technology, and media.

This Law does not establish it as a criminal offence unless it is intertwined with the crime of trafficking, which results in the generation of a certain vacuum where the victim of sexual tourism was not also a victim of trafficking. This aspect should be taken into account when reforming this law.

From there, as seen in previous sections, the Law operates around three main dimensions of action.

4.2 Prevention

In Chapter II, regarding mechanisms of prevention, there is no specific mention of the use of children in travel and tourism, though references may be found in certain provisions:

- In Section 2, concerning the communicational scope of prevention, and as already noted in the definition, there is a direct link between sex tourism and its promotion in the media. More specifically, the stronger connection is located in item 2 of Article 23 in which the media are urged to contribute to prevention by:

“Not disseminating messages or content to promote trafficking in persons, and related offences”.

4.3 Protection, assistance and reintegration of victims

In Chapter III, regarding mechanisms of protection, assistance and reintegration of victims, there is no specific mention of sex tourism. However, when a child sex tourism case occurs within the crime of trafficking, protective measures from this chapter shall be applied.

4.4 Prosecution

Article 34, Chapter IV, regarding the mechanisms of criminal prosecution, amends Article 281 bis (Trafficking in persons) of the Penal Code, including sex tourism within it as one of the purposes pursued, establishing that the consent of the adult or minor victim is not considered to be a mitigating factor of the crime.

4.5 Findings, good practices and lessons learned

In various cities where interviews were conducted, the chambers of the hotel industry and tourism associations as well as the Vice-Ministry of Tourism were contacted. In these interviews, it quickly became evident that CSEC is not considered to be a real problem and that no preventive measures are taken nor are there any specific programmes addressing the issue. Of all the interviews with the representatives of the chambers of hotels and tourism in the capital cities of Bolivia, 100% of them were not aware of Law 263; what is more, they did not consider themselves to be actors involved in the dynamics of CSEC.

“

“...no, we do not have powers to assist or prevent activities, the purpose of the Chamber of Hotels is not in line with what you are asking me...” (Interview with the President of the Chamber of Hotels in Oruro, which was held 19 November 2014).

“...eh, as I told you before the interview, we are not an entity of a social nature; Personally, I do not know the content of the Law 263, let alone what you call commercial sexual exploitation. I think that we are not obliged to know...” (Interview with the representative of the Chamber of Hotels of Potosi, 31 November 2014).

”

After analysing local publications, only a brief reference to the issue was found in the publication *“The Borders of Abandonment: commercial sexual violence against children and adolescents in Cobija, Guayamerin and Yacuiba”* (UNICEF, 2006 (a)), and, although it is about sex tourism, it is not tourism of the kind written into Law 263. It is instead linked to commercial border movements such as those related to the free zone of Cobija, or the oil camps of Yacuiba. That is to say that it does not address tourists who come to Bolivia attracted by promotional offers in which having sexual relationships with children is an incentive; it is more related to border movements for economic reasons such as buying and selling of merchandise outside of traditional tourist activity.

In the same way, although travel and tourism has less of a direct link with CSEC, after interviewing civil society organisations, it became clear that there are hotel spaces, although not tourist-oriented places, (especially accommodation in areas of informal trade and bus stations) that do not exercise any kind of control over their customers. As a result, they are complicit by omission in the crime of commercial sexual exploitation that takes place in their establishments. In this regard, it is important to mention that the previous Code for Children and Adolescents (Law 2026) stipulated in Articles 167 and 261 the obligation on the part of the various accommodation establishments to communicate the presence of children on their own or accompanied by an adult who cannot demonstrate a parent-child relationship to the competent authorities. The current Code (Law 548) only states the obligation to communicate a temporary accommodation within 24 hours, without making specific reference to accommodation establishments. At the time of drafting this report there is still no regulation of Law 548.

Broadly speaking, there appears to be no vision to include tourism as a risk factor in the framework of commercial sexual violence; not among the primary actors (different tour operators and related agents) or the secondary actors (the different actors involved in prevention, protection and prosecution of commercial sexual violence and its victims). However, it is important to note that some employees of hotels and accommodation such as waiters, bellboys or receptionists, in complicity with some taxi drivers, do take advantage of their role in promoting CSEC - inside some of these hotels - with girls and adolescents, yet the owners are not aware of this.

GOOD PRACTICE:

In 2014, in El Alto city, the MCVSCEL together with El Alto Municipal Government's DNA, a campaign of CSEC prevention and awareness-raising was carried out in hostels and sleeping accommodations of the city. The campaign was aimed to raise awareness among the owners or administrators of the lodging services by making them realize the importance of not allowing CSEC victims in their establishments and explaining to them law 263. Then, posters were glued in a visible place. These activities are intended to prevent, in some way, the involvement of owners/managers in CSE.

The reaction of the hotels, hostels and sleeping accommodations' managers and administrators was positive and they allowed posters to be glued in their establishments and to look for more information.

Presentation by DNA representative at the workshop "Analysis and projection of the fight against commercial sexual violence in Bolivia". La Paz, December 19, 2014

5. TRAFFICKING CHILDREN FOR THE PURPOSE OF SERVILE MARRIAGE

Servile marriage is included in Law 263, within the stated purposes of trafficking in persons. Its definition is found in Article 6 which states that "Servile Marriage is any type of labour and/or sexual exploitation of one member of the couple and involves situations of slavery, isolation, control and physical, sexual and reproductive violence". In this regard, there have been no verifiable complaints or cases investigated in Bolivia. However, in the east part of Bolivia, which comprises the departments of Beni, Pando and Santa Cruz, especially in the rural areas, it is customary for wealthy mature men with a good social position, especially farmers, to marry or live with teenage girls aged 15 or 16 years, usually from low-income families who are paid in cash or in kind for the teenagers.

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“...Here in Beni, it is very common during our patron saint festivities that mothers groom their daughters of 13 to 15 years very well, as some wealthy farmers or traders can look at, choose and buy them in exchange for money for the family...this is already a custom...”
(Interview with the Director of ENDA Trinidad, 26 November 2014).

”

This story exposes a practice that is frequently seen in this region of the country, where the crime of trafficking is committed by the family and the crime of CSV by the individual who buys children and adolescents as wives. However, the family’s authorisation to marry their underage children prevents the prosecution of both offences, although this cannot deny the violation of the fundamental rights of these victims. The normalisation of this practice is alarming, which implies much work on awareness-raising is required within both the community and among the authorities.

CHAPTER IV:

INSTITUTIONAL RESPONSE

I. STATE RESPONSE

The Bolivian criminal legislation, through Law 263, identifies the supply and demand dynamics of CSEC in order to establish the types of criminal trafficking in persons, procuring, pornography and commercial sexual violence, which is a strong step in combating this form of violence.

The State Constitution, in Articles 14 and 15, provides guidelines to fight against trafficking in persons and eliminate violence, mainly against women, children and adolescents, and promote the right to equality, as expressed by these articles.

- Prohibit and punish any form of discrimination that has the objective or results in nullifying and diminishing the recognition, enjoyment or exercise, under equal conditions, of the rights of any person (Art. 14).
- Everyone, particularly women, has the right not to suffer physical, sexual or psychological violence, both in the family and in society (Art. 15, II).
- Prevent, suppress and punish gender and generational violence as well as any act or omission which is intended to humiliate the human condition, to cause death, pain and physical, sexual or psychological suffering, both in public and private areas (Art. 15, III).
- No one shall be subjected to servitude or slavery. Trafficking in persons is prohibited. (Art. 15, V).

These guidelines are primarily organised and structured in the National Development Plan, in policy N° 4, *Reduction of socio-economic, political and cultural gaps due to gender, age and disability*, which states the following:

As a result of its application, a National and Departmental Council and Local Networks against Violence will be established with the participation of the State and civil society. Under this framework of articulation, information systems concerning violence will be reinforced. This entity will develop policies that will primarily confront domestic, sexual, commercial sexual violence, trafficking and smuggling in persons, violent relationships and femicide, and assist in the care and recovery of victims of violence by establishing a model of urban and rural care for them. Moreover, a family reintegration model for abandoned and/or abused children will be established (Ministry of Development Planning, 2006).

These guidelines are incorporated into the Plurinational Policy to Fight Trafficking in Persons 2013-2017, which intends to address trafficking through the following objectives:

- Generate attitudes and behaviours in the population to prevent the crime of human trafficking.
- Ensure the exercise of the rights of victims of trafficking and related crimes and of the population at high risk of vulnerability.
- Ensure that victims of trafficking have access to an efficient, rapid and timely justice system without any form of discrimination.
- Strengthen the State's international relations mechanisms to fight against trafficking in persons and related offences.

- Ensure a timely, effective and comprehensive institutional response to fight against trafficking in persons and related offences (including three aspects: a) generate and implement programmes, projects and comprehensive services; b) provide education and training; c) allocate economic resources).

Since the promulgation of the law and its subsequent regulation, the Plurinational Council of Trafficking and Smuggling in Persons has been established which is led by the Ministry of Justice and formed by the Ministries of Foreign Affairs, Communication, Education, Government, Development Planning, Economics and Public Finances, Health, Labour and Employment, and Social Welfare, the General Directorate of Trafficking and Smuggling of the Bolivian Police, the Ombudsman and Public Ministry, and representatives of organised civil society.

This Law urges the formation of Departmental Councils on Trafficking and Smuggling of Immigrants in the nine departments of Bolivia with local representatives of the national institutions mentioned above. All departments have formed the respective councils and three of them have prepared departmental plans for trafficking and smuggling (La Paz, Chuquisaca and Tarija); however, none of them addresses the related offences and, therefore, many CSEC manifestations are still invisible.

The main concrete actions of the State are the following:

- Victim Witness Assistance Units (VWAU) have been established in the nine departmental capitals; at least one per capital city. In the department of Santa Cruz, this unit is called the Special Victims Unit (SVU). It is formed by staff of the FELCC Trafficking Department, Public Ministry, Forensic Research Institute (FRI), and psychologists from the Municipal Child Defence Office. Their goal is to assist the victims in a comprehensive and multidisciplinary manner.
- The Observatory of Trafficking and Smuggling has been created under the General Directorate in the Fight against the Trafficking and Smuggling of Persons of the Vice-ministry of Public Safety. This entity is responsible by law for collecting and systematising information on the trafficking of persons as well as related offences, such as CSEC.
- FELCC has Trafficking and Smuggling in Persons Divisions in each and every capital city of the nine departments of Bolivia and in some border areas, although these divisions do not have enough staff and the lack of infrastructure and economic resources is evident. They perform their duties to the extent possible.
- The Vice-Ministry of Equal Opportunities, under the Ministry of Justice, has developed the National Youth Plan as well as standards, protocols and procedures for the comprehensive care of victims of sexual violence. In addition, this entity has conducted various training courses with regard to trafficking and smuggling. However, the manifestations of CSEC, procuring and pornography are only addressed in a superficial manner.
- The Vice-Ministry of Fundamental Rights under the Ministry of Justice, by way of Law 263, became the Technical Secretariat of the Plurinational Council against Trafficking and Smuggling of Persons. At present, this Secretariat has developed prevention measures against the crime of trafficking. It has also strengthened and structured the Council by calling meetings where strategies to combat trafficking in persons were planned. However, the approach to CSEC, through related crimes, has been ignored.

“...Besides, when making a complaint, the police do not know how to categorise it, if it is procuring, because it concerns an adult manipulating a minor to exploit her sexually, they don’t know how to treat it... it means that they don’t know how to identify the type of crime and, well, the same thing sometimes happens at the Public Prosecutor’s office, there are problems when categorising the crime and there is the need to do an analysis and investigation, and according to our database, of 49 cases that we have processed in the whole department of Santa Cruz since 2013, so far there has been no such accusation”.

*Legal Coordinator
PAZ Y ESPERANZA
Santa Cruz*

- The Ombudsman has focused on organising and strengthening networks against trafficking, assuming its leadership role. It has also promoted children’s rights, but has not done the same for crimes related to trafficking.
- The Child Defence Offices, mainly in the departmental capital cities of the country, are the entities responsible for receiving cases, temporary care, comprehensive evaluation and referral of CSV victims. Some offices (Sucre, Tarija, Cochabamba, Santa Cruz, La Paz and El Alto) have temporary shelters. These entities are equipped with psychologists, social workers and lawyers who are responsible for providing comprehensive assistance to victims of various types of violence, but they do not make a distinction in their approach to victims of trafficking, procuring or CSV.
- On 19 December 2014, a workshop on the socialisation of this study was co-sponsored by the Vice-Ministry of Public Safety. This was the State’s first attempt to address CSEC in a holistic manner, outside of the lens of trafficking in persons.

2. RESPONSE FROM INTERNATIONAL ORGANISATIONS

The international community and organised civil society have shown active participation in prevention, protection, assistance and reintegration of victims of commercial sexual exploitation.

Even though there are few international organisations that support specific projects focused on CSEC with regard to prevention, protection, assistance and reintegration of CSEC, this research has identified four institutions supporting both the MCVSCEA in its advocacy and prevention activities and NGOs working on specific topics related to research, prevention and protection, assistance and reintegration of CSEC victims.

The entities working on CSEC are the following:

- ICCO
- Terre des Hommes Netherlands (TDH)
- Conexión Fondo de Emancipación (Emancipation Fund)
- The British Embassy

The main field of action of the national NGOs benefiting from this cooperation is in the cities of La Paz, El Alto, Cochabamba and Santa Cruz where CSEC has been made more visible.

Table 16: International Organisations Cooperating against CSV

ORGANISATION	WORK AREA	COVERAGE
ICCO	Prevention Protection	La Paz, Cochabamba, El Alto, Sucre, supported by partner institutions
Terre des Hommes Netherlands	Prevention Protection Incidence	La Paz, Cochabamba y Santa Cruz through partner institutions
ORGANISATION	WORK AREA	COVERAGE
Conexión Fondo de Emancipación (Emancipation Fund)	Prevention Protection	La Paz, Cochabamba y Santa Cruz through partner institutions
The British Embassy in Bolivia	Prevention Protection	El Alto

Source: Own elaboration based on interviews

3. RESPONSE FROM ORGANISED CIVIL SOCIETY

■ National networks:

The MCVSCEA brings together 20 institutions, mainly from organised civil society, and it was founded and has since been led by the Pastoral Care of Human Mobility and the Munasim Kullakita Foundation; this is the most representative network on this topic. Its main objective is to promote an integral approach to CSEC by the State and society. Currently its main activity involves positioning CSEC in the national and departmental Councils against Trafficking and Smuggling of Persons. It succeeded in receiving funding from international organisations for advocacy actions, specifically in the design, incorporation and subsequent socialisation of the article addressing CSV in Law 263.

It has also made the first study on commercial sexual violence in Bolivia since it was established as a crime in 2012, which to date forms the main reference on the topic. Another important achievement of this entity was the formation of an alliance with the State Prosecutor's Office to develop the Protocol to assist victims of trafficking, in which CSV was incorporated. This document was officially approved by the Ministry of Justice and the State Prosecutor's Office (this information was obtained from an interview with Elizabeth Zabala in La Paz city on 19 December 2014).

The *Vuela Libre* Movement, led by the Dutch international organisation (ICCO), brings together around 30 institutions from civil society and works on prevention in schools through art as well as with social organisations. The main focus of its action to address CSV is trafficking. Its actions in prevention have produced quality TV and radio advertisements addressing thematic and technical topics. It is one of the few organisations that is supporting research on the topic.

On the other hand, the Network for the Defence of the Rights of Children and Adolescents in Street Situations, which brings together more than 60 NGOs at the national level, has also contributed methodologies, experiences and actions on CSV as a type of violence existing in the street. For example, in 2010, the Maya, Paya, Kimsa initiative published a handbook entitled "*Collection: Juntos por la defensa de los derechos de los Niños, Niñas y Adolescente en situación de Calle*" (Working together for the defence of street children's rights), providing, through three modules, the adequate tools and materials for working with people in the street, taking CSV into consideration in this dynamic (Maya, Paya, Kimsa, 2011).

■ Institutions:

Although there are more than 60 NGOs working on issues related to trafficking in persons, around 10 NGOs work exclusively on CSV in the cities of La Paz, El Alto, Cochabamba and Santa Cruz and some of the most relevant are:

- *Eco Jóvenes* working on prevention in collaboration with the media and journalists in the cities of La Paz, El Alto, Santa Cruz, Cochabamba y el Chaco.
- *Levántate Mujer Foundation* in La Paz, El Alto y Santa Cruz. It works on prevention and has a shelter specialised to receive trafficking and CSV victims in La Paz city.
- *La Paz Foundation* works on prevention and advocacy actions against trafficking and CSV in La Paz city.
- *Munasim Kullakita Foundation* in the city of El Alto works directly on CSEC through prevention and protection actions and provides a shelter specialised in assisting CSV victims.
- *Hermanas Adoratrices Congregation* in Cochabamba city works on protection efforts and offers a shelter specialised in trafficking and CSV victims.
- *Pastoral Care of Human Mobility* addresses CSV by training members of the justice system in eight of the nine departments and in the five border areas of Bolivia. It also provides legal representation and performs advocacy in cases involving CSV. It provides temporary lodging to victims of trafficking and CSV in migrant houses along the borders.

Table 17: Institutions working on CSV

CITY	INSTITUTION	TARGET POPULATION	TYPE of ASSISTANCE
El Alto	Munasim Kullakita Foundation	CSEC victims	Integral care and assistance centre
	Hermanas Adoratrices. Casa Micaela	Sex workers and occasionally CSEC victims	Technical and spiritual training
Cochabamba	Hermanas Adoratrices. Sayari Warmi Center	CSEC victims	Integral care, assistance and training centre
	Infante	CSEC victims Educational community Decision-makers	Psychological assistance Preventing CSEC Investigation and advocacy
La Paz	Levántate Mujer Foundation. Sartasim Kullakita Center	Victims of trafficking for the purposes of CSEC	Integral care and assistance
	SEDEGES, Therapy Centre for Women (state)	Trafficking and CSEC victims	Integral care and assistance
	La Paz Foundation	Educational community	Prevention Investigation and advocacy on trafficking and CSEC
	Pastoral Care of Human Mobility	CSEC victims Educational community	Legal advice and representation Preventing CSEC Investigation and advocacy
	ECO Jóvenes (La Paz, Cochabamba, Santa Cruz y el Chaco)	Social communicators	Preventing trafficking and CSEC
	ICCO, La Paz, El Alto, Sucre, Cochabamba, Santa Cruz.	Society in general and educational community	Preventing trafficking and CSEC
Santa Cruz (Yapacani)	Levántate Mujer	Society in general and educational community	Preventing CSEC Advocacy

Source: Elaborated by the research staff based on the institutional mapping carried out during the diagnosis.

On the other hand, there are networks led by the Ombudsman in each of the nine departments of the country that are working on trafficking in persons, with the support of UNICEF and the assistance of public and civil society institutions, but they do not directly address the related offences such as CSV.

Finally, it is important to mention that certain international institutions working in Bolivia support specific projects against the trafficking in persons and the most important are the following:

- Spanish Agency for International Development Cooperation (AECI)
- UNICEF
- UNODC
- International Organization for Migration (IOM)
- United States of America Embassy in Bolivia

(Interview with the High Commissioner for Human Rights in Bolivia, carried out in La Paz city 12 November 12 2014).

CONCLUSIONS AND RECOMMENDATIONS

1. CONCLUSIONS

Commercial sexual exploitation is a problem of public concern that has become a subject on the political agenda at the international level. However, in Bolivia the importance of this crime has not yet been demonstrated, which stimulates the sex trade in children, along with sex trafficking, procuring and child pornography. This leads to a lack of effective sanctions for sexual perpetrators and a social tolerance of CSEC.

The crime that has received the greatest attention on the part of civil society and the State has been the trafficking in persons; the most widely denounced purposes of the crime being labour exploitation and sexual exploitation, within which the emphasis has been put on children and adolescents. However, the actions were developed from within a vacuum of institutional coordination, which shows itself in the frailty of human resources and equipment designated for comprehensive interventions.

According to the national legal framework (Integral Law against Trafficking in Persons N° 263), which includes CSV as a crime related to trafficking and an aggravation for the pimping of minors, the actions against these crimes should be framed in three components: prevention, protection (assistance) and prosecution. However, the public and private institutions have maximised their resources allocated to preventing the trafficking in persons without taking into account the related offences such as CSV, procuring and child pornography.

Regarding protection, even though the national regulations establish responsibilities and obligations of Bolivia's nine departmental governments to open centres specialised in integral care for child and adolescent victims of trafficking in persons, so far this obligation has not been fulfilled; civil society is filling the vacuum with institutions and NGOs that run the very few centres specialised in integral care of these victims.

In the prosecution component, it may be concluded that, despite the training developed by State and private institutions for justice operators, criminal prosecution of the crime of trafficking is still incipient and does not result in a penalty for the trafficker through the corresponding criminal proceedings. This situation is clearly reflected in relation to CSV in the alarming observation of the lack of complaints in this regard and the few cases of investigation *ex officio*.

The ignorance of the crime of CSV largely impedes its prosecution. Many actors do not establish the payment of the perpetrator for a girl or teenager for his sexual satisfaction as a criminal offence, simply associating this with "prostitution" and equating the presumed acquiescence of the victim toward his or her situation as a true and mitigating circumstance. Some are of the opinion that "many start with this, and after some time it is comfortable", and that the greater responsibility for this crime falls upon the victim, leaving aside the importance of the offender.

From this reflection, we can conclude that:

- Despite the fact that CSV has been a crime in Bolivia since 2012, it remains invisible and the perpetrator's behaviour is naturalised in large sectors of Bolivian society.
- The new Code for Children and Adolescents (Law 548) identifies the sex trade in children as sexual exploitation, but links it only to the crime of trafficking in persons. In an interview on this issue with one of the legal advisers of the Legislative Assembly, he indicated that, "...surely Law 263 in its integrity was not held to establish this detail..."

- It has been shown that most of the justice administrators and operators do not identify the criminal offence of CSV, which consequently makes the prosecution and punishment of this crime difficult.
- When reinforcing the capacities of justice operators with regard to CSV, it should not be carried out through the lens of trafficking in persons as it skews the whole vision of the sex trade in children.
- There is a weakness in the systematisation of data, as the work of institutions with specific competences is disrupted by the absence of an integrated national registration and statistical system that covers the offence of trafficking disaggregated with respect to purpose, age range, sex and connection of offences.
- The FELCC Trafficking and Smuggling Department must investigate gender crimes such as femicide, crimes of trafficking, pornography, procuring, corruption of minors, kidnappings and missing people. However, it has not been reinforced with the necessary operational or human resources, which greatly hinders its work. These legal precepts are not complied with, despite Law 263 providing that these divisions must be reinforced by each Departmental Government through efforts of the Departmental Councils against trafficking, and Law 264 of Public Safety urges the City Halls to strengthen the funding of these police bodies through the taxes they receive from HDI.³²
- There is no National Directorate of Trafficking and Smuggling within the structure of the Bolivian Police to articulate and offer guidelines to the nine departmental divisions and border areas, reducing them to carrying out very isolated work. This makes it difficult to establish a uniform procedure from the moment of dealing with a complaint and to follow up with an investigative procedure with common lines of action promoting coordinated actions between these divisions. This is also true in terms of their training.
- There is a lack of material, economic and human resources in the governmental bodies available for the protection of victims, especially for SEDEGES/SEDEPOS, which are obliged by Law (N° 263) to provide specialised shelters for victims of trafficking and related crimes.
- The protocol for the care of victims of trafficking has not yet been socialised among justice operators and administrators. For this reason, the processes of providing care and protection to victims are slow and increase the risk of re-victimisation.
- The new Code for Children and Adolescents, contrary to the old code, does not specifically mention the obligation to communicate the entry of unaccompanied children or children accompanied by adults who do not show any family relationship into places of accommodation (hotels, hostels, residential and similar places), which could increase risk factors in these locations due to absence of control and the commission of CSV in these spaces.
- The existing legal vacuum for the determination of a legal entity to regulate the operation of tourism accommodations (hostels, hotels, residential and similar places) permits the impunity of those committing CSV and other crimes such as trafficking and prostitution.
- Even though the Plurinational Council against Trafficking and the nine Departmental Councils against trafficking have been established, they are still in the process of organisation and, therefore, CSV, procuring and child pornography are still not seen as crimes related to trafficking.
- The implementation of Law 263 has mainly been centred in the prevention pillar of action, leaving aside prosecution and especially protection. The country offers no state programme of care and reintegration for CSV victims; the few existing options stem from organised civil society.
- Prevention of CSV is still insufficient and, in many cases, has focused only on the prevention of trafficking, leaving aside procuring, child pornography and, specifically, the identification of the perpetrators or “clients” as criminals.
- There is no police approach specific to child pornography available on national homepages and blogs and no research has been carried out to investigate the existence of production of child pornography in the country since there is a lack of technological and human resources to perform this action.
- The entities involved in the hotel and tourism industries in Bolivia, the Vice- Minister of Tourism and the National Chamber of the Hotel and Tourism Industry do not have any programmes to protect children from CSV in these spaces.
- It is necessary to carry out awareness-raising actions with hotel staff such as bellboys, receptionists and waiters since it has been found that, in many cases, they act as intermediaries between the exploiter and the child.

32 Direct Tax on Hydrocarbons.

- One of the greatest needs of CSV victims is comprehensive care with a focus on healthcare as it is otherwise virtually inaccessible. This fact exposes them to greater risks with respect to sexually transmitted infections, unplanned pregnancies and HIV. As a result, access to healthcare should be constituted as a 'hook' to bring children involved in CSV into the care system, especially street children and adolescents or other children who find themselves involved in CSV by their own account on the streets.
- It is necessary to change the paradigm of 'acquiescence' when dealing with offences such as CSV and procuring as it implies a biased view in which the victim is the offender.

2. RECOMMENDATIONS

When addressing CSEC the full dimension of its practice must be taken into account, including its various manifestations such as: 1) trafficking of children and adolescents for the purpose of commercial sexual exploitation; 2) procuring children; 3) child pornography; and 4) commercial sexual violence, without excluding CSEC in the travel and tourism industry. Although the latter crime is not as common in Bolivia as it is in other countries of the region, the value of close observation and adoption of preventive measures cannot be ignored.

Bolivia now has criminal legislation that addresses CSEC almost in its entirety since it inserted the offender's behaviour in terms of remunerated sexual relationships with children or adolescents as a specific criminal offence. However, the fact that Law 263 (Trafficking and Smuggling of Persons) focuses its work mainly on the crime of trafficking generates some weaknesses in other areas (use of children in pornography, procuring, and commercial sexual violence) which need to be addressed and are evident in the limited knowledge that legislators and justice operators have in terms of their approach and the norms dealing with CSEC. With this in mind, we suggest that institutions working against CSEC structure their interventions to include its entire dimension and generate new strategies of prevention, protection, prosecution and advocacy.

Regarding the use of children in pornography, the amended criminal offence provides a greater margin for its prosecution since it not only includes production and commercialisation, but also possession. However, it does not address the intent to purchase this material, which could be taken into account for advocacy work. It can also ensure that the State reinforces the work of those who must prosecute this crime with updated technology.

When talking about information technology, it is necessary to consider using new information and communication technologies in education, particularly for children and adolescents who cannot refrain from using it. Therefore, we suggest that the State and civil society implement strategies that enable children to use the Internet in a safer way and avoid risk factors that expose them to sexual predators. It is necessary to provide them with the tools to help them distinguish what is real from what is false, harmless from dangerous, as well as how to use the Internet as a source of knowledge, participation and freedom of expression.

The crime of commercial sexual violence is investigated by the FELCC Trafficking and Smuggling Offices, led by the prosecutors of these divisions, which makes it easier to include it within the crime of trafficking in persons. In this way, CSV is becoming dangerously invisible. This aspect requires greater specialisation on the part of justice operators. Since CSV is an offence against public order, it should be investigated and prosecuted *ex officio*, and the capacity and expertise of these public servants alone would contribute to arriving at punishments for exploiters and stop the resort to similar criminal offences. Furthermore, it is also recommended to work with Trial Judges as their healthy criticism can resolve the flaws in the legislation and set court precedents. However, judges in Bolivia are fundamentally political actors and if they are not aware of or evade CSEC and do not have adequate training to visualise it integrally, any effort from the other organs of the State will be in vain. It is for this reason that specific training of judges is required and advocacy for the inclusion of all types of crimes that encourage CSEC in the study plan of the schools of judges, prosecutors and police officers.

According to Law 263, the Plurinational Council against Trafficking and Smuggling of Persons and related offences was created to develop, adopt and implement the Plurinational Policy for the Fight against Trafficking

in Persons and related crimes,³³ and has the authority to formulate and approve this policy as well as the National Plan to fight Trafficking, Smuggling and related crimes.³⁴ Despite this, the Plan does not address any related offences. Therefore, it is recommended that the advocacy work of civil society institutions attempts to fill this vacuum.

The National Plans embody the commitment of governments to address the needs or problems of citizens effectively. For this reason the fight against CSEC demands commitment, continuity, coordination of action, an adequate budget, participation of various social actors, monitoring and evaluation of the policies implemented. In order to do so, CSEC must be seen in its real magnitude. It is recommended that civil society institutions working on this problem conduct rigorous advocacy work to be directed at the national and departmental councils in the fight against trafficking in persons.

According to Article 31 of Law 263, local governments must ensure the physical and psychological assistance and the social, economic and cultural reintegration of victims of trafficking and related offences by creating specialised care centres. Therefore, it is recommended that civil society conduct advocacy work within the Departmental Councils to combat trafficking and smuggling, which are led by the local governments of each department of Bolivia so that they can access adequate funds and establish these shelters. It is to be noted that civil society is currently making extraordinary creative and effective efforts to do this job. However, when relying on private donations or international cooperation, its sustainability is permanently at risk, so it is recommended to pursue advocacy with the aim of urging the State to take responsibility for this protection. It is necessary for both civil society and the State to address the protection of child victims and prevent re-victimisation. The protocols for intervention and the clear procedural paths to follow allow inter-agency coordination in the hope of preventing re-victimisation. For this reason, coordination with the Ministry of Justice is recommended in order to adapt the existing Protocol for the Care of Victims of Trafficking and Smuggling of Persons (2012) to the assistance of all victims of CSEC, and thereafter to help socialise and apply it in the country.

CSEC is a phenomenon of multiple causes, but a violent family environment is one risk factor contributing to this type of violence. Therefore, it is recommended that the State and civil society in general carry out coordinated actions to strengthen family units by making them aware of their protective role with respect to their children and promote the State provision of employment opportunities to the families of victims so that they can create friendlier environments to host child victims.

The improvement of public security measures will play an important role in confronting CSEC, as they are not currently adequate to tackle this problem; the migratory controls are weak and the Foreign Service is not well prepared to monitor the departure of children to other countries. In addition, the rise of gangs, kidnappings, or other types of crime that are beyond the capacity of the police need to be addressed in a comprehensive manner. That is why it is recommended that civil society institutions work with the Vice-minister of Public Safety under the Ministry of Government, as well as with the departmental and local governments that have similar structures, to address CSEC from a public security approach.

Research initiatives or empirical studies are absolutely necessary, as well as statistical data to learn how traffickers, pimps and perpetrators operate, and the levels of social and State tolerance towards these criminal activities. These will be key tools in the fight against CSEC. For this reason, it is recommended that civil society and the State make an alliance with universities to carry out research on this phenomenon in order to make it visible in its actual dimension or at least obtain real and concrete approximations.

The media have a great responsibility to build citizen awareness. Consequently, training is recommended for their managers, encouraging them to address the entire dimension of CSEC and generating leadership in prevention among citizens. It is also recommended that children not be marginalised from public opinion and participation because they need not only to be informed, but also to express their views and be heard by the adult world on these topics that directly affect them. In this way, prevention strategies will be channelled through their interpretation and may result in the creation of agents of prevention and protection among youth.

33 Law 263, Art. 7 (Plurinational Council against Trafficking in Persons).

34 Law 263, Art. 10 (Attributions).

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