



**Convention on the
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**WRITTEN REPLIES BY THE GOVERNMENT OF THE PLURINATIONAL
STATE OF BOLIVIA TO THE LIST OF ISSUES (CRC/C/BOL/Q/4)
PREPARED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD
IN CONNECTION WITH THE CONSIDERATION OF THE FOURTH
PERIODIC REPORT OF THE PLURINATIONAL STATE OF BOLIVIA
(CRC/C/BOL/4)**

[Received on 4 August 2009]

**Replies to the list of issues to be taken up in connection with the consideration
of the fourth periodic report of the Plurinational State of Bolivia**

PART I

- 1. Please indicate whether or not steps have been taken since the adoption of the new Constitution in January 2009 to align domestic legislation, particularly the Code for Children and Adolescents, with the Convention on the Rights of the Child. Please also explain how the new text of the Constitution will affect the mechanism established in the Code.***

When the Constituent Assembly, which had been tasked with drafting the new Constitution, met in 2008, it maintained the same vision that had guided it in formulating the new constitutional text. That inclusive vision has resulted in progress in terms of economic, social and cultural rights.

The text of the new Constitution, unlike its predecessor, is essentially oriented towards an inclusive social commitment to enhancing the dignity of human beings, who are viewed not as instruments of work or power but rather as people entitled to respect for their human dignity and to the right to “live a good life”. In keeping with these priorities, the new Constitution has raised inclusive social interests and human rights to the level of fundamental rights, which are the foundation for all the laws of the State.

The rights of children and adolescents are covered in articles 58, 59 and 60, section V, chapter 5, which deals with social and economic rights. These provisions: (a) establish the State’s sovereign interest and concern for young children, children and adolescents; (b) provide for the promotion of and guarantees for their civil rights to integral development through the satisfaction of their needs, interests and aspirations, their right to an identity, and their right to a family and a community; and (c) ensure their protection against all forms of violence. In addition, section VI, article 65,¹ covers the rights of all children and adolescents to know their parentage.

Chapter 6 of the Constitution guarantees an education, with emphasis on an intracultural and intercultural approach that encompasses all levels and cultural facets of education.

¹ Article 65: In order to serve the best interests of children and adolescents and their right to an identity, the presumption of parentage shall be asserted by means of a statement by the mother or father. This presumption shall hold in the absence of proof to the contrary; the burden of establishing such proof falls to the person who denies parentage. In the event that the presumption is overturned, the costs incurred shall be borne by the person who attributed parentage.

Article 77² establishes education as one of the paramount tasks of the State. Article 82, paragraph III, and article 85³ guarantee educational services for disabled and for gifted children and adolescents that will provide them with special curricula and stimulation.

These elements of the Constitution have been integrated into the national development plan entitled Bolivia: Dignity, Productivity, Democracy and Sovereignty for a Good Life, enacted under Supreme Decree No. 29272. This plan, which has been known as the Economic and Social Development Plan since the promulgation of the Constitution, sets forth a new model for community social development in keeping with the process of change and the principles embodied in the Constitution. This new paradigm of “a good life” constitutes an alternative approach to the one that has prevailed in the country since its colonization and throughout the world since the industrial revolution. It focuses on four facets of development: economy, people, participation (democracy), and sovereignty (international relations). In accordance with this vision, the development of any social actor - in this case young children, children and adolescents - cannot be considered separately from these four spheres of development. More specifically, the Social Protection and Comprehensive Community Development Policy has been designed to ensure that young children, children and adolescents will be priority stakeholders in social policies on education, health and living conditions.

The Social Protection and Comprehensive Community Development Policy alters the structure of the policy to combat poverty so as to put the emphasis on autonomous management rather than outside intervention, on the generation, sustainability and development of assets and capacities rather than unsustainable donations, on community action instead of individualism, and on a comprehensive rather than a partial, sectoral approach. This policy links the eradication of poverty with the comprehensive development of each community’s economy, society, territory, infrastructure and autonomous organization. It covers all young children, children and adolescents, whether they are poor or not, but it places priority on care, intervention and investment for those who live in extreme poverty or under insecure conditions, those who are vulnerable and the disinherited.

Supreme Decree No. 29894 on the Organizational Structure of the Executive Branch of the Plurinational State, which initiates the implementation of the Constitution that was recently adopted following consultations with the Bolivian people, establishes the Office of the Deputy

² Article 77, paragraph I: Education is one of the highest functions and a primary financial responsibility of the State, which has the inalienable obligation to support, ensure and administer it.

³ Article 82, III: Scholarships shall be offered to students with excellent academic records at all levels of the educational system. Every gifted child or adolescent shall have the right to educational services employing teaching and learning methods that will permit the fullest possible development of his or her aptitudes and skills.

Article 85: The State shall promote and guarantee the continuous education of children and adolescents who are disabled or who are especially gifted, within the regular structure, principles and values of the education system, and shall establish and apply a special curriculum for them.

Minister for Equal Opportunity within the Ministry of Justice. Article 83 of this decree sets out the following functions of the Office of the Deputy Minister: formulating, directing, coordinating, evaluating, monitoring, mainstreaming and building consensus on strategies, policies, standards, plans, programmes and projects that foster equity and equality of opportunity on a national scale and in the autonomous territories in accordance with the Constitution and international instruments. This decree empowers the Office of the Deputy Minister to head up a national initiative to safeguard the rights of young children, children and adolescents.

The Constitution harmonizes the fundamental principles underlying the rights of children and adolescents and the contents of the Code for Children and Adolescents. Thus, the Constitution establishes the basic pillars that underpin the specific law (i.e., the Code).

Although the Code for Children and Adolescents was promulgated and enacted before the Constitution was, they are clearly consistent with one another, notwithstanding the existence of considerable gaps in the Code. The Constitution embodies significant advances in the areas of ethnic identity, gender (e.g., recognition of girls and young women), the right to a substitute family (which is not adequately covered in the Code), the right of institutionalized children and adolescents to confidentiality and other matters that should be reviewed and duly incorporated into the Code; in other instances, provisions already exist but should be amended.

New national legislation

The following supreme decrees have been promulgated in order to ensure adherence to the precepts of the new Constitution with respect to the rights of children and adolescents:

To ensure the right to identity, knowledge of parentage and the use of a surname (art. 59, para. IV):

1. Supreme Decree No. 0011 of 19 February 2009 sets out the coordination mechanisms to be used by public agencies responsible for protecting the right of children and adolescents to the establishment of parentage by presumption and to the use of their paternal and maternal surnames. Article 2 provides that the presumption of parentage shall be asserted by means of a statement by the father or mother. A person who denies parentage shall assume the burden of proof.

2. Supreme Decree No. 0132 of 20 May 2009 provides for the cancellation of birth, marriage and death certificates, at the request of the interested party, if more than one such entry exists in the registers maintained by the National Directorate of the Civil Registry, which is overseen by the National Electoral Court.

To ensure that priority is given to the best interests of children and adolescents:

- Supreme Decree No. 0012 of 3 March 2009 provides job security for mothers and fathers, regardless of their marital status, from the start of a pregnancy until the child is one year old. They may not be dismissed, and no change may be made in their salary level or their post

2. *Please provide the Committee with a brief account of the mandate, make-up, operation and impact of the National Council for Children and Young Persons and the Commissions for Children and Young Persons*

The Code for Children and Adolescents establishes the National Council for Children and Young Persons and empowers it to propose, review and evaluate comprehensive policies and services for children and adolescents nationwide. The Council has the following duties: (a) to propose national strategies and public policies on services for children and adolescents; (b) to monitor and evaluate the implementation of national services and public policies; (c) to propose budgetary allocations for the implementation of national public policies for children and adolescents; (d) to propose mechanisms for providing technical and financial assistance for the organization and operation of service programmes; (e) to design and adopt regulations governing its internal operations; (f) to invite persons and institutions directly involved in prevention, care and protection of children and adolescents to furnish technical advisory services.

Originally, the Council was presided over by the Ministry for Sustainable Development and Planning and was composed of:

- The Office of the Deputy Minister for Gender, Generational and Family Affairs, which served as the Council's permanent secretariat
- A representative of the Ministry of Health
- A representative of the Ministry of Education
- A representative of the Office of the Deputy Minister for Social Welfare
- A representative of the Catholic Church
- Nine representatives of the Commissions for Children and Young Persons of the Departmental Councils within the executive branch
- Four representatives of legally constituted non-profit civil society organizations that work with children and adolescents

Some governmental structures have changed, but the duties of those units that have been eliminated are covered by the institutions that have replaced them. The composition of the Council was designed to facilitate the Government's involvement in efforts relating to children and adolescents at the subnational, departmental and municipal levels. The results have been uneven, but the work now being done in this area is in keeping with the constitutional mandate for social participation and oversight. Council members are currently being convened to analyse, evaluate and make recommendations concerning the National Plan for Comprehensive Community Development for Children and Adolescents (PNDICINA). This will be a sustainable, structural and high-impact initiative involving not only the central government but also the subnational, regional, indigenous, departmental and municipal levels, the autonomous territories and society at large through the participation, in particular, of grassroots social networks and other social stakeholders.

The Code for Children and Adolescents provides for the establishment of a commission for children and young persons in each of Bolivia's departments. These commissions will make proposals regarding policies and services for children and young persons and will perform an oversight role in this regard. Their responsibilities will be as follows:

- Preparation of the budget for the Department's implementation of policies and programmes for children and adolescents and its submission to the Departmental Council for approval
- Advocacy of measures to address the needs and priorities of children and adolescents in the capital city, provinces and cantons of each department
- Adaptation of national policies to regional needs
- Proposal of policies and strategies concerning care and prevention at the departmental and national levels to the departmental Council for submission to the National Council
- Monitoring of the department's policies, programmes and projects
- Promotion of coordination with municipal governments and other public and private institutions dealing with children and adolescents within the department

These commissions are to be composed of departmental councillors and representatives of legally constituted civil society organizations directly involved in the prevention, care, protection and defence of children and adolescents within the department. Their exact make-up will be defined in the relevant regulations. Unfortunately, little progress has been made towards setting up these commissions, which fall under the responsibility of the country's prefectures. Along with its efforts to galvanize the National Council, the Government plans to discuss the establishment of these commissions with the departmental governments, together with means of strengthening them through the participation of social movements and organizations.

3. *Kindly furnish updated information on the status of the National Plan of Action for Children, the relationship it bears to the National Development Plan and the budgetary resources allocated for its implementation.*

The Office of the Deputy Ministry for Equal Opportunity is currently reviewing the proposed National Plan for Comprehensive Community Development for Children and Adolescents 2009-2013 (PNDICINA). The proposed plan reflects the process of change being championed by social stakeholders, including, in particular, indigenous and original peoples and social movements. It is still under review, and therefore no budget allocation has as yet been made.

The purpose of the Plan is to generate a movement involving governmental bodies and social organizations in a strategic partnership aimed at fundamentally changing the situation of young children, children and adolescents living in conditions of vulnerability, marginality and increasing poverty. Of vital importance in bringing about change in the country and the society, the Plan will have an impact on nearly half of the population and will contribute to the greater good of the country and its autonomous territories. It is impossible to build the present or the

future without the aid of sustainable strategies for young children, children and adolescents. These strategies must centre around autonomous and shared forms of management, participation and sustainability. Since the Plan focuses on the creation and the present and future development of life assets and livelihoods, it provides for participatory strategies for direct action; it is precisely this precept that endows it with such potential.

The National Plan for Comprehensive Community Development for Children and Adolescents 2009-2013

In Bolivia, the indigenous and original peoples and the various regions and municipalities are working to create conditions under which people can lead a good life, conditions that will allow young children, children and adolescents to fully develop their moral and material capabilities and to play a strategic role in integral community development.

Principles

The community. A way of being and living based on solidarity and the common good involving the creation of inclusive social, economic, cultural and political models.

Universality. The Plan encompasses all the country's young children, children and adolescents from all social, ethnic, cultural and linguistic backgrounds and it embraces all other forms of diversity, but it places priority on those who are poor, are victims of discrimination, are marginalized or vulnerable with a view to establishing a structural basis of equity.

Equity and egalitarianism. The Plan is intended to create a structurally equitable situation by establishing similar social, economic, cultural, territorial and political conditions for all stakeholders in society. To this end, it places priority on those members of society who are less able to create proactive, egalitarian conditions.

Integrity. The Plan does not focus on a single dimension but rather on all elements. This comprehensive approach allows it to address structural factors rather than being limited to superficial elements and outward appearances or manifestations. This concept is strategically important because determinants and their interrelationships vary from one environment or context to another.

Territoriality. This concept has to do with community action within the context of the various groupings of territorial entities and their formation. Within this framework, the Plan will provide for different strategies for building autonomy in the different territories.

Autonomous and shared management. The emphasis is on direct action by stakeholders themselves combined with governmental, social and community efforts at various levels.

A strategic, impact-driven approach. Well planned measures will be carefully monitored in order to resolve problems by addressing their root causes.

Sustainable and self-sustaining measures. By introducing, generating and strengthening capacities and assets, self-sustaining structural strategies can be deployed to attain sustainable results.

Policies

- Focusing on young children because they are the most vulnerable
- Developing comprehensive and sustainable individual, family and community capacities and assets
- Strengthening diversity, especially ethnic and cultural diversity
- Making a structural contribution to the eradication of extreme poverty (indigence)
- Creating conditions that will help to do away with moderate poverty
- Keeping people out of poverty by designing strategies for ensuring that segments of the population living near the poverty line do not slip below it
- Promoting direct participation by and consultation with young children, children and adolescents in the definition and implementation of policies, plans and programmes
- Developing creativity, initiative, and technological know-how in young children, children and adolescents

Bolivia's National Development Plan is underpinned by four basic pillars: dignity, productivity, democracy and sovereignty for a good life. This plan was enacted by Supreme Decree No. 29272 and, since the promulgation of the Constitution, has been renamed the Economic and Social Development Plan. This plan, together with the National Plan for Comprehensive Community Development for Children and Adolescents 2009-2013, establishes a new model for community social development that is in keeping with the current process of change and the principles of the Constitution. This paradigm's focus on the concept of "a good life" represents an alternative to the established models in Bolivia since the colonial period and in the world since the industrial revolution. It integrates four facets of development: the economy, people, participation (democracy) and sovereignty (international relations).

The concept of leading a better life, which serves both as a means of social reproduction and a way of being and of living, as well as an enduring form of support for future generations over the long term, is one of the significant links between these two plans. The concept of "a good life" is a multifaceted and inclusive paradigm which gives expression to the ways of life and ways of being of the various indigenous and non-indigenous cultures of Bolivia.

This paradigm is the basis for a model of community life in which the "we" takes precedence over the "I". The emphasis is on complementarity, harmony and interdependence, on the development of both material and spiritual life, on social relationships, social networks and solidarity. The common good takes precedence over individual welfare, and abundance is an ongoing aspect of life which arises out of the relationship between people and both the natural and built environments.

There is also the National Action Plan for Human Rights, entitled “Bolivia: A good life, 2009-2013”. This plan, which was drafted by the Office of the Deputy Minister for Justice and Human Rights and is designed to uphold human rights within the framework of the National Development Plan. Chapter 5, which deals with the rights of at-risk groups, establishes the rights of children and adolescents, along with other vulnerable groups. This plan basically provides for the dissemination of the Code for Children and Adolescents, supplementary rules and standards, the strengthening of ombudsmen’s offices, protection for child workers, protection against abuse and violence, and rehabilitation.

The National Plan for Equal Opportunity, enacted under Supreme Decree No. 29850, outlines a policy for the promotion, protection and development of women based on a new intersectoral approach for action in six major areas.

4. *Please indicate whether or not steps have been taken to set up an ombudsman for children or a section or division of the Office of the Ombudsman focusing on children’s rights.*

The institutional policy of the National Ombudsman’s Office provides for special emphasis on the protection of the human rights of children and adolescents. The Ombudsman works to monitor and ensure the enforcement of laws for the protection and defence of the human rights of children and adolescents at the State, prefectural and municipal government levels through 18 branch offices in urban and rural areas in the country’s nine departments.

Ever since it was created, the National Ombudsman’s Office has had a coordination office (the “Adjutoría”) for dealing with emergency measures and special programmes. This office oversees the National Programme for the Human Rights of Children and Adolescents, which monitors and performs follow-up on public policies and on the enforcement of laws for the protection of children and adolescents, conducts ex officio investigations into more pervasive problems, and prepares legislative proposals regarding children and adolescents.

The National Ombudsman’s Office believes that it is more important to strengthen national, regional, departmental and local mechanisms for social protection, comprehensive community development and livelihood training than to establish an ombudsman for children and adolescents.

5. *Please describe what impact the work of the Ombudsmen for Children and Adolescents has at the local level.*

The offices of the ombudsmen for children and adolescents offer free municipal services under the terms of People’s Participation Act No. 1551 of 20 April 1994, which expands the role of the municipalities in defending and protecting children and adolescents. These offices’ services are decentralized to differing degrees, depending on the population density, territorial units and particular characteristics of each municipality.

Progress in acting upon the Committee’s recommendation to open and operate ombudsmen’s offices for children in all municipalities has been slow and fairly limited owing to many municipalities’ development-oriented approach and consequent preference for infrastructure projects.

Currently, the institutional structures of the ombudsmen for children and adolescents within municipal governments are quite weak, which militates against the quality and sustainability of their services. The technical and administrative capacities of these offices are also quite limited in terms of the defence and restitution of rights, rights promotion and social risk prevention.

Nevertheless, the ombudsmen are seen as an accessible local resource by the public, and inter-agency coordination and social oversight are helping to strengthen these services.

The offices of the ombudsmen for children and adolescents provide a place where people can go to lodge complaints, furnish specialized care for victims, and work on an ongoing basis to foster a culture of good treatment and to improve relations between parents and children.

Within the context of the structural changes currently taking place in Bolivia, a new institutional vision for the offices of the ombudsmen needs to be developed so that they can work as part of a regional partnership in rural areas and coordinate their work on a general basis in the cities and so that they make use of forms of protection that are relevant and sustainable within each social and cultural milieu. This is important because, thus far, their approach to the protection of their constituencies continues to follow an urban model that draws very little on indigenous cultures.

The creation and operation of ombudsmen for children and adolescents throughout Bolivia have had a very strong impact. There are currently 303 municipal ombudsmen's offices, 93 per cent of which are operating on a national level. This is an important service, particularly for children and adolescents, because it oversees, monitors, protects and defends their rights in both urban and, especially, rural areas. The ombudsmen's institutional weaknesses notwithstanding, today Bolivia has an office in every one of its municipalities that is working to assist, protect and defend the rights of children and adolescents.

This having been said, the fact remains that a number of problems have been encountered in connection with their implementation, operations, and technical and structural sustainability. Problem areas range from political and budgetary issues to quality of staff, quality of care, and effectiveness in protecting the rights of children and adolescents. The Office of the Deputy Minister for Equal Opportunity plans to draw up guidelines for future improvements.

6. *Please explain what steps have been taken to eliminate disparities in the distribution of budgetary allocations and public social expenditure between the provinces and urban and rural areas, with special emphasis on the rights and needs of campesino and indigenous communities, families and children.*

On average, municipal social expenditure on behalf of young children, children and adolescents has increased considerably in recent years, rising from Bs 135 per capita in 2000 to Bs 467 per capita in 2006. Although most municipalities have raised their public social expenditure for this sector of the population, cross-municipality variations have also increased.

The available information is on the country's municipalities, but national measures implemented since 2006, such as new conditional cash transfer programmes (e.g., the Juancito Pinto and Juana Azurduy grants, which go primarily to mothers and children), will significantly increase levels of social spending for children and will help to level out the municipalities' distribution of social allocations.

Currently, the Social and Economic Policy Analysis Unit is processing the information on total public social expenditure and public social expenditure on children and adolescents for 1997-2008 at the national, departmental and municipal levels.

Measures to improve the distribution of social allocations for children and adolescents include the following:

Implementation of national policies and programmes

National programmes which are meant for everyone but which do place emphasis on vulnerable and disadvantaged populations include the following policies. One of the objectives of these policies is to reduce disparities between urban and rural areas:

The Juancito Pinto grant: The programme targets all children in public school at the primary level. Its aim is to encourage school enrolment, attendance and completion by offering an economic incentive of Bs 200 per year. The statistics indicate that the number of children receiving this grant rose from 1,085,360 in 2006 to 1,681,135 in 2008, thanks to the fact that the grant programme's initial coverage of grades 1 through 5 was extended up to grade 8 in 2008.

The Juana Azurduy de Padilla grant: The goal of this programme, which serves all women and children who are not eligible for short-term social security payments, is to uphold the fundamental right to comprehensive health care and, more specifically, to reduce maternal and infant mortality rates and chronic undernourishment among children under age 2. The programme is based on an incentive scheme for increasing the demand for health and nutritional services by providing cash payments totalling Bs 1,820 over a 33-month period; these payments are contingent upon fulfilment of a set of requirements. The grants are intended to even out the benefits received by women in urban areas who are entitled to short-term social security allotments and by women in rural areas and women in urban areas who are not entitled to social security payments. In 2009, the first year that the programme has been implemented, 274,000 pregnant women and 230,000 children under age 1 are to receive these grants. Once the national implementation phase is complete, the programme should be serving approximately 274,000 pregnant women and 480,000 children under age 2.

National Programme for Children under Age 6 (PAN): PAN is a comprehensive programme for children between the ages of 2 and 5. Its aim is to combat food insecurity and to support the development of human capital by providing children with educational, health and nutritional services.

Zero Malnutrition Programme: This programme serves 116 predominantly rural municipalities at high risk of food insecurity. Its aim is to eradicate malnutrition in children and in women who are pregnant or breastfeeding by improving their diets and general overall care.

7. *Kindly indicate whether or not the minimum marriageable age continues to be 14 for girls and 16 for boys and whether or not steps have been taken to raise these minimum ages.*

Article 41 of the Bolivian Family Code stipulates that only civil marriages are recognized as legal and that they must be contracted in accordance with the requirements and procedures set out therein. Thus, in order to be valid, a marriage must be concluded in accordance with the pertinent laws and regulations. Otherwise it may be null and void or subject to annulment under the relevant provisions.

Articles 44 through 48 of the Family Code deal with this matter. Article 44 specifies that a male may not enter into marriage before the age of 16 and a female may not enter into marriage before the age of 14.

As indicated by the foregoing, Bolivian family law is clear and specific with respect to the minimum age for marriage: 14 for females and 16 for males. Consequently, civil matrimony cannot be entered into prior to those ages unless a family judge, after conducting an analysis of the case and in possession of all necessary evidence, grants an exception.

With respect to the question as to whether or not measures have been taken to raise the minimum ages, it should be explained that the situation in Bolivia is different and quite diverse. The executive, judicial and/or administrative authorities cannot close their eyes to the conditions that actually exist in Bolivia. On the contrary, while the State does not neglect its other duties with regard to adolescents of reproductive age, its fundamental task is to protect the union of a man and a woman who wish to establish a stable family. One means of offering such protection is to uphold the legal validity of unions between adolescents; this entails recognizing the effective existence of non-matrimonial or free unions, as well as marriages.

The setting of the minimum ages for marriage at 14 for females and 16 for males reflects actual conditions in Bolivia, which include a degree of social and cultural diversity that the authorities cannot disregard. Legalizing marriage at those ages has a purpose, inasmuch as it ensures that male and female adolescents who, for various reasons, may wish to unite their lives and create a family are not outside the law.

8. *Please indicate whether measures have been adopted to promote early childhood development.*

The National Plan for Comprehensive Community Development for Children and Adolescents 2009-2013 provides for the implementation of four programmes, including the following:

(a) Young children for social change. Priority is placed on highly vulnerable children under age 6 living in extreme poverty, which are a segment of the population with the potential to generate social capital;

(b) Empowerment of the family and the community with a view to their consolidation as actors capable of influencing public policy on young children, children and adolescents. Work focusing on policies for children and adolescents is also undertaken as part of this programme.

The main lines of action of the programme on the empowerment of the family and community are:

- Training, instruction and information-sharing for communities and families raising young children, children and adolescents
- Community monitoring of the comprehensive community development of young children, children and adolescents
- Community initiatives for children
- Community initiatives for adolescents
- Initiatives by children and adolescents for development
- Supplementary instruction for children and adolescents
- A partnership among autonomous indigenous territories, municipalities, regions and departments on behalf of children and adolescents

Education

The Ministry of Education, which is the foundation of Bolivia's plurinational educational system, has designed a new curriculum for primary education. This curriculum is divided into two stages: education in the family, for children from 0 to 3 years of age (not enrolled in school); and education in the community family, for children aged 4 and 5 (enrolled in school). This basic curricular model for the plurinational education system was developed by female and male teachers in rural and urban areas, sages from the indigenous and original communities, academics in various disciplines and specialists from the Ministry of Education.

The areas covered in the first stage are: cognitive development, affective development, linguistic development, health and nutrition, and arithmetic. The second stage covers spirituality and values, language and communication, art education, physical education, the natural and social environment, and arithmetic. Courses will be divided into semesters, with in-school evaluations to be conducted every two months. The focus is on the child as a whole, and the aim is to help girls and boys to develop their cognitive abilities, their communication and motor skills, their emotional capacity, and their spirituality and values, and to help them learn to express their artistic skills, to promote their social interaction and to foster sharing, common interests and personal self-sufficiency in their interrelationship with the family, the community and society.

In early childhood, the child's immediate environment, i.e., the family, is of crucial importance because it provides the young child with his or her earliest influences. This influence is transmitted primarily through the mother, from whom the child inherits genetic material and receives the nutritional and emotional sustenance necessary for healthy growth and development. Within the family, under the protection of parents and siblings, a child receives the psychological and emotional stimulation required for balanced development.

The community - with all its natural and social components - is the wider “home” within which the development of a child’s personality is completed. It provides the environment which shapes children’s cultural outlook and values and the setting in which they grow into the men and women that the family and the educational system have sought to nurture. The new curriculum covers social and emotional development, language development, and sensory and motor development.

Social and emotional development. Standards of conduct that foster harmonious personal relations and forms of community and group interaction will be encouraged. These behavioural patterns will support the formation of an identity and the achievement of independence. Social forms of behaviour will be instilled through the establishment of affective ties with the people who communicate with the children and with whom they interact and influence on a mutual basis.

Language skills development. Acquisition of the mother tongue is the essential basis for the assimilation and accumulation of experiences. This process begins with the child’s first reactions to an adult, who engages in an emotionally based communication process with the child. This provides the child with stimulation in the form of objects and verbal sounds. Language allows for the expression of needs, emotions, objections and other thoughts through sounds and gestures. In order to communicate, the child should employ the language system used by his or her family and community.

Sensory and motor development. Sensory and motor skills are developed through the systematic handling of objects, with adult assistance being provided so that the child can attain greater control over his or her own movements. Gross motor skills involve body coordination, dynamic balance and postural tone. Fine motor skills include eye-hand coordination, manual skills and drawing.

Health and nutrition. Good health and nutrition are associated with a sufficient, complete, balanced, adequate and varied diet. In addition to ensuring that children receive the essential nutrients from an early age, attention should be devoted to the ways in which the foods are served, as well as to their quantity and variety. Children should also play an increasingly active role in their own nutrition.

Social and affective development objectives

- Helping children to develop feelings of affection and positive attitudes that enable them to know themselves and to spontaneously express their ideas and emotions both to themselves and to others in the community with a view to fostering social relationships
- Encouraging children to engage in increasingly closer social relations with other children and adults and to learn to communicate with each other, show respect for each other, play together, share and assume responsibilities along with others for the creation of an affective bond with their families and communities

Language skills development objectives

- Fostering children's development of language skills and their use of their mother tongue (L1) as a means of expression, learning and communication and as a way of assimilating and appreciating the culture of their communities so as to foster their social interaction with the persons around them

Sensory and motor skills development objectives

- Stimulating children's development of their sensory and motor skills, postural tone and balance reflexes so that they come to know their bodies and have control over them
- Helping them learn to position themselves in time and space so that they can relate to the surrounding environment while also fostering forms of expression for the communication of thoughts, emotions, feelings and fantasies

Health and nutrition objectives

- Making sure that pregnant women are well nourished and promoting attitudes and practices that will keep children in the first year of life in good health
- Encouraging knowledge of hygiene and of the practices required for growth and development in accordance with the age of the child, together with a recognition of the importance of good health and nutrition in their integral development and the implications for their families and communities

Cognitive development objectives

- Strengthening children's cognitive development (perception, attention, memory, reasoning, imagination) through exploration, interaction and appreciation of their natural and social environment with the help of their families and communities with a view to optimal learning in keeping with the child's age and sociocultural environment

Multisectoral Zero Malnutrition Programme

The Multisectoral Zero Malnutrition Programme has the following objectives:

- Optimizing children's integral development through the promotion of rights, educational services and the creation of healthy environments
- Eradicating chronic and acute malnutrition in children under age 5, with special emphasis on children under age 2

Targets

- Improving the nutritional status of children under age 5 by increasing their intake of nutritionally suitable food
- Improving children's health by increasing their access to health services in the areas of prevention, promotion and treatment
- Helping to build up social capital by improving access to basic services, food, nutrients, education and health care
- Improving the health and eating habits of children under age 5 and pregnant women
- Helping to improve social conditions for the population by developing and implementing legal instruments to give effect to the human right to adequate food
- Taking a multisectoral approach to the eradication of child malnutrition
- The Multisectoral Zero Malnutrition Programme promotes the coordinated efforts of nine ministries and of prefectures and municipalities, civil society and social organizations to optimize resource use and to identify, treat and rehabilitate malnourished children. In addition, it places particular emphasis on preventing and solving the causes of the problem by ensuring access to a safe water supply and food security in the home, promoting education in nutrition and health, and conducting local production projects designed to alter and improve the diets of children and of the members of their families and communities and to improve their quality of life

The Multisectoral Zero Malnutrition Programme offers an alternative model for eradicating child malnutrition. This model includes comprehensive initiatives to combat all the different causes of malnutrition. This is done by coordinating investments at the municipal level in a wide range of areas, including access to safe water, basic sanitation, health, education and improved agricultural production.

Resources

The Government of Bolivia is allocating a large amount of resources for sectoral projects in connection with the Multisectoral Zero Malnutrition Programme. The resources needed to implement this strategy will be drawn, for the most part, from the direct tax on hydrocarbons, as well as from royalties and other sources.

This multisectoral strategy will target the 166 municipalities at the greatest risk of food insecurity. Special attention will be devoted to those municipalities or communities whose populations are so widely scattered that direct coverage cannot be provided on the basis of an effective cost-benefit ratio.

General coverage of the Multisectoral Zero Malnutrition Programme

Coverage	Number
Departments	9
Regions	36
At-risk municipalities	166
Communities	8 450 (approx.)
Total beneficiaries	1 790 550 (approx.)
Female beneficiaries	892 552 (approx.)
Male beneficiaries	906 633 (approx.)

9. *Please provide a detailed account of how respect for the views of children is put into practice in the home, in the community, in the schools, and in relevant judicial and administrative institutions and procedures.*

Article 101 of the Bolivian Code for Children and Adolescents, which is based on the Convention on the Rights of the Child, recognizes the right to freedom and, as part of that right, children's and adolescents' human right to freedom of expression and opinion in all spheres of life, without discrimination of any kind.

As with all human rights, instilling respect for children's right to freedom of expression and opinion and instituting the practice of that right within the family has been a gradual process. Although respect for the views of children is one of the central precepts of the Bolivian Code for Children and Adolescents, this does not mean that their views were not taken into consideration before the enactment of the Code. Experience demonstrates that respect for the views of the child within the family has been one of the fundamental pillars of efforts to ensure that this right is respected and valued in other situations, such as in the schools.

Considerable progress has been made in ensuring respect for the views of children within the family since the enactment of the Code. Progress in this area is difficult to perceive directly because of the private nature of relations within the family. There are, however, indicators that a great deal of headway has been made in this respect, such as, for example, the greater openness of children and adolescents in schools, their active participation in decision-making in educational institutions, their participation in school activities, and their involvement in matters affecting their daily lives and in issues of interest to them. It can therefore be concluded that children's behaviour at school (i.e., children's community and their social milieu) are an important way to gauge respect for the views of the child within the family.

It would be misleading, however, to suggest that respect for the views of the child is upheld in all families; unfortunately, the various complaints that come to the attention of the authorities or other public officials, the offices of the ombudsmen for children and adolescents, the family health brigades, and the courts, among others, help us to see the full picture.

Progress in inculcating respect for the views of children is an integral process embracing both the family and the community, and advances in this regard within the community have therefore been made as well. We believe, however, that greater support is needed in this connection from representatives of the State and of the communities. Ensuring respect for the

right of the child to express his or her opinion in the community hinges on the implementation of focused, cross-cutting measures to encourage that practice, as a custom and a tradition, in the schools as well as in all community gatherings and assemblies.

Respect for the views of children at school has also become more prevalent and has garnered greater attention and visibility as a result of the work of such social actors as the offices of the ombudsmen for children and adolescents in promoting their rights, the creation of schools for parents within many educational institutions, the incorporation of an integral vision into teacher training programmes, and other factors that have given focus and structure to efforts to uphold the rights of children and adolescents.

When we use the term “institutions”, we are necessarily speaking about both public and private schools. There is no single, shared vision in this respect. Although progress has been made in implementing public policies aimed at inculcating the notion of respect for the views of the child, it would be incorrect to state that all institutions, both public and private, abide by this principle. However, the awareness-raising programmes that have been conducted in public and private schools and those made available to the general public have been well received. Now, the people themselves are demanding respect for the right of a child to express his or her views in all spheres of life. This is an indicator of the inroads made in upholding this right in both public and private institutions, as well as of the importance of ongoing awareness-raising efforts.

As for respect for the views of children in judicial proceedings, the situation varies depending on the matters being dealt with by each court and, in particular, on the attitudes of each judge.

In this regard, when dealing with such matters as custody, visiting rights and child support, the regional family courts do not always listen to the views of the child when his or her interests are at stake. This is because the current procedure does not require a judge to hear the views of the child or adolescent but instead leaves this up to his or her discretion. The Code for Children and Adolescents does not address the right of the child to be heard in relation to family matters. A review of some cases of this sort suggests that the child’s views are taken into account only in cases in which the parents are not in agreement and that the extent to which a child’s views influence the judge’s decision depends on the judge.

When a child or adolescent is involved in a criminal case, however, the law requires that, if the child is old enough, his or her views must be heard before a judicial decision can be made. The enactment of the Code for Children and Adolescents represents significant progress in the matter of hearing the views of children in criminal cases, and the former practice of judging children and adolescents solely on the basis of legal briefs and documents has been abandoned.

With regard to such matters as legal custody, the extinction of maternal authority and adoption, it should be obligatory for the child’s views to be heard if the child is old enough. However, the fact is that children and adolescents are not always listened to. An awareness-raising effort focusing on all persons who play a role in the courts dealing with children and adolescents is therefore called for in order to fully implement this right.

As for the views of the child in administrative proceedings, significant advances have been made, in particular through awareness-raising programmes. The introduction of the Code for Children and Adolescents has influenced the procedures of all public and private institutions and all executive, administrative, judicial and other bodies. This does not mean, however, that all public and private administrative personnel show respect for the right of children to be heard. Nor can it be denied that there are cases in which the views of children are not given credence. Despite the country's significant progress in achieving respect for the views of children, the fact remains that large-scale, ongoing awareness-raising policies and programmes in all areas of activity affecting them are needed.

10. *Please furnish information on the results of the effort to improve the coverage of the programme for free, mandatory birth registration to include all undocumented children, including statistics on children who have not yet been registered, their areas of residence, the reasons why they have not been registered and any other steps taken to resolve this problem.*

One of the most important initiatives in this area is the free identity card registration programme. The data available as of June 2008 indicate that this programme has benefited the underage population in particular. In fact, 70.29 per cent of all the identity cards that were issued were for people under the age of 18. This was a result of agreements drawn up between the programme and State schools located in rural and outlying areas; as a result, many young people now have identity cards for the first time. Another 27.4 per cent of the registrations were for citizens between the ages of 18 and 59 (i.e., Bolivians who, under the Constitution, have the right to exercise full citizenship, including voting and standing for public office. Only 2.31 per cent of the identity cards were issued for persons over the age of 60.

11. *Information is requested on legislation relating to the prohibition of corporal punishment in different settings, such as the home, the community, schools, penal institutions and the workplace.*

(a) The Constitution of 7 February 2009 provides that:

Article 60:

It is the duty of the State, society and family to guarantee that priority is given to the best interests of the child or young person. These interests comprise the pre-eminence of his or her rights and his or her entitlement to priority protection and assistance under all circumstances, to priority access to public and private services, and to swift and timely access to the administration of justice with the assistance of specialized staff.

Article 61:

I. All forms of violence against children and adolescents in the family and in society are prohibited and will be penalized.

II. Forced labour by children and the exploitation of children are prohibited. The activities of children and young persons within the family and in society shall be directed towards their full development as citizens and shall have a formative function. Special regulations shall govern their rights to, guarantees of and institutional mechanisms for protection.

(b) Act No. 2026 of 27 October 1999 (Code for Children and Adolescents) establishes and regulates the regime for the prevention, protection and comprehensive care that the State and society guarantee for all children and adolescents in order to ensure their physical, mental, moral, spiritual, emotional and social development in an environment of freedom, respect, dignity, equity and justice.

Children and young persons, as rights holders, enjoy all the fundamental rights and constitutional guarantees that are due to all persons, without prejudice to the comprehensive protection provided for by the Code.

Article 13:

All children and young persons have the right to life and health. The State has an obligation to guarantee and protect those rights by implementing social policies that will ensure decent conditions for their gestation, birth and integral development.

Article 34:

Parents, either together or separately, lose their authority:

- When they are found, by means of an enforceable sentence, to be the authors, accomplices or instigators of crimes against the child
- When, by action or omission, whether through negligence or with criminal intent, they expose them to situations that endanger their security, dignity or physical integrity
- When they instigate a crime committed by the child

(c) Act No. 2033 of 2 December 1999 on protection against sexual liberties establishes that:

A person who has carnal relations with another person of either sex under the age of 14 (...) shall be punished by deprivation of liberty for from 15 to 20 years without right of pardon, even when force or intimidation has not been used and when consent is alleged.

(d) Supreme Decree No. 212414 of 21 April 1993 on teacher misconduct and punishments establishes the categories of minor, serious and very serious misconduct:

Serious misconduct:

- Harassment, reprisals, or requiring a pupil to repeat a year because of complaints by parents
- High non-attendance rates caused by a teacher's ineptitude or abusiveness
- The use of corporal or psychological punishment that infringes on a pupil's dignity

Very serious misconduct:

- Incitement to substance abuse or to the use of dangerous substances, corruption, sexual harassment, violence or physical or psychological intimidation or the organization of criminal gangs

The punishments for serious misconduct are:

- Suspension of duties without pay for a period of from 15 to 60 days
- One-year deferment of promotion
- Demotion

The punishments for very serious misconduct are:

- Permanent ban from the teaching profession
- Dismissal

Article 46, paragraph III, of the Constitution, which deals with the right to work and employment, provides that:

All forms of forced labour and similar modes of exploitation which oblige a person to perform work without his or her consent and without fair and reasonable compensation are prohibited.

Article 61, paragraph I, provides that:

All forms of violence against children and adolescents in the family or in society are prohibited.

Article 291 of the Criminal Code provides that any person who subjects another person to servitude shall be punished by a term of imprisonment of from two to eight years.

Domestic violence, in the guise of a disciplinary measure, persists. This attitude also accounts for society's tolerance of this form of violence, as indicated by the limited number of complaints and the use of conciliatory mechanisms that allow the aggressor to go unpunished.

It is hoped that ongoing awareness-raising campaigns in cities and their introduction in rural areas will gradually give rise to greater social sensitivity to the impact of violence on mental health, self-esteem and the integral development of children and adolescents.

12. *Please describe the outcome of the Government's efforts to improve the situation of children with disabilities in such areas as access to education, social services, health care, and cultural and recreational activities.*

Some advances are currently being made in attitudes to and the treatment of disability in Bolivia. Public and private services have been set up, and persons with disabilities have organized at the national and departmental level to stand up for their rights.

The various manifestations of social discrimination against persons with disabilities are being steadily overcome, and services have expanded their coverage beyond the mere satisfaction of basic necessities and treatment requirements.

The following articles of the Constitution recognize the rights of persons with disabilities:

- To receive a universal, productive, free, integrated and intercultural education at every level, without discrimination (art. 17)
- Education constitutes one of the highest functions and a prime financial responsibility of the State, which has the binding obligation to support it (art. 77, para. I)
- It shall be unitary, public, universal, democratic, participatory, community-based, focused on decolonization and of good quality (art. 78, para. I)
- It shall help to strengthen unity and each person's identity as a member of a plurinational State (art. 80, para. II)
- It shall be compulsory up to the level of the secondary school leaving certificate (art. 81, para. I)
- The State shall ensure that all citizens have access to an education under conditions of full equality (art. 82, para. I)

On this basis, the productive social and community educational model sets out the following principles:

- Persons with disabilities should be included in the entire plurinational educational system based on the principle of an inclusive education in diversity
- Educational needs, whether associated with disability or not, should be specified in order to define the target population: persons with educational needs associated with disability and gifted children with educational needs not associated with disability
- Bolivian sign language should be recognized as the language of the deaf community

- Bolivian sign language should be recognized as the mother tongue of the deaf community, while the written and spoken language on which it is based should be regarded as their second language
- Audio communication and Braille systems for the blind are to be used
- Work plans and programmes have been prepared for persons with educational needs, whether associated with disability or not, within the regular education system
- Guidelines have been drawn up for regular education teachers implementing the work plans and programmes for persons with educational needs, whether associated with disability or not
- Guidelines have been prepared for parents regarding the regular education workplans and programmes for persons with educational needs, whether associated with disability or not
- The teacher training system takes an inclusive education approach
- Two technical and production training units are being set up in two special education centres
- A strategy is currently being formulated for the use of certified, agreed indicators to monitor and assess implementation of the inclusive education in diversity approach at every level and in every kind of school within the system
- Persons with disabilities have been included in the post-literacy programme “I can go further” (“*Yo, sí puede seguir*”)
- A literacy programme for persons with disabilities is currently being prepared
- A programme for persons with autism in the plurinational educational system is currently being organized
- Deaf and blind persons are attending teacher training colleges

There is also a law specifically dealing with persons with disabilities. Articles 15 and 16 of the chapter on health and care (chap. IV) of Act No. 27050 state:

Article 15:

Primary, secondary and tertiary preventive measures: the Ministry of Health, in coordination with the National Disabilities Council, draws up and executes primary prevention plans for combating the diseases and other factors that cause disability. It also implements, in coordination with IPSS and the health facilities of the Ministry of Defence and the Ministry of the Interior, secondary prevention measures. Its tertiary prevention strategy involves the implementation and promotion of more extensive rehabilitative care for persons with disabilities.

Article 16:

Access to health services: persons with disabilities are entitled to receive health-care services from the Ministry of Health. Medical, professional, auxiliary and administrative staff shall provide such persons with special care and with training in the area of communication, orientation and guidance to facilitate their care and treatment.

13. *Please indicate what impact the Zero Malnutrition Programme has had on child malnutrition.*

The Zero Malnutrition Programme has succeeded in reducing infant malnutrition. The following information is useful in this connection:

The mortality rate for children with severe acute malnutrition used to be 11.5 per cent in Bolivia; as of June 2009, however, the rate has fallen to 6.5 per cent. This means that Bolivia is 1.5 per cent above its target, which is to bring the rate down to less than 5 per cent.

The strategies adopted to achieve this result have involved training secondary and tertiary health staff to work with children suffering from severe acute malnutrition (paediatricians, nutritionists, certified nurses, nursing auxiliaries and general practitioners), introducing micronutrients and bringing in medical supplies for the treatment of children suffering from severe acute malnutrition, monitoring trained health staff, and information gathering.

Slight malnutrition in children under the age of 2: as measured by the weight-for-height ration, the incidence of slight malnutrition has been reduced from the baseline level of 36.9 per cent established by the National Health Information System to the current rate of 10.9 per cent.

Moderate malnutrition: as measured by the weight-for-height ratio, the level has been reduced from the National Health Information System baseline of 8.38 per cent to 1.8 per cent.

Serious malnutrition: as measured by the weight-for-height ratio, the level has been reduced from the National Health Information System baseline of 1.45 per cent to 0.39 per cent.

The strategies used by the Zero Malnutrition Programme have included promotion activities, preventive measures based on the Intercultural Community Family Health Programme (SAFCI) model, regular training for health personnel, follow-up and monitoring aimed at providing advanced on-the-job training, the introduction of Nutribebe and of other ready-to-use therapeutic food supplies and regular use of micronutrients.

As the above shows, the percentage of children suffering from severe or moderate malnutrition has fallen since 2007 (9.84 per cent in terms of the height-for-weight ratio) to 2.17 per cent as of May 2009.

The multisectoral Zero Malnutrition Programme has identified practical measures that are also being taken in the sectors covered by the Ministry of Education, which are undoubtedly contributing to the success of the Programme. These are:

Strategic activities

- Literacy and post-literacy projects for the adult population, with priority being given to women of childbearing age
- Inclusion in the post-literacy curriculum and the curricula of the various levels of formal education of information on the contents of food, nutrition and rights
- Implementation of school curricula covering the contents of food, nutrition and rights relevant to each region
- Preparation of material for general distribution in various languages and training in its proper use
- Technical Committee of the National Health and Nutrition Committee

Impact indicators:

- Prevalence of chronic malnutrition among children under 5 at national level
- Prevalence of chronic malnutrition among children under 2 at national level and in municipalities of types 4 and 5
- Prevalence of acute, moderate or severe malnutrition in children under 5, at national level
- Prevalence of anaemia in children between the ages of 6 months and 59 months at national level
- Prevalence of malnutrition in pregnant women at national level
- Prevalence of anaemia in women of childbearing age at national level

Outcome indicators:

- Percentage of children between the ages of 6 months and 24 months who have experienced episodes of diarrhoea or infectious disease during the past two weeks
- Percentage of children aged up to 6 months who are exclusively breastfed
- Percentage of children between the ages of 6 months and 24 months who receive food supplements
- Percentage of pregnant women who receive supplementary food and prenatal care

- Percentage of children under 5 who receive micronutrient supplements (the micronutrient “Sprinkles”, iron sulphate, vitamin A and zinc)
- Illiteracy rate, with special reference to women of childbearing age (15-49)
- Percentage of households with access to safe water
- Percentage of households with access to basic sanitation
- Diet of children under 5 (calorie-sufficient, high-quality proteins and micronutrients) containing animal protein
- Varied diet (increased consumption of animal products and other nutrient-rich foods)
- Percentage of family production for own consumption
- Percentage of families with access to irrigation
- Percentage of families with access to food storage and/or food processing facilities
- Percentage of families trained in agricultural and agroforestry production, the management and operation of micro-irrigation systems, food conservation and processing, etc
- Percentage of families with access to improved heating facilities
- Percentage of municipalities that promote and support the marketing of surplus output

14. *Kindly supply information on the educational system’s objectives and on whether the principles set forth in article 29 of the Convention have been fully incorporated into the system’s curricula.*

The curriculum of the new educational model of the plurinational educational system covers the age-appropriate knowledge, skills, values and attitudes required for all-round personal development based on the requirements of the natural, social, cultural and productive environment. The educational system is divided into various subsystems, levels, modalities and subject areas.

One of its aims is to provide students with the elements required for the integrated and balanced development of all their cognitive capacities and potential, skills and feelings and their spiritual, artistic, ethical, aesthetic, technological, physical and sporting potential.

The current process of change entails developing a new basic curriculum for the plurinational educational system in which areas of knowledge and learning and the various curricular disciplines are organized on the basis of principles that will promote an education focused on decolonization, the community and intracultural, intercultural, multilingual,

productive, scientific, technical and technological factors. In the field of knowledge and learning, subjects should include the cosmos and thought, society and community, life, the land and territory, science, technology and production.

The main feature of intracultural, intercultural and multilingual education is the development of the types of knowledge specific to each culture and their integration with the knowledge of national and world cultures in every subject area and discipline covered in the curriculum. The objective of this defining focus is to recover, appreciate and develop languages, wisdom, learning and values in ways that recognize the identity and cultural diversity of the people of Bolivia.

Education in social and community values: an education in social and community values is aimed at strengthening harmony in the community and involving individuals in nature, the community and the world. The goal is to develop such values as reciprocity, articulation, contribution, redistribution, respect, justice, freedom, peace, unity and honesty and to relate them to the areas of knowledge and disciplines covered in the curriculum.

Education in coexistence with nature and community health: this entails respect for community coexistence with the world and nature, with due consideration for the diversity of world views existing within various territorial contexts based on understanding, comprehension and the dissemination of knowledge about the sustainable development of life in order to live a good life in the community.

15. *Article 61.II of the Constitution prohibits forced labour by children and the exploitation of children, but no reference is made to a minimum working age. Please discuss the legal and policy implications of this decision in the light of article 32 of the Convention and the International Labour Organization (ILO) Convention concerning the Minimum Age for Admission to Employment (No. 138) of 1973.*

Article 61.II of the Constitution of Bolivia has to be read in conjunction with article 60, which states: “It is the duty of the State, society and the family to guarantee that priority is given to the best interests of the child or young person. These interests comprise the pre-eminence of his or her rights and his or her entitlement to priority protection and assistance under all circumstances”

It should also be viewed within the context of articles 81.I (“Education is compulsory up to the level of the secondary school leaving certificate”) and 82.I, (“The State shall ensure that all citizens have access to an education under conditions of full equality”).

Bearing those articles in mind, it should be noted that article 61.II stipulates, at the end of the paragraph, that “special regulations shall lay down their rights to, guarantees of and institutional mechanisms for protection”.

The Code for Children and Adolescents of 27 October 1999 was formulated on the basis of the principle of the best interests of the child. This principle states that any measure taken with regard to a child or adolescent must be based on a consideration for the full exercise of their rights.

Chapter VI, on protection for young workers, takes into account article 32 of the Convention and ILO Convention No. 138.

It should also be noted that title II (Fundamental Rights and Guarantees), article 13.iv, states that: “International treaties and agreements ratified by the Plurinational Legislative Assembly that recognize human rights and prohibit their restriction in states of emergency shall take precedence over domestic legislation. The rights and duties enshrined in this Constitution shall be interpreted in conformity with the international human rights treaties ratified by Bolivia.”

Article 61.II thus has no legal or political implications in relation to article 32 of the Convention or ILO Convention No. 138.

16. *Please provide information on the coexistence of the justice system and the administration of justice by community leaders and on this situation’s compatibility with the Convention.*

Bolivia has recently officially recognized alternative forms of conflict resolution that always existed but were not recognized by the law. That is why they are little-known and, through ignorance, some people have misrepresented these practices.

The current Constitution refers, in articles 190-192, to the jurisdiction of original, indigenous and campesino communities:

Article 190:

- I. Campesino, original and indigenous nations and peoples shall exercise their jurisdictional functions and legal competence through their authorities and shall apply their own principles, cultural values, norms and procedures.
- II. Campesino, original and indigenous courts shall respect the right to life, the right to defence and the other rights and guarantees enshrined in the Constitution.

Article 192:

- II. Campesino, original and indigenous authorities may request the support of the competent bodies of the State in the implementation of decisions by campesino, original and indigenous courts.
- III. The State shall promote and strengthen the campesino, original and indigenous system of justice. The Jurisdiction Demarcation Act shall define the mechanisms for coordination and cooperation between campesino, original and indigenous jurisdictions and the regular justice system, the agricultural and environmental courts and all constitutionally constituted jurisdictions.

The institutions that deal with the protection of children’s rights and their care are not represented throughout the country, so indigenous authorities are the ones that are required to rule on offences against children’s rights. It should also be borne in mind that in campesino, original and indigenous communities, children are not individualized as they are in the cities.

It has been established that in some cases and in some areas, the Ombudsmen for Children and Adolescents and the legally constituted community authorities have acted jointly to restore rights.

This issue is one which needs to be explored with a view to the incorporation of alternative dispute settlement systems into the Code for Children and Adolescents, which is designed to be intercultural in scope.

As for compatibility with the Convention, the Constitution states that human rights must be upheld by the community justice system. It is therefore clearly compatible with the Convention.

17. Kindly indicate which child-related issues the State party regards as being of a high priority and warranting its utmost attention with regard to the Convention's implementation.

First, we should make it clear that each and every one of the rights of children and adolescents set out in the Convention on the Rights of the Child is important.

However, the Plurinational State considers it a priority to:

- Improve the living standards of Bolivia's children, without discrimination of any kind. This aim, as stated in the Convention, involves not only physical development but full development. No child should be neglected, either in the cities or among the indigenous populations. This entails:
 - Improving medical and health services for children
 - Improving health services for pregnant women, before and after the birth

To this end, the National Plan for Comprehensive Community Development for Children and Adolescents 2009-2013 provides for the implementation of four programmes: (a) young children for social change; (b) empowerment of the family and the community; (c) rights and empowerment of State bodies and society; and (d) public policy, awareness-raising, intersectorality, inter-territoriality and the law. These programmes are aimed at giving priority to children and adolescents, who suffer most from poverty and vulnerability and yet who represent the sector of society that has the potential to build up the country's social capital.

Prioritization of individuals, regions and issues

Priority is given to children and adolescents, namely individuals within the age range of 0-18, who, as indicated above, are those who suffer most from poverty, vulnerability and marginalization.

In terms of regional priorities, emphasis is laid on three particular groups: those in rural areas, where poverty rates are very high and State and social services, programmes and projects are virtually non-existent; the indigenous territories, where extreme poverty has taken hold in both urban and rural areas; and, lastly, the urban and rural territories as a whole, where the incidence of extreme poverty is high.

Priority is placed on issues having an impact on social assets, on education and training, and on creativity, as well as nutrition, health and protection. These are intersectoral, cross-cutting issues which the Plan helps to address, particularly as regards the universality of rights.

A second group of priority issues revolves around protection, in general, and violence and exploitation, in particular.

A third focus is the participatory approach that is developing around the activities of the Councils, which also contribute to the empowerment of the participants, especially children and adolescents. By developing this potential, they enrich and give meaning to the participatory process, and help to ensure that it is carried on into the future.

The Comprehensive Community Development Plan for Children and Adolescents 2009-2013 provides for the following initiatives as part of its proposed programme for vulnerable and at-risk children and adolescents:

Programme on the Rights and Empowerment of State Bodies and Society

This programme aims to consolidate the institutional capacities of the State and society so that they are better able to apply public policies in support of children and adolescents while also implementing protection policies at various levels. The following lines of action are:

- Zero violence, the aim being to eliminate all forms of violence; work in this area will be coordinated with other similar programmes with a view to the consolidation of a national impact programme
- Protection against social vulnerability
- Protection against economic and labour-related vulnerability
- Protection for street children and adolescents, orphans and single mothers
- Shelters and community strategies for at-risk children and adolescents
- Capacity-building for indigenous, municipal, regional and departmental bodies dealing with children and adolescents
- Strengthening participation

Programme on Public Policy, Awareness-Raising, Intersectorality, Inter-territoriality and the Law

This programme's aim is to keep the programmatic structure of public policy up to date. It is also designed to consolidate intersectorality and inter-territoriality by mainstreaming policies and activities and ensuring their convergence. It will also establish information, communication and awareness-raising strategies by formal means and through social mobilization. The main areas of activity are:

- Ensuring the cross-cutting implementation of sectoral and territorial policies on children and adolescents
- Complementary intersectoral action
- Communication, information and awareness-raising
- An oversight body for children and adolescents
- Code for children and adolescents and a package of statutes and regulations for implementation of the Constitution

PART II

In this section, the Committee invites the State party to provide a brief update on the information presented in its report regarding:

(a) New bills or laws

The new Constitution contains the following references to children and adolescents:

Article 58:

Any minor shall be deemed a child or adolescent. Children and adolescents have the rights set out in the Constitution, within the limits established therein, and the specific rights intrinsic to their development, to their ethnic, social and cultural, sectoral and generational identity and to the satisfaction of their needs, interests and aspirations.

Article 59:

I. Every child and adolescent has the right to full development.

II. Every child and adolescent has the right to live and grow up in his or her natural or adoptive family. Where this is not possible, or would run counter to his/her best interests, the child or adolescent shall have the right to a foster family, in accordance with the law.

III. All children and adolescents, irrespective of their origin, have the same rights and duties with regard to their parents. Discrimination between children by parents shall be penalized by law.

IV. All children and adolescents have the right to an identity and the right to know their parentage. When the parents are not known, they shall use an agreed surname chosen by the person responsible for their care.

V. The State and society shall guarantee the protection and promotion of young people and their active participation in productive, political, social, economic and cultural affairs, without any form of discrimination whatsoever, in accordance with the law.

Article 60:

It is the duty of the State, society and family to guarantee that priority is given to the best interests of the child or young person. These interests comprise the pre-eminence of his or her rights and his or her entitlement to priority protection and assistance under all circumstances, to priority access to public and private services, and to swift and timely access to the administration of justice with the assistance of specialized staff.

Article 61:

I. All forms of violence against children and adolescents in the family and in society are prohibited and will be penalized.

II. Forced labour by children and the exploitation of children are prohibited. The activities of children and young persons within the family and in society shall be directed towards their full development as citizens and shall have a formative function. Special regulations shall govern their rights to, guarantees of and institutional mechanisms for protection.

Article 65:

In order to serve the best interests of children and adolescents and their right to an identity, the presumption of parentage shall be asserted by means of a statement by the mother or father. This presumption shall hold in the absence of proof to the contrary; the burden of establishing such proof falls to the person who denies parentage. In the event that the presumption is overturned, the costs incurred shall be borne by the person who attributed parentage.

Article 77:

I. Education constitutes one of the highest functions and a prime financial responsibility of the State, which has the inalienable obligation to support, ensure and administer it.

Article 82:

III. Scholarship shall be offered to students with excellent academic records at all levels of the educational system. Every gifted child or adolescent shall have the right to educational services employing teaching and learning methods that will permit the fullest possible development of his or her aptitudes and skills.

Article 85:

The State shall promote and guarantee the continuous education of children and adolescents who are disabled or who are especially gifted, within the regular structure, principles and values of the education system, and shall establish and apply a special curriculum for them.

Supreme Decree 0011/2009 on the Right to an Identity:

This decree provides that, in order to uphold children's and adolescents' right to an identity, the presumption of parentage shall be established on the basis of a statement by the mother or father. This presumption shall be valid unless evidence to the contrary is provided by a person denying parentage. In the event that the evidence invalidates the presumption, the costs incurred shall be borne by the person who attributed parentage.

(b) New institutions

Supreme Decree No. 29894 on the Organizational Structure of the Executive Branch of the Plurinational State was issued to begin the implementation of the Constitution that was recently approved by the Bolivian people, in a nationwide referendum. It establishes the Office of the Deputy Minister for Equal Opportunity under the Ministry of Justice. Article 83 of the decree sets out the following functions of the Office of the Deputy Minister in accordance with the Constitution:

- Formulate, direct and coordinate policies, regulations, plans, programmes and projects to promote equal opportunity for women and men, children, adolescents, young people, older persons and persons with disabilities
- Promote compliance with the Constitution and international instruments relating to equitable treatment regardless of gender, age or disability status
- Put forward the principle of equal opportunity and participate in its incorporation in autonomous territorial entities
- Assess and monitor the implementation of and compliance with gender equality and equal opportunity plans, programmes and projects by autonomous territorial entities
- Promote gender mainstreaming and intergenerational equality of opportunity in sectoral and public governance policies, and coordinate action by State bodies and civil society organizations
- Formulate, coordinate and implement national policy with autonomous territorial entities to defend, protect and promote the rights of women, children, young people, older persons and persons with disabilities
- Formulate rules and standards to strengthen mechanisms for the prevention and punishment of gender- or age-based violence or institutional abuse and for the protection, care and rehabilitation of victims

(c) and (d) Recently introduced policies, action plans, programmes and projects and their scope

Juancito Pinto grant

The Bs 200 Juancito Pinto grant is awarded annually to over 1 million children throughout the country. This means that 73 per cent of all schoolchildren are beneficiaries.

In 2006, the Juancito Pinto benefit, which was introduced following the nationalization of the oil and gas industries, was paid to 1,411,091 children from 13,070 schools; 1,400,627 of these children were in the first to sixth grades of primary school, while 8,000 were in 80 special schools (without any age limit) and 2,464 children between the ages of 5 and 11 were in 31 alternative education units. In addition, 14,744 children in 410 remedial education units also received the grant.

In 2007, the payment of Juancito Pinto benefits was extended to children in the sixth year of primary school, i.e., a further 211,713 children. Children attending alternative education units (2,464 children between the ages of 5 and 11) will also benefit.

In 2007, the total number of beneficiaries increased by 325,731 over 2006, a 30 per cent increase. The corresponding budget rose from Bs 217,072,000 to Bs 293,977,292.

Juana Azurduy de Padilla grant

The Juana Azurduy de Padilla grant is designed to lower mortality rates in Bolivia and will cover 74 per cent of families lacking access to short-term social security benefits. The main objective of this grant is to deal with complications associated with pregnancy and childbirth in Bolivia and to combat infant mortality, maternal mortality and malnutrition.

Pregnant women will also receive Bs 125 for each two-monthly check up to which they bring their children up to 2 years of age.

All children up to the age of 2 in all the country's municipalities are eligible for the Juana Azurduy de Padilla mother-child benefit.

This policy is implemented by the Ministry of Health as part of its plan to combat poverty, in which this mother-child benefit grant is a very important component. The anti-poverty campaign has identified two problems: maternal and infant mortality, and malnutrition at birth, which leads to other complications later in life.

PART III

STATISTICAL AND OTHER INFORMATION, IF AVAILABLE

- 1. In the light of article 4 of the Convention, please furnish up-to-date information on 2007, 2008 and 2009 budgetary allocations (including an analysis of fluctuations in those allocations) for implementation of the Convention in the education, health and social services sectors.*

Summary

Support for children's rights, by municipal government

Year	Type of expenditure	Current	Completed	Current	Completed	Current	Completed	Total current	Total completed
2007	Health	1 044 598 843	975 792 326	1 209 541 367	1 124 188 574	1 243 923 289	386 279 327	3 498 063 499	2 486 260 227
2008	Education	4 203 814 899	4 106 636 407	4 761 318 069	4 269 735 128	4 838 800 844	1 685 414 091	13 803 933 812	10 061 785 626
2009	Social services	249 025 409	220 490 937	232 076 127	187 806 076	221 152 482	59 679 850	702 254 018	467 976 863
Total - municipal governments		5 497 439 151	5 302 919 670	6 202 935 563	5 581 729 778	6 303 876 615	2 131 373 268	18 004 251 329	13 016 022 716

Support for children's rights, by departmental prefecture

Year	Type of expenditure	Current	Completed	Current	Completed	Current	Completed	Total current	Total completed
2007	Health	907 737 744	584 709 586	1 209 541 367	1 124 188 574	1 243 923 289	386 279 327	3 498 063 499	1 496 338 768
2008	Education	1 678 507 136	985 055 283	4 761 318 069	4 269 735 128	4 838 800 844	1 685 414 091	13 803 933 812	2 585 841 899
2009	Social services	34 570 776	22 318 525	232 076 127	187 806 076	221 152 482	59 679 850	702 254 018	59 386 144
Total - departmental prefectures		2 620 815 656	1 592 083 394	3 075 922 031	1 957 845 562	3 015 844 651	591 637 855	8 712 582 338	4 141 566 811

2. ***Please provide up-to-date information for 2006, 2007 and 2008 on the number of persons below 18 years of age who have been deprived of their liberty. Also please inform the Committee how many cases there have been of abuse or ill-treatment of children in the course of their arrest and/or detention and what follow-up action has been taken in such cases.***

According to information provided by the nine Departmental Directorates of the Prison Service, the numbers of adolescents held in detention are as follows:

Department	Children aged 16-18	
	Males	Females
La Paz	41	9
Oruro	-	-
Potosí	22	-
Cochabamba	41	22
Chuquisaca	11	2
Tarija	4	-
Pando	-	-
Santa Cruz	125	11
Beni	162	6
Total	406	50

As for the cases of abuse or ill-treatment of children in the course of their arrest or detention, and follow-up action in such cases, article 23 of Penal Implementation and Supervision Act No. 2298 provides for a compulsory medical examination of each detainee at the time of admission to a detention centre.⁴ Communication DNSP-DGRP No. 1549/09, issued by the National Director for Prison Security, Colonel Manuel Guzmán (see annex 1), indicates that no cases of abuse or ill-treatment were reported in 2007, 2008 or 2009 by adolescents between the ages of 16 and 18 who were placed in prisons in Bolivia.

3. ***Kindly furnish up-to-date information for 2006, 2007 and 2008 on the number of children who have been sexually exploited (including cases of prostitution, pornography and human trafficking) and the number of those children who have been given access to social rehabilitation and recovery services.***

⁴ Article 23: Medical examination. Upon entry into the facility, all inmates will receive a medical examination to determine their physical and mental state and, where appropriate, will receive the corresponding treatment. Every inmate shall be examined at least once a year.

Victims, by age and sex, 2006

Offences	0-5 years		6-10 years		11-15 years		16-20 years		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Traffic in persons			1	2				1	4
People-smuggling		1	1			4		5	11
Procuring						1		8	9
Pornography and obscene displays involving children or adolescents								1	1
Corruption of minors					2	10		9	21
Abduction of a minor or a legally incompetent person		1				1			2
Total	0	2	2	2	2	16	0	24	48

Victims, by age and sex, 2007

Offences	0-5 years		6-10 years		11-15 years		16-20 years		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Traffic in persons	1		1			5		5	12
People-smuggling				2					2
Procuring						1		3	4
Pornography and obscene displays involving children or adolescents									0
Corruption of minors		1		1		1	1		4
Abduction of a minor or a legally incompetent person			1						1
Total	1	1	2	3	0	7	1	8	23

Victims, by age and sex, 2008

Offences	0-5 years		6-10 years		11-15 years		16-20 years		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Traffic in persons	3	2	1		1	7	1	22	37
People-smuggling				1				1	2
Procuring						1		2	3
Pornography and obscene displays involving children or adolescents								1	1
Corruption of minors					1	1	1	4	7
Total	3	2	1	1	2	9	2	30	50

Bolivia has two transit centres to provide comprehensive care for victims of trafficking located in the cities of La Paz and Santa Cruz. Each of these centres is attached to the prefecture of the department in question. The centre in La Paz shares its infrastructure with the Women's Diagnosis and Treatment Centre, which takes in young female offenders. The Centre has been renovated and now has two large separate areas for the delivery of comprehensive care, which includes health services, education, occupational therapy, psychological care and social services to reintegrate victims into their home environment and to provide female victims of trafficking aged between 12 and 18 with legal advice and representation.

Victims of sexual violence in Santa Cruz have access to a centre for victims of trafficking which is attached to the departmental prefecture. There, as in the La Paz centre, women are provided with psychological and medical care, social services, legal representation and occupational therapy. These services are coordinated with the Victim Care and Protection Unit attached to the Public Prosecution Service. Here, the victim is assisted throughout the legal proceedings by a multidisciplinary team made up of a professional psychologist, a social worker and the prosecutor assigned to the case.

Therapeutic support

In order to combat the effects of this sort of violence, which so flagrantly contravenes the full protection due to children and adolescents, it has been necessary to set up centres to provide therapeutic support going beyond the diagnostic systems associated with legal proceedings.

Bolivia has established two therapeutic-care centres attached to the prefectures of the Departments of La Paz, Oruro and Tarija. These centres are staffed by professional psychologists who treat both private patients and persons referred to them by public institutions.

The success of these centres has been due in large part to the use of one-way mirrors, which are employed in the course of patient monitoring and in order to protect women from undergoing a second victimization process during the trial. Their use is currently being accredited by the Public Prosecutor's Office as part of the penal reform being carried out by the Ministry of Justice.

4. Please supply up-to-date information for 2006, 2007 and 2008 on the number of children who have been economically exploited (including children employed to perform domestic work or to work in mines, sugar-cane plantations or under other high-risk conditions).

The National Plan for the Eradication of the Worst Forms of Child Labour 2000-2010, which was prepared by the Ministry of Labour in conjunction with civil society organizations and with support from international cooperation agencies estimates the number of child and adolescent workers at about 800,000. This figure is not a census result but rather is an estimate based on the 2001 census. The overall figure was used to set objectives and targets for the National Plan, but in order to determine the scale of the problem and the types of child labour that are occurring, more detailed statistics will be required. This work is currently being undertaken by the National Statistics Institute, with technical and financial assistance from ILO, under the aegis of the Inter-Agency Commission for the Progressive Eradication of Child Labour. The results are to be submitted at the end of this year.

The objectives of the child labour survey are to:

- Generate indicators that will provide a clearer understanding of the demographic, social and economic characteristics of child workers and their families
- Determine the characteristics of the sectors in which children work
- Determine the migratory status of these children and their families
- Determine the labour sectors involved and how much time children spend working, as well as the factors that lead them or their families to do so
- Determine the health and occupational safety status of child and adolescent workers
- Determine the economic or domestic activities in which child workers are engaged
- Determine the educational situation of children and adolescents who work
- Serve as a source of information for public and private institutions and for investigators

The survey results will be of great importance, since they will be used to identify what inputs are needed to determine the scale of the problem of child labour and to delineate policies and strategies for more effective action in progressively eradicating child labour.

The following data were taken from the 2006 Child Labour Training Module for directors and inspectors of the Ministry of Labour, which was approved by Ministerial Decision No. 099/06.

Primary sector

In rural areas, the child workforce in the agricultural sector numbers 88,000. These children work harvesting potatoes and other root crops, vegetables and fruit. Other agriculture jobs done by children include weeding, fumigating and tending livestock.

Secondary sector

There are 41,000 workers between the ages of 7 and 17 who are involved in industrial and production activities. Of these, probably 30,000 are in urban areas and 10,000 in rural areas.

It is estimated that 23,000 children and adolescents are engaged in manufacturing activities in urban areas and 7,000 in rural areas. This includes the construction and physical infrastructure sectors.

Tertiary sector

There are 45,000 children and adolescents engaged in a variety of commercial activities as vendors, assistants, bootblacks, etc.

There are also illegal businesses (pimping, brothels or motels, etc.) where persons under 18 are engaged in selling alcoholic drinks.

Domestic work accounts for about 33,000 children and adolescents, 32,000 of whom are female.

The survey on the worst forms of child labour provides data on sugar-cane harvesting and mining.

- Sugar-cane harvesting: 10,000 children and adolescents are engaged in this activity
- Chestnut harvesting: 2,600 children and 2,000 adolescents are involved in some part of the harvesting process and 450 children and 1,400 adolescents are involved in processing (source: Situación de los niños, niñas y adolescentes y sus familias en la zafra y beneficiado de la castaña, Centre for Latin American Research and Documentation (CEDLA), 2007)
- Mining: 3,800 children and adolescents are engaged in some kind of work in small-scale mining, such as gold-mining

5. *Please provide up-to-date information for 2006, 2007 and 2008 on the number of children who have been deprived of their family environment and on the type of care they receive (foster homes, institutions or other).*

The Code for Children and Adolescents guarantees protection for children temporarily or permanently deprived of their family environment through a “substitute family” (art. 37), “which is a family that, though not the original family, receives a child or adolescent, assuming the responsibility of a biological family and taking charge thereby of the child’s or adolescent’s material and moral care, protection and assistance”.

Supreme Decree No. 25287 of 30 February 1999 established Departmental Social Services (SEDEGES) as decentralized units under the prefectures or local ministries. These units’ functions are as follows:

Under the Code for Children and Adolescents, articles 181 and 182, departmental prefectures must provide budgetary allocation for promoting establishing and strengthening programmes to deliver integrated services in shelters for children and adolescents in situations of risk or vulnerability.

The Departmental Social Services (SEDEGES) are administrative and executive bodies in the prefecture of each department which deal with children and adolescents. Their objective is to take action to protect and defend the rights of children and adolescents and to provide integrated services to improve their living conditions in the context of national policies and legislation.

Under the Code for Children and Adolescents, articles 181 and 182, departmental prefectures must provide budgetary allocations for promoting, establishing and strengthening programmes for:

- Integrated childcare facilities and children’s homes

- Social and family guidance and support services
- Social and educational support services in an open environment
- Legal, psychological and social services
- Assistance with integration into foster families
- Shelters
- Orientation and treatment centres for children and adolescents with alcohol and other drug dependencies
- Centres run under a semi-open regime for adolescent offenders
- Probation programmes
- Custodial centres for adolescents in conflict with the law

SEDEGES are administrative and executive bodies in the prefecture of each department which deal with children and adolescents. Their objective is to take action to protect and defend the rights of children and adolescents and to provide integrated services to improve their living conditions in the context of national policies and legislation. Their operations have been affected, however, by the current political and social situation in Bolivia.

**Shelters and child and adolescent population
served by SEDEGES, 2006**

Department	Number of shelters	Population served	Direct services	Services provided by partner agencies
Potosí	21	1 165	8	13
Cochabamba	69	3 773	9	53
Santa Cruz	78	7 844	0	78
Beni	30	1 365	4	26
Tarija	9	1 645	6	3
Pando	1	25	1	0
La Paz	31	693	14	17
Oruro	7	215	2	5
Chuquisaca	10	256	4	6
Total	256	16 981	51	201

Source: SEDEGES.

* Includes NGOs.

**Shelters and child and adolescent population
served by SEDEGES, 2007-2008**

Department	Number of shelters	Population served	Direct services	Services provided by partner agencies
Potosí	10	314	8	2
Cochabamba	68	5 322	4	64
Santa Cruz*	65	7 844	0	65
Beni	2	46	2	0
Tarija	10	393	6	4
Pando	1	28	1	0
La Paz**	31	4 800	14	17
Oruro	7	259	3	4
Chuquisaca	6	121	5	2
Total	233	19 118	47	167

Source: SEDEGES 2008.

* UDAPE data, 2006.

** UDAPE data, 2007.

Based on the Convention on the Rights of the Child and the Code for Children and Adolescents, questions have been raised about the negative effect of institutionalization on the integral development of children, the argument being that they are subjected to a collective routine and not given enough space in which to express, develop or fulfil their personal potential.

A priority objective of bodies responsible for promoting family rights ought to be the progressive elimination of the machinery of exclusion, such as reception centres, residential institutions and other such facilities.

State bodies should therefore undertake a sustained de-institutionalization effort, not only so as to do away with the residential foster care systems but also as an essential part of a collective process of cultural change leading to a society that can include each and everyone of its members.

The challenges that this poses are enormous, and our present situation does not yet allow us to eliminate shelters, but we must make every effort to re-engineer these services through programmes devoted to upholding the right to a family by supporting reintegration and family placement, whether by means of foster families, extended families, guardianship or national adoption.

Work is under way to draw up programmes of family reintegration for children and adolescents currently in institutions.

Institutional support

Significant progress has been made by the SEDEGES technical teams, most of which have reworked their role and function on the basis of a commitment to the full protection of the

children and adolescents in their departments. New approaches and initiatives have been incorporated into the strategic plans and in their constitutional profile adopted within the prefecture. This, however, is not enough, since, despite the provisions of the Code for Children and Adolescents and the Convention on the Rights of the Child, the rights of children and adolescents in the country's shelter are constantly and systematically being infringed. Rights relating to the family, clothing, food, identity, health, education, etc. are not being fully upheld.

In the past few years, the staff of institutions working with children and adolescents, as well as the general public, are becoming increasingly aware of the disadvantages of institutionalization. Efforts are therefore being directed towards strengthening the family environment.

Institutionalized children and adolescents grow up without a proper maternal or paternal role model. The depersonalization of human relationships leads to communication barriers, personality disorders, low self-esteem and insecurity.

Staff mobility and frequent staff transfers into and out of these shelters prevent friendships or relationships of trust from developing. Children and adolescents see their teachers and other staff as transient people who are temporarily passing through their lives.

Budget

Although SEDEGES are confronted with budgetary shortfalls, an improvement in the quality of food, and in supplies of clothing and learning materials has been noted in many of the centres, thanks to their careful and equitable use of resources.

Nevertheless, the prefecture and the National Treasury are not providing sufficient budget appropriations and are not disbursing funds to these shelters on schedule. The SEDEGES budgetary allocations are listed as expenses rather than as an investment in human capital. Still less is any consideration given to the full development of the children or adolescents living in these shelters.

The low wages generally paid to shelter staff is another factor that has an impact on the quality of care.

Human resources and training

The human resources of these shelters are another factor that should be taken into account in determining the quality of life of these children and adolescents.

It is important for these centres to be equipped with interdisciplinary teams, social workers, psychologists, teachers and health staff and to adopt an integrated approach to the care of these children and adolescents.

Ongoing training and skills acquisition support should be furnished for staff in the core subject areas related to the provision of appropriate care for children and adolescents.

Infrastructure and equipment

Infrastructure shortfalls are evident, as the budget for maintaining infrastructure and equipment is quite limited. In the government-run shelters, the deterioration and substandard conditions are plain to see because the buildings are old and not fit for purpose. The centres run by partner agencies have succeeded in making some improvements and adaptations using their own resources or donations.

These shelters shortcomings in terms of infrastructure lead to the infringement of the rights of the children and adolescents, since a healthy environment is needed to ensure a decent standard of living.

These infrastructure problems are widespread (dormitories, baths, showers, classrooms, sporting and recreation areas). The vast majority of these facilities were not designed or built to house this segment of the population.
