



**July 2006**

## **Information on Bolivia**

### **Compliance with ILO Convention No.182 on the Worst Forms of Child Labour (ratified in 2003)**

#### **The worst forms of child labour in Bolivia**

##### **Background**

In Bolivia there is a general acceptance that children are working in hazardous and dangerous conditions in the sugar cane, Brazil nuts and mining industries. These constitute slavery practices as the children have no choice but to work. The children are often in debt bondage along with their parents. Although their work remains unrecognised and unremunerated, they carry the burden of debt along with their parents and are made to work to help repay the debt. Crucially children will inherit their parents debts in the event of their parents' deaths.

##### **Child labour in the sugar cane industry**

Between 33,000 and 35,000 people are involved in the sugar cane harvest, with the ILO estimating that there are 21,000 forced labourers, including children and women.<sup>1</sup> The harvest takes place in the areas of Santa Cruz and Tarija. In Santa Cruz approximately 30,000 people are involved in the sugar cane harvest, with 7,000 children, whilst in Tarija 5,000 people work with almost 3,000 of them children. Thus the total number of children involved in the sugar cane harvest is approximately 10,000.<sup>2</sup> Half the children working in Santa Cruz are between the ages of nine and 13 years old.

When asked whether children should work in the harvest, parents gave a mixed response. In Tarija, the majority of parents said that although it was not desirable, they had no choice but to make their children work as they had no alternatives and they needed the extra income. However, in Santa Cruz, 50 per cent of parents thought that their children should work in the harvest as work was an important life lesson and the family relied on the extra income.<sup>3</sup>

In the harvest there is a clear division of labour along gender and age lines. Men and boys cut the sugar cane whilst women and younger children are responsible for collecting and piling up the sugar cane, as well as peeling it. Only men are considered

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<sup>1</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *Enganche y servidumbre por deuda en Bolivia*, ILO, Geneva, January 2005, page 2.

<sup>2</sup> International Labour Organization and UNICEF, *op.cit.*, page 9.

<sup>3</sup> International Labour Organization and UNICEF, *op.cit.*, page 16.

to be the workers by the employers, and they alone have a contract and are paid directly for the work they do.

In one testimony, a 13 year old girl explained how she was taken to the plantation with her employer and her husband who was a sugar cane harvester. She was employed to cook, clean and prepare flour and bread. She woke up at 4am and went to sleep at 9pm or 10pm. She only received food as payment. She complained of the heat and mosquitoes, and being extremely tired all the time.<sup>4</sup> A boy of 12 years old described how he was made to get up at 5am to cut sugar cane. He would work until 6pm and go to sleep around 9pm.<sup>5</sup>

Children are often ill as a consequence of the difficult climate and conditions. Temperatures are high during the day but low at night, resulting in sun exposure, respiratory infections and other illnesses. Children are frequently malnourished and do not have access to clean water in their camp sites, and thus suffer from various gastro-intestinal illnesses. Accidents are common; children cut themselves with machetes and on the sugar cane leaves, as well suffering bites from various insects on the plantations.

### **Child labour in the Brazil nuts industry**

Children as young as seven years old help their parents on the plantations and are involved in the harvest as well as the processing activities. During the harvest the children work alongside their parents in the jungle to collect the fruits. In the workshops the children help to crack open the fruit and cut out the nuts. They then sort through the nuts, to remove the bad ones, and help to weigh them.

The work is dangerous as children use machetes to crack open the nuts and to cut out the nuts from the inside of the fruit. There is no difference between the work the children do and that of adults. One nineteen year old described his various injuries, "The first time I injured myself I was ten years old when I was cutting out the nuts from the fruit. Since then I have cut myself seven times on the right hand and on my left hand I have a big scar. Once when I was cracking open the fruit I almost cut my finger off."<sup>6</sup>

During the harvest the children begin working at 5am to collect nuts. Often they have to walk for hours to look for fruit bearing trees. They finish working at 6pm. The workshops open at 3am, sometimes even 2am. The children go to the workshops with their parents and work till approximately midday. In some locations the children work after they have attended school in the morning, and there have even been reports of some children working from 10pm until 6am.<sup>7</sup>

The use of young children on nut plantations not only breaks the law, where the minimum age for working is 14 years old, but it also breaks an agreement between the workers, employers and the Government that children under the age of 14 will not work in this industry. Although workers are aware that it is illegal for their children to

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<sup>4</sup> International Labour Organization and UNICEF, *op.cit.*, page 12.

<sup>5</sup> International Labour Organization and UNICEF, *op.cit.*, page 13.

<sup>6</sup> Julia Durango, *op.cit.*, page 16.

<sup>7</sup> Julia Durango, *op.cit.*, page 11.

work, they allow it to happen and simply hide the children when there is a visit from government officials.<sup>8</sup>

### **Child labour in the mining industry**

Children work in tin, zinc and silver mines in the Departments of Ururo, Potosí and La Paz. The total population in the mining areas is 215,000 of which 46 per cent are children. There are 38,600 miners of which 3,800 are children, 10 per cent of the total mining workforce.<sup>9</sup> The rest of the population provide goods and services to the local population, but mining is the principal economic activity. The cooperatives vary in size and can be as large as 2,800 workers, such as the *Cooperativa Minera Unificada del Cerro Rico de Potosí* or as small as 20 people.

The population is fluid and mobile, often moving to mines where work is available. The movement of the population makes it difficult to provide them with health and education services or to prevent children from carrying out mining activities.

Bolivia's economy relies on mining, which accounts for 40 per cent of the country's exports. However, 85 per cent of all employment in mining is in cooperatives and very small mines, where miners work alongside their whole family.

Children have no choice as to whether they mine or not. The majority of children who mine are from mining families where their fathers and grandfathers were also miners. Parents do not think that sending their children into the mines is exposing them to extreme risks; many of them feel that learning a trade is preparing them for a life of work and ensuring they have a skill to rely on.

The children carry out different tasks, depending on their age and sex. In general, the older boys will work with their fathers in the mines whilst the younger children will carry rocks and tools out of the mines or work on the edge of mines collecting rocks. In the tropical regions children will work in the rivers collecting and washing gold deposits. However, in some cases young children between the ages of 8 and 12 are used to go down small mine shafts as they are the only ones small enough to enter. They help to carry tools, extract minerals and set up and explode dynamite.

Boys are also responsible for moving the mining carts out of the mines when they are full of minerals. In mines where there are no carts the children carry the heavy loads on their backs, and then take them to be processed. Other children work at the entrance of the mines collecting rocks by hand and taking them to be processed.

Young boys, girls and women are primarily employed in the processing stage, which is mostly done by hand except in the largest mines. The tool used is a heavy stone in the shape of a half moon, which can weigh up to 60 kilos. This is placed on a metal plate with small rocks in between, which are then ground down with the weight of the stone. Once the stone has been ground down it is then washed in a metal barrel and

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<sup>8</sup> Julia Durango, "Sistematización sobre la situación de niños, niñas y adolescentes involucrados en la zafra de la castaña", UNICEF, Bolivia, 2005, page 11.

<sup>9</sup> International Labour Organization and UNICEF, *Buscando la luz al final del tunnel: niños, niñas y adolescentes en la minería artesanal en Bolivia*, ILO/UNICEF, La Paz, 2004, page 9.

sieve, where the mineral sinks to the bottom of the barrel whilst the stone is left in the sieve. The next stage is extremely dangerous as the children have to collect any mineral traces left in the stones by grinding them with toxic chemicals. They do not use any protective clothing and risk being burnt by the chemicals as well as inhaling the toxic fumes. Children often complain of feeling weak and nauseous after carrying out this task. They then polish and shine the mineral collected.

Children working in the gold mines in the north of La Paz, are responsible for entering underground mines and helping the miners as well as collecting gold deposits from river beds and washing them in rivers. To wash the gold the children are submerged up to their wastes in water. The rivers are contaminated with mercury, sulphur, other chemicals used in the mining process and all the waste from the mines and camps. They also handle mercury to separate the gold deposits from the stones they are embedded in. The children do these tasks every day with great risk to their health. Children as young as five years old start out by helping their mothers collecting gold deposits from contaminated river beds.<sup>10</sup>

In the interior of the mines there are many accidents involving dynamite and falling rocks. The child workers inhale the rock dust and other toxic fumes, such as mercury or sulphur (these can also be absorbed through the skin) due to the lack of ventilation in the mines and also risk loss of hearing from the dynamite blasts as they do not have anything to protect their ears. The children suffer from many back, muscular and bone problems due to carrying very heavy loads on their backs and being in cramped conditions in the mines.

There are also many accidents outside of the mines involving the huge stone used to grind the rocks, or children falling outside the mines on steep and precarious mine surfaces.<sup>11</sup> Children suffer from respiratory problems, rheumatism, back problems and other ailments. The children working in sub-tropical regions, often for many hours in rivers, also suffer from yellow fever and chemical contamination.

### **Legislative framework and Government action**

The Code of Children and Adolescents 2000 (*el Código del Niño, Niña y Adolescente*) is the most important legislative instrument for protecting the rights of children. Article 126 of the Code establishes a minimum working age of 14 years old. Article 134 prohibits minors under 18 years old from taking part in the sugar cane harvest and under 14 year olds taking part in the Brazil nuts industry.

The Code also prohibits a number of activities that are considered to be hazardous for under 18 year olds to carry out. Many of the activities in mining are considered to be dangerous such as, carrying loads that are too heavy for children's physical capability, working in quarries or underground mines, handling toxic chemical substances (such as mercury), explosives and inflammables, exposure to toxic gases, dust or vapours and working in high temperatures and without adequate ventilation.<sup>12</sup>

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<sup>10</sup> International Labour Organization and UNICEF, *op.cit.*, page 17.

<sup>11</sup> International Labour Organization and UNICEF, *op.cit.*, page 27.

<sup>12</sup> A full list of hazardous risks that children cannot be exposed to is in Article 134 of the Code of Children and Adolescents 2000.

Article 58 of the General Labour Law also prohibits children under 14 years of age from working whilst Article 59 prohibits all children under 18 years old carrying out dangerous tasks that risk their physical, psychological or moral well being.

The Government put together a 10 year National Plan for the Eradication of Child Labour in 2000 with three primary goals of: eradicating the worst forms of child labour; reducing and eliminating children under 14 from working; and improving the working conditions for 14-18 year olds. To date the worst forms of child labour have been defined as working in the industries of sugar cane, Brazil nuts, mining and domestic work.<sup>13</sup> The Plan's aim is to reduce child labour by 20 per cent by 2008.

Amongst the plan's goals is for the Government to create child labour offices in every province of the country to monitor the child labour situation and to collect statistics and testimonials from children. There are currently only three such offices in the country.

The National Committee for the Eradication of Child Labour is made up of government departments, NGOs and international agencies such as the ILO and UNICEF and is responsible for implementing the National Plan. However, the Committee suffers from a lack of resources, capacity and budget. The Committee only has one full time staff member, the child labour commissioner, who is responsible for implementing the Plan by coordinating committee members' actions, liaising with other government departments and donors and writing reports. The workload is too heavy for just one full time commissioner.

Although it is positive that a National Plan exists, in reality there is little political buy-in from other departments and the child labour commissioner remains isolated and without political and institutional support to implement the Plan of Action. To date, the Bolivian Government has only provided the funds to employ the one child labour commissioner, whilst UNICEF have provided the resources for all trainings, campaigns and activities carried out by the Committee.

One recent success, however, has been the Government's agreement with sugar cane companies in which the producers commit that they will no longer use child labour. This agreement was concluded after the United States Government impounded a shipment of sugar from Bolivia because child labour had been used in its production. This was the push needed to scare the companies into admitting there was a serious problem and signing the agreement. However, it will be difficult to implement this agreement without adequate labour inspectors to monitor the situation and priority being given to carrying out prosecutions.

## **Conclusions**

The Bolivian Government will have to commit political and economic resources to implementing its child labour policy if it is going to eradicate the worst forms of child labour in the industries highlighted above. In 2005 alone there were three changes in the Minister of Labour with a fourth following the election in December 2005. Such

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<sup>13</sup> It appears that many of the issues in child domestic work in Bolivia are similar to those in Peru. For further information see Bhavna Sharma, "*Contemporary Forms of Slavery in Peru*", Anti-Slavery International, London, 2006.

changes result in a lack of continuity in leadership and personnel which seriously impedes the ability to move forward with the Plan. The National Plan provides the policy framework to address the issue of child labour, but lacks the budget and resources to implement it. The Government must ensure the involvement of the relevant ministries and officials in the National Plan's actions. The Committee for the Eradication of Child Labour needs to be reinforced with a larger budget and additional experienced staff. At present, the sole commissioner cannot possibly carry out all of the necessary tasks to implement the Plan of Action.

There needs to be more rigorous and thorough inspection and monitoring systems in place to track and tackle the use of child labour. Employers and even workers in industries that employ child labour will deny that it exists and will hide children if they know a labour official is coming to visit.<sup>14</sup> However, even though labour officials know that children are often being hidden on their visits they are still willing to believe the employers' denials that children are not actually working but simply accompanying their parents.<sup>15</sup>

There also needs to be closer investigation of local officials and their overlapping interests. In interviews with UNICEF, the mayor of Riberalta (one of the principal cities for the Brazil nuts industry), stated that only children over the minimum age of 14 years old were allowed in the processing factories. However, it turned out that his wife is an owner of a processing factory.<sup>16</sup> The owners of such factories claim that children under the age of 14 are there to bring lunch to their parents or to stay close to their mother where they can keep an eye on them.

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<sup>14</sup> Julia Durango, *op.cit.*, page 11.

<sup>15</sup> Julia Durango, *op.cit.*, page 11 and 18.

<sup>16</sup> Julia Durango, *op.cit.*, page 15.