Supplementary report on

**“Sexual Exploitation of Children in Bolivia (Plurinational State of)”**

to the combined fifth and sixth periodic reports of Bolivia on the implementation of the Convention on the Rights of the Child, including the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography

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*ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 30 years, ECPAT has acted as the international watchdog, monitoring States’ response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 121 network members operating in 103 countries.*

**Context of this thematic report**

1. The present report is supplementary to the periodic reports of Bolivia on the implementation of the CRC which includes reporting on the implementation of the OPSC, and is based on ECPAT International’s desk-based research and work experience and knowledge of Consorcio ECPAT Bolivia.
2. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution;[[1]](#endnote-1) online child sexual exploitation (‘OCSE’); child sexual exploitation materials or abuse materials (‘CSEM’ or ‘CSAM’);[[2]](#endnote-2) trafficking of children for sexual purposes; sexual exploitation of children in the context of travel and tourism[[3]](#endnote-3) (‘SECTT’) and child, early and forced marriage (‘CEFM’).

**Current status and developments of sexual exploitation of children in Bolivia**

*Background of country conditions*

1. Although sexual violence is prevalent throughout Bolivia, it does not receive recognition as a major social issue.[[4]](#endnote-4) There is a range of factors that contribute to the sexual exploitation of children in Bolivia, including: widespread poverty, a macho culture that objectifies the bodies of women and girls, indifference to the problem on a societal level, lack of access to education and health for certain demographics and high instances of child labour.[[5]](#endnote-5)

*Exploitation of children in prostitution*

1. As there is no centralised system of data collection that measures the prevalence of children exploited in prostitution, it is difficult to ascertain the true extent of the problem.
2. A nationwide 2012 study indicated that those most vulnerable to exploitation in prostitution are girls who live on the streets,[[6]](#endnote-6) as well as victims of family violence, abandonment or drug and alcohol issues.[[7]](#endnote-7) Brothels, nightclubs, massage parlours and inexpensive accommodation options have been identified as locations in which children as young as 12 are exploited in prostitution.[[8]](#endnote-8) These attitudes are further compounded by the findings of a 2016 study that showed that, within local communities, many people are indifferent towards SEC and in some cases those on neighbourhood councils profit from it.[[9]](#endnote-9)
3. A 2018 study by UNICEF and ICCO Cooperation highlighted that the exploitation of children in prostitution may be prevalent in the mining regions of Bolivia.[[10]](#endnote-10) In Mapiri, Santa Rosa and Mayaya, 80% of the escorts in bars are teenagers and in Potosí, researchers identified children in 7 out of the 17 brothels.[[11]](#endnote-11)

*Sale and trafficking of children for sexual purposes*

1. The 2020 US Department of State’s Trafficking in Persons (TIP) report identifies that women and children are trafficked both within Bolivia and to neighbouring countries.[[12]](#endnote-12) Rural and poor Bolivians, many of whom are from indigenous communities, and LGBTI youth[[13]](#endnote-13) as well as street children[[14]](#endnote-14) are particularly vulnerable.
2. In 2018, there were 32 child victims of trafficking identified, 29 of whom were girls and 3 boys.[[15]](#endnote-15) It is unclear how many of these children were trafficked for the purpose of sexual exploitation.

*Sexual exploitation of children in travel and tourism (SECTT)*

1. In 2019, 1.485 million international tourists visited Bolivia.[[16]](#endnote-16) In 2019, civil society organisations reported a rise in SECTT in specific tourist areas within the La Paz and Beni departments.[[17]](#endnote-17) As of May 2020, only 1 company based in Bolivia and 14 with operations there had signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.[[18]](#endnote-18)

*Online child sexual exploitation (OCSE)*

1. As of 2018, there were around 100 mobile cellular subscriptions per 100 inhabitants and 43.8% of people using the Internet within Bolivia.[[19]](#endnote-19) Research has indicated that there are areas of multiple cities in which it is possible to purchase CSAM.[[20]](#endnote-20) In 2018, there were 16 registered child victims of ´pornography´ offences under Bolivian law, all of whom were girls.[[21]](#endnote-21)
2. In 2020, a study carried out by the Munasim Kullakita Foundation on the effects of COVID-19 on children and adolescents in Bolivia further confirmed children’s vulnerability to OCSE in the country. The study found 896 offers of sexual services from girls advertised as being aged 18, of which it was estimated that around 75% may be below 18. [[22]](#endnote-22)  Further, the study identified 12 Facebook groups in which sexual material could be exchanged, as well as 31 active Whatsapp groups in which CSAM, among other things, was shared.[[23]](#endnote-23)

*Child, early and forced marriage (CEFM)*

1. UNICEF highlighted that between 2012 and 2018, amongst Bolivian women aged 20-24, 3% were married before turning 15 and 20% were married before 18.[[24]](#endnote-24) 5% of men aged 20-24 were married before turning 18.[[25]](#endnote-25) In Bolivia, it is considered normal for a teenage girl to get married if she falls pregnant.[[26]](#endnote-26) Research has indicated that children from rural areas and indigenous communities may be more vulnerable to CEFM, with men from indigenous communities seeing the ideal age for girls to be married as starting from 13.[[27]](#endnote-27)

**General measures of implementation, coordination and evaluation**

*Policies and overall strategy*

1. The overall vision for the future of Bolivia´s social and economic development is contained under 13 pillars set out by the Patriotic Agenda 2025,[[28]](#endnote-28)whose specific methods of implementation are set out in the Social and Economic Development Plan 2016-2020 (PDES).[[29]](#endnote-29) However, SEC is not explicitly addressed under any of their goals.
2. The GoB developed the Multisectoral Development Plan for the Fight against Human Trafficking 2016-2020.[[30]](#endnote-30) However, although the plan acknowledges that sexual exploitation is a fundamental purpose of trafficking in Bolivia,[[31]](#endnote-31) it does not specifically address SEC under any of its goals.
3. Under Article 15 of the Code for Children and Adolescents it is provided that a Plurinational Plan for Children and Adolescents should be established.[[32]](#endnote-32) Although this plan was approved in the Congress for children and adolescents, in April 2017,[[33]](#endnote-33) it does not contain specific actions or strategies against SEC.[[34]](#endnote-34) Article 15 also provides for the establishment of the National Programme to Combat Sexual Violence.[[35]](#endnote-35) It is in the framework of this programme that the Protocol for Preventing, Addressing and Punishing Violations of the Sexual Integrity of Children and Adolescents and the Road Map for Combating Sexual Violence were established.[[36]](#endnote-36),[[37]](#endnote-37) However, these guidelines have only been implemented within those Child Defence Offices (DNAs) located in the departmental capital cities, with a lack of personnel hindering its implementation in rural areas.[[38]](#endnote-38)

*Coordination, cooperation and evaluation*

1. Article 159 of the Code for Children and Adolescents establishes the SIPPROINA as the body responsible for children’s rights.[[39]](#endnote-39)
2. The Plurinational Council against Human Trafficking and Smuggling is responsible for the coordination of the GoB’s anti trafficking efforts.[[40]](#endnote-40)Although the 2016-2020 Trafficking Plan provides for regular monitoring reports,[[41]](#endnote-41) in the course of this research it has not been possible to find any recent evaluation reports. The 2020 TIP report noted that overlapping mandates had resulted in a lack of interagency coordination in the GoB’s efforts to combat trafficking.[[42]](#endnote-42) By the end of 2018, 7 of the 9 administrative zones of Bolivia had developed and begun implementing anti trafficking plans.[[43]](#endnote-43) However, only 4 of these departments have taken any action against SEC.[[44]](#endnote-44)

**Prevention of the sale of children, child prostitution and child pornography**

1. Under Article 149 of the Child and Adolescent Code it is provided that anyone convicted of a sexual crime against children must be monitored and is prohibited from living or working near those places in which children may gather.[[45]](#endnote-45) The Code also provides for the establishment of a publicly accessible child sex offenders’ registry.[[46]](#endnote-46) However, in the course of this research it has not been possible to find evidence that the GoB has created such a register.

1. CEPAT centres work with NGOs, DNAs and educational organisations in order to design and implement awareness raising and prevention programmes for sexual violence against children.[[47]](#endnote-47) There is at least one CEPAT in each of Bolivia´s nine departments.[[48]](#endnote-48)
2. The Ombudsman Office and national police have conducted awareness campaigns on the dangers of trafficking.[[49]](#endnote-49) However, these campaigns did not specifically target the trafficking of children for sexual purposes.[[50]](#endnote-50)Furthermore, whilst all nine departments reported having provided training for personnel working with victims of trafficking, only La Paz has a training plan for staff of the specialised centre for women and child victims of trafficking.[[51]](#endnote-51)

**Prohibition of the sale of children, child prostitution and child pornography**

1. The Criminal Code does not contain a definition of a child. Whilst the Code for Children and Adolescents states that it is applicable to all children under 18, it makes a differentiation between children (below 12) and adolescents (between 12 and 18).[[52]](#endnote-52)
2. The age of sexual consent (statutory rape) is set at 14 under the Bolivian Criminal Code[[53]](#endnote-53),[[54]](#endnote-54)The law of ‘*estupro’* states that having “carnal access” to an adolescent between 14 and 18 through seduction or deceit will result in a punishment of between 3 and 6 years imprisonment.[[55]](#endnote-55) It has been reported that judges have used their discretion to find a perpetrator of sexual violence against adolescents, particularly girls, guilty of the crime of ‘*estupro*’, which carries a lesser sentence, instead of rape, despite sufficient evidence for a rape offence.[[56]](#endnote-56)
3. Although engaging in prostitution is not criminalised under Bolivian legislation, certain conducts associated with prostitution are.[[57]](#endnote-57),[[58]](#endnote-58) When these offences are carried out against a child under the age of 14, the punishment is increased.[[59]](#endnote-59) In addition, when the victim is under 14 their consent is immaterial and the stipulated means are not required to constitute an offence.[[60]](#endnote-60) This creates unequal protection for children aged over 14 and may leave them vulnerable to being exploited in prostitution.
4. Under Article 322 of the Criminal Code it is illegal to pay, 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 in order to satisfy interests or sexual desires.[[61]](#endnote-61),[[62]](#endnote-62) The attempt at carrying out offences under the Criminal Code, that have not been completed for reasons outside of the perpetrators control, is still considered an offence and will result in a punishment of two-thirds of the penalty for the offence attempted.[[63]](#endnote-63)
5. Offences related to ‘pornography’ are contained under article 323 bis.[[64]](#endnote-64),[[65]](#endnote-65).[[66]](#endnote-66) Punishment for such offences is increased by one third if the victim is a child.[[67]](#endnote-67) The fact that children are included under the aggravated penalties rather than as a separate offence means that the absence of consent is also a requirement in cases involving children, which could imply the concept that children can consent to their own exploitation. Under Article 323 bis (3), it is illegal to buy, rent or sell CSAM.[[68]](#endnote-68)
6. The Bolivian legislation does not contain a definition of CSAM in line with the OPSC. Moreover, it is not explicitly prohibited to view, download or knowingly obtain access to CSAM. There are no provisions that define or criminalise live streaming of sexual abuse material, online grooming, online sexual extortion or unsolicited sexting. There is no obligation for Internet Service Providers to filter, block or report instances of CSAM.
7. Under Article 281 bis of the Criminal Code, human trafficking for the purposes of, among other things, sexual exploitation, sex tourism and servile marriage is criminalised.[[69]](#endnote-69)The trafficking of children is considered under the aggravated penalties rather than as a separate offence.[[70]](#endnote-70),[[71]](#endnote-71) Therefore, in direct contradiction of Article 3 (c) of the Palermo Protocol, the trafficking of children requires one of the means of trafficking provided, i.e. “deception, intimidation, force, coercion” etc, in order to constitute an offence.[[72]](#endnote-72) Whilst trafficking for the purpose of the sale of human beings with or without profit is an offence under Article 281 bis,[[73]](#endnote-73) there is no standalone provision that explicitly defines and criminalises the sale of children.
8. Whilst there are no provisions that specifically prohibit SECTT under the Bolivian legislation, trafficking for the purposes of sex tourism is an offence under Article 281 bis of the Criminal Code.[[74]](#endnote-74) Although Law 263 provides a definition of sex tourism, it does not mention the sexual exploitation of children specifically.[[75]](#endnote-75)
9. The Family Code states that a person may enter a marriage or free union upon reaching the age of majority,[[76]](#endnote-76) which is set at 18 in the Civil Code.[[77]](#endnote-77) However, a child over 16 may enter into a marriage with the permission of whoever exercises parental control or guardianship or, in the absence of these, the Ombudsman for children and adolescents.[[78]](#endnote-78) Furthermore, where this necessary authorisation has not been granted, a child may request it from the judicial authority.[[79]](#endnote-79) Whilst the forced marriage of children is not included as a specific offence under Bolivian law, trafficking for the purposes of servile marriage is considered as an offence under Article 281 bis.[[80]](#endnote-80)

*Extraterritorial jurisdiction and extradition*

1. A Bolivian citizen may be punished for crimes committed abroad if they were not already punished in the place where the crime was committed and are in Bolivian territory.[[81]](#endnote-81)Although Bolivia does not explicitly recognise extraterritorial jurisdiction when the victim is a citizen of Bolivia, crimes committed outside of its territory may be punishable if they directly contravene a Convention to which Bolivia is party.[[82]](#endnote-82)
2. No person under Bolivia´s jurisdiction can be extradited to another country unless it is explicitly stated in an international agreement.[[83]](#endnote-83) The principle of double criminality applies, with only those crimes with a minimum sentence of 2 years or more, in both Bolivia and the requesting state, eligible for extradition.[[84]](#endnote-84) This would cover all offences relating to SEC that are prohibited under the Bolivian legislation.

**Protection of the rights of child victims**

1. Child victims can use the line 800 10 8004 to report crimes related to SEC.[[85]](#endnote-85) Further, the line 156 (member of the Child Helpline International network) is available only in 3 of 342 municipalities, the municipalities of La Paz, El Alto and Santa Cruz.[[86]](#endnote-86) Although child victims may access legal and psychological support through the helpline,[[87]](#endnote-87) its services are offered to all victims of violence and so are not tailored specifically for SEC or child victims. The Observatory for Cybercrime has an online reporting portal through which crimes related to, among other things, CSAM, grooming of children and sexual extortion may be reported.[[88]](#endnote-88) In the course of this research it has not been possible to verify whether this portal has been widely used to report crimes relating to SEC.
2. The Child and Adolescent Code provides for a number of different protective measures for child victims and witnesses.[[89]](#endnote-89) However, there is often a delay in proceedings related to SEC, due to the saturation of the system. This has resulted in instances in which child victims have had to return to give statements multiple times, risking further traumatisation.[[90]](#endnote-90)
3. Through the Trafficking in Persons Division of the unit FELCC, the police works on the investigation and prosecution of crimes of trafficking and related crimes, which include procuring, CSAM and commercial sexual violence.[[91]](#endnote-91) In 2019, a report by the Office of the Ombudsman highlighted a lack of adequate checks, surveillance and detection methods aimed at preventing the trafficking of children as well as insufficient and unspecialised personnel tasked with detecting potential trafficking cases.[[92]](#endnote-92) Outside of La Paz and Santa Cruz, these divisions lack the personnel and resources to carry out effective investigations.[[93]](#endnote-93)
4. At a municipal level, DNAs exist throughout the country to promote the defence and protection of children´s rights.[[94]](#endnote-94) They are made up of a multi-disciplinary team and provide support and initiate reporting procedures in cases of SEC.[[95]](#endnote-95)However, during the COVID 19 crisis, only 9% of the 56 DNAs surveyed enabled hotlines to receive complaints and, in all but 3 of these offices, staff were being utilised for tasks unrelated to the protection of children.[[96]](#endnote-96) A 2019 report identified failings on the part of DNAs in adequately detecting and preventing the trafficking of children through bus terminals within Bolivia.[[97]](#endnote-97) DNAs have taken a 50% budget cut as funds have been redirected to strengthen municipal health systems.[[98]](#endnote-98)
5. CEPATs provide therapy and support throughout judicial processes for child victims of sexual violence.[[99]](#endnote-99)In 2019, the Office of the Ombudsman called upon departments and municipalities to strengthen both CEPATs and DNAs so as to enable them to provide sustained therapeutic care to child victims.[[100]](#endnote-100)The only CEPAT that can be said to function effectively is in Santa Cruz; the other 8 have inadequate infrastructure or staff numbers and so do provide adequate assistance to children.[[101]](#endnote-101)
6. A 2020 government investigation highlighted that there were only 6 reception centres across 4 departments that specialised in victims of human trafficking and associated crimes.[[102]](#endnote-102)Only 3 of these centres offer specialised attention to women and child victims of trafficking and none to boys.[[103]](#endnote-103)

**Recommendations to the GoB**

*General measures of implementation*

1. Adopt a specific national action plan to end the sexual exploitation of children or to integrate it comprehensivelyin the future national action plans pertaining to children’s rights;
2. Make sure that the sexual exploitation of children is regarded as an utmost priority by the SIPPROINA; and allocate enough resources to allow all bodies to effectively promote, initiate and coordinate actions against it;
3. Collect disaggregated data on the scope and characteristics of all manifestations of sexual exploitation of children to develop evidence-based policies and strategies.

*Prevention*

1. Allocate enough funding to raise public awareness about the sexual exploitation of children specifically among vulnerable groups, citizens and visitors;
2. Create a child sex offenders’ registry, and take the appropriate steps to put in place international travel restrictions for and deny entry to registered child sex offenders.

*Prohibition*

1. Remove the *‘estupro’* provision under Article 309 and ensure that all perpetrators of sexual offences against children are punished with sufficiently severe penalties;
2. Adopt a definition of child sexual abuse material in line with Article 2(c) of the OPSC;
3. Adopt specific legal provisions to define and criminalise online grooming, live steaming of child sexual abuse material and sexual extortion;
4. Amend Article 281 bis so as to be in line with Article 3(c) of the Palermo Protocol;
5. Adopt a specific legal provision to define and criminalise the sale of children;
6. Establish 18 as the legal age of marriage without any possible exception;
7. Include crimes related to the sexual exploitation of children as extraditable offences and remove the dual criminality requirement when negotiating new extradition treaties.

*Protection*

1. Ensure that enough shelters for children victims of sexual exploitation are available, properly funded, staffed by well-trained personnel and able to offer integrated services;
2. Ensure that law enforcement agencies have the funds, resources and skills to identify, investigate and respond to sexual exploitation of children and are able to use adapted protocols when dealing with victims of this crime.

1. ECPAT prefers the term ‘exploitation of children in prostitution’ instead of ‘child prostitution’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), [*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*](http://luxembourgguidelines.org/english-version/), Bangkok: ECPAT, 29, accessed on 15 May 2020. [↑](#endnote-ref-1)
2. ECPAT prefers the term ‘child sexual exploitation material’ or ‘child sexual abuse material’ over the often in legal context still used ‘child pornography’ in line with the recently widely adopted Terminology Guidelines. Ibid.,39. [↑](#endnote-ref-2)
3. *Ibid.,* 54 [↑](#endnote-ref-3)
4. UNICEF. (2017). [*Country Program Strategy Notes 2018-2022*](http://files.unicef.org/transparency/documents/Final%20PSN%20Bolivia_100517.pdf)*.* 39. [↑](#endnote-ref-4)
5. E Zabala Torres and A Ramírez Quiroga. (2016). [*Dinámicas de la trata, proxenetismo y violencia sexual comercial de niñas, niños y adolescentes en Bolivia.*](https://www.munasimkullakita.org/upload/documentos/dinamicas-del-comercio-sexual-de-nna-s-en-bolivia.pdf) 17. [↑](#endnote-ref-5)
6. Vuela Libre. (2012). [*Diagnóstico sobre violencia sexual comercial en Bolivia*](http://www.vuelalibre.info/wp-content/uploads/2019/03/3adcc28d02bfc03319e4a7630a4f49b8.pdf). 105. [↑](#endnote-ref-6)
7. *Ibid.,* 117. [↑](#endnote-ref-7)
8. *Ibid.* [↑](#endnote-ref-8)
9. E Zabala Torres and A Ramírez Quiroga. (2016). [*Dinámicas de la trata, proxenetismo y violencia sexual comercial de niñas, niños y adolescentes en Bolivia*](https://www.munasimkullakita.org/upload/documentos/dinamicas-del-comercio-sexual-de-nna-s-en-bolivia.pdf). 45. [↑](#endnote-ref-9)
10. UNICEF. (2018.) [*Explotación sexual comercial de niñas, niños y adolescentes y sus rutas en zonas mineras y extractivas en territorios de los departamentos de La Paz, Oruro y Potosí.*](https://www.unicef.org/bolivia/media/521/file/bol-explotacion-sexual-comercial-ninez-adolescencia-zonas-mineras-la%20paz-oruro-potosi-2019.pdf) [↑](#endnote-ref-10)
11. *Ibid.,* 85. [↑](#endnote-ref-11)
12. *U.S. Department of State. (2020).* [*Trafficking in Persons Report.*](https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf) *112.* [↑](#endnote-ref-12)
13. Ibid. [↑](#endnote-ref-13)
14. UNICEF. (2018). [*Annual Report: Bolivia.*](https://www.unicef.org/about/annualreport/files/Bolivia_2018_COAR.pdf) [↑](#endnote-ref-14)
15. Plurinational State of Bolivia. (2020). [*Cumplimiento a la Creación de Centros de Acogida Especializados para Víctimas de Trata y Tráfico de Personas, y Delitos Conexos.*](https://www.defensoria.gob.bo/uploads/files/informe-defensorial-cumplimiento-a-la-creacion-de-centros-de-acogida-espacializados-para-victimas-de-trata-y-trafico-de-personas,-y-delitos-conexos-2020.pdf) 54. [↑](#endnote-ref-15)
16. Instituto Nacional de Estadística. (n,d). [Estadísticas de Flujo de Viajeros](https://www.ine.gob.bo/index.php/estadisticas-economicas/turismo/estadisticas-de-flujo-de-viajeros/). [↑](#endnote-ref-16)
17. U.S. Department of State. (2020). [*Trafficking in Persons Report*](https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf). 112. [↑](#endnote-ref-17)
18. The Code. (n.d). [*Members of the Code.*](http://www.thecode.org/who-have-signed/members/)  [↑](#endnote-ref-18)
19. ITU. (2018). [*Bolivia Profile*](https://www.itu.int/itu-d/apis/clients/res/pdf/country_profile/report_BOL.pdf)*.* [↑](#endnote-ref-19)
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21. Plurinational State of Bolivia. (2020). [*Cumplimiento a la Creación de Centros de Acogida Especializados para Víctimas de Trata y Tráfico de Personas, y Delitos Conexos.*](https://www.defensoria.gob.bo/uploads/files/informe-defensorial-cumplimiento-a-la-creacion-de-centros-de-acogida-espacializados-para-victimas-de-trata-y-trafico-de-personas,-y-delitos-conexos-2020.pdf)54. [↑](#endnote-ref-21)
22. A Ramirez and R. Huanacuni. (2020). Efectos del Covid-19 en la niñez y adolescencia de Bolivia. [↑](#endnote-ref-22)
23. *Ibid.* [↑](#endnote-ref-23)
24. UNICEF. (2019). [*The State of the World’s Children 2019. Children, Food and Nutrition: Growing well in a changing world.*](https://www.unicef.org/media/63016/file/SOWC-2019.pdf)UNICEF, New York. 232 [↑](#endnote-ref-24)
25. *Ibid*. [↑](#endnote-ref-25)
26. Greene, Margaret E. (2019). *[Una Realidad Oculta para niñas y adolescentes. Matrimonios y uniones](https://lac.unfpa.org/sites/default/files/pub-pdf/UnionesTempranas_ESP_Web.pdf)*

    *[infantiles, tempranas y forzadas en America Latina y el Caribe. Reporte Regional.](https://lac.unfpa.org/sites/default/files/pub-pdf/UnionesTempranas_ESP_Web.pdf)* Plan International Americas y UNFPA. 44. [↑](#endnote-ref-26)
27. Greene, Margaret E. (2019) *[Una Realidad Oculta para niñas y adolescentes. Matrimonios y uniones](https://lac.unfpa.org/sites/default/files/pub-pdf/UnionesTempranas_ESP_Web.pdf)*

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    International Americas y UNFPA. [↑](#endnote-ref-27)
28. Plurinational State of Bolivia. (2013). [*Patriotic Agenda 2025*](http://extwprlegs1.fao.org/docs/pdf/bol141864.pdf)*.* [↑](#endnote-ref-28)
29. The PDES and Agenda’s pillars contain a number of goals that may relate to SEC such as to eradicate child labour, reduce human trafficking and related crimes and eradicate all forms of violence and abuse in educational settings. Plurinational State of Bolivia. (2016). [*Social and Economic Development Plan 2016-2020*](http://vpc.planificacion.gob.bo/pdes/)*.* Pillar 1.3 goal 3(5), Pillar 1.2 goal 3 (4), Pillar 1.3 goal 4(1). [↑](#endnote-ref-29)
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31. *Ibid.* [↑](#endnote-ref-31)
32. Plurinational State of Bolivia. (2014). [*Children and Adolescent Code*](http://www.migracion.gob.bo/documentos/PDF/l548.pdf). Article 15. [↑](#endnote-ref-32)
33. Aldeas Infantiles SOS Bolivia. (2017). [*Cada Niño y Niña Cuenta*](https://www.aldeasinfantiles.org.bo/getmedia/ce6e78da-cd70-4d7a-8ee7-b1ab9ed3e211/Estudio-Cada-Nino-Cuenta.pdf). 23. [↑](#endnote-ref-33)
34. ECPAT Consorcio. (2020, July). *Personal Communication.* [↑](#endnote-ref-34)
35. Plurinational State of Bolivia. (2014). [*Children and Adolescent Code*](http://www.migracion.gob.bo/documentos/PDF/l548.pdf). Article 15. [↑](#endnote-ref-35)
36. Plurinational State of Bolivia. (2017). [*Protocolo de Prevención, Atención y Sanción a toda forma de Vulneración a la Integridad Sexual de Niñas, Niños Y Adolescentes*.](https://bolivia.unfpa.org/sites/default/files/pub-pdf/PROTOCOLO-sancion-integridad-sexual.pdf) [↑](#endnote-ref-36)
37. The Protocol provides standards, protocols and procedures for the comprehensive care of victims of sexual violence. It seeks to promote coordination between public authorities and administrators of justice so as to provide adequate attention and protection to child victims of sexual exploitation. Furthermore, it aims to facilitate screening, care and referral processes for child victims of sexual violence and to encourage the participation of children in the promotion of their rights. The Protocol also endeavours to avoid the duplicity of efforts in investigative procedures, therefore avoiding the retraumatization of child victims of sexual exploitation [↑](#endnote-ref-37)
38. ECPAT Consorcio. (2020, July). *Personal Communication.* [↑](#endnote-ref-38)
39. Plurinational State of Bolivia. (2014). [*Children and Adolescent Code*](http://www.migracion.gob.bo/documentos/PDF/l548.pdf). Article 159. [↑](#endnote-ref-39)
40. Aldeas Infantiles SOS Bolivia. (2017). [*Cada Niño y Niña Cuenta*](https://www.aldeasinfantiles.org.bo/getmedia/ce6e78da-cd70-4d7a-8ee7-b1ab9ed3e211/Estudio-Cada-Nino-Cuenta.pdf)*.* 70. [↑](#endnote-ref-40)
41. *Plurinational State of Bolivia. (2017).* [*Plan Multisectorial de Desarrollo Integral para la Lucha contra la Trata y Tráfico de Personas 2016 – 2020*](https://www.defensoria.gob.bo/uploads/files/plan-multisectorial-de-desarrollo-integral-para-la-lucha-contra-la-trata-y-trafico-de-personas-2016-2020.pdf)*.* [↑](#endnote-ref-41)
42. U.S. Department of State. (2020). [*Trafficking in Persons Report*](https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf). 112.. [↑](#endnote-ref-42)
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46. *Ibid.,* Additional Dispositions, Cuarta 1(a). [↑](#endnote-ref-46)
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48. *Ibid*. [↑](#endnote-ref-48)
49. U.S. Department of State. (2020). [*Trafficking in Persons Report*.](https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf) 111. [↑](#endnote-ref-49)
50. Plurinational State of Bolivia. (n,d). [*Trata y Tráfico de Personas.*](https://www.defensoria.gob.bo/documentos/9) Webpage. [↑](#endnote-ref-50)
51. Plurinational State of Bolivia. (2020). [*Cumplimiento a la Creación de Centros de Acogida Especializados para Víctimas de Trata y Tráfico de Personas, y Delitos Conexos*.](https://www.defensoria.gob.bo/uploads/files/informe-defensorial-cumplimiento-a-la-creacion-de-centros-de-acogida-espacializados-para-victimas-de-trata-y-trafico-de-personas,-y-delitos-conexos-2020.pdf)70. [↑](#endnote-ref-51)
52. Plurinational State of Bolivia. (2014). [*Children and Adolescent Code*](http://www.migracion.gob.bo/documentos/PDF/l548.pdf). Article 5. [↑](#endnote-ref-52)
53. Plurinational State of Bolivia. (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf). Article 308 bis. [↑](#endnote-ref-53)
54. Violation of this law carries a penalty of between 15 and 20 years of imprisonment. A close in age exemption clause exists whereby if a child over 12 years old has consensual sex, free of violence or intimidation, with another child no more than 3 years older, no offence will have been committed. [↑](#endnote-ref-54)
55. *Ibid.,* Article 309. [↑](#endnote-ref-55)
56. Equality Now. (n,d). [*Sexual Violence Against Adolescent Girls In Bolivia and its Consequences*](https://www.equalitynow.org/sexual_violence_against_adolescent_girls_in_bolivia)*.* [↑](#endnote-ref-56)
57. Plurinational State of Bolivia. (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf). (as amended by Law 263). Article 321. [↑](#endnote-ref-57)
58. It is illegal for anyone to “make a profit, promote, facilitate or contribute to the prostitution of an individual” when done 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”. [↑](#endnote-ref-58)
59. Plurinational State of Bolivia. (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf). Article 321. [↑](#endnote-ref-59)
60. *Ibid.* [↑](#endnote-ref-60)
61. *Ibid.,* Article 322. [↑](#endnote-ref-61)
62. The punishment for this offence is imprisonment of between 8 to 12 years, with an aggravated penalty of two-thirds when the child is under 14. [↑](#endnote-ref-62)
63. Plurinational State of Bolivia. (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf). Article 8. [↑](#endnote-ref-63)
64. *Ibid.,* Article 323 bis. [↑](#endnote-ref-64)
65. It is illegal to “intend, force, facilitate or induce, by any means, another person, without their consent, to carry out sexual acts 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”. In addition, it is an offence for the author or partaker to play, store, distribute or sell pornographic material. [↑](#endnote-ref-65)
66. *Ibid.* Article 323 bis. [↑](#endnote-ref-66)
67. *Ibid.* [↑](#endnote-ref-67)
68. *Ibid.* [↑](#endnote-ref-68)
69. Plurinational State of Bolivia. (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf) (as amended by [*Law 263 Against the Trafficking of Persons*](https://www.acnur.org/fileadmin/Documentos/BDL/2013/9130.pdf).) Article 281 bis. [↑](#endnote-ref-69)
70. *Ibid.* [↑](#endnote-ref-70)
71. The penalty for child trafficking offences is between 15 and 20 years imprisonment. [↑](#endnote-ref-71)
72. *Plurinational State of Bolivia. (1972).* [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf) *(as amended by* [*Law 263 Against the Trafficking of Persons*](https://www.acnur.org/fileadmin/Documentos/BDL/2013/9130.pdf)*.) Article 281 bis.* [↑](#endnote-ref-72)
73. *Ibid.* [↑](#endnote-ref-73)
74. Plurinational State of Bolivia. (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf) (as amended by [*Law 263 Against the Trafficking of Persons*](https://www.acnur.org/fileadmin/Documentos/BDL/2013/9130.pdf).) Article 281 bis. [↑](#endnote-ref-74)
75. Plurinational State of Bolivia. (2012*).* [*Law 263 Against the Trafficking of Persons*](https://www.acnur.org/fileadmin/Documentos/BDL/2013/9130.pdf). Article 6 (10). [↑](#endnote-ref-75)
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78. Plurinational State of Bolivia (2014). [*Family Code*](https://www.comunicacion.gob.bo/sites/default/files/dale_vida_a_tus_derechos/archivos/Ley%20603%20C%C3%B3digo%20de%20las%20Familias%20y%20del%20Proceso%20Familiar.pdf). Article 139. [↑](#endnote-ref-78)
79. *Ibid.* [↑](#endnote-ref-79)
80. Plurinational State of Bolivia (1972). [*Criminal Code*](https://www.unodc.org/res/cld/document/bol/codigo-penal_html/Bolivia_Codigo_Penal.pdf) (as amended by [*Law 263 Against the Trafficking of Persons*](https://www.acnur.org/fileadmin/Documentos/BDL/2013/9130.pdf).) Article 281 bis. [↑](#endnote-ref-80)
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82. *Ibid*., Article 1 (7). [↑](#endnote-ref-82)
83. *Ibid.,* Article 3. [↑](#endnote-ref-83)
84. *Ibid*., Article 150. [↑](#endnote-ref-84)
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86. Child Helpline International. (2019). [*Voices of Children and Young People, Child Helpline Data for 2017 & 2018*.](https://www.childhelplineinternational.org/wp-content/uploads/2019/11/Voices-of-Children-2017-2018-FINAL.pdf) [↑](#endnote-ref-86)
87. La Paz Autonomous Government. (n,d). [Plataformas de Atención Integral a la Familia](http://200.105.139.167/index.php?option=com_content&view=article&id=6692&Itemid=630). [↑](#endnote-ref-87)
88. Observatory of Cybercrime Bolivia. (n,d). [*Register Cyber Crime*.](https://registro.odibolivia.org/) Webpage. [↑](#endnote-ref-88)
89. It is provided that children who are victims and witnesses of crime will be provided with specialised, respectful and confidential treatment, given in the child´s native language and with the assistance of a multidisciplinary team and taking into consideration all relevant protocols to avoid revictimization. Children are guaranteed the right to participate in judicial processes and to testify in private with the help of family members and the multidisciplinary team appointed by the court. The child victim will not testify in court and their interview will be played through technological means. The child also has a right to privacy and authorities are obligated to keep confidential the identity of any child involved in a judicial process. There is an obligation for anyone with knowledge of violence (including sexual violence ) against children to report it to the relevant authorities within 24 hours. Plurinational State of Bolivia. (2014). [*Children and Adolescent Code*](http://www.migracion.gob.bo/documentos/PDF/l548.pdf). Article 154, Article 195, Article 220(2), Article 229(1)(d), Article 144(2), Article 147, Article 155. [↑](#endnote-ref-89)
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