

Contemporary forms of slavery in

# Bolivia

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# Map of Latin America





# Map of Bolivia



# 1. Background

Bolivia is the poorest country in South America, with two-thirds of the population living in poverty, the majority of whom are subsistence farmers. However, the country is rich in natural resources possessing the second largest natural gas reserve in South America and 70 per cent of the world's iron and magnesium.

The tensions and protests on the issue of control of the country's natural gas reserves led to the fall of two presidents between 2003 and 2005 and contributed to the successful election of Evo Morales in December 2005, Bolivia's first indigenous leader. He secured an absolute majority of 54 per cent in the election, with much of his success attributed to the support of indigenous people, who make up approximately 55 per cent of the national population.<sup>2</sup>

In May 2006, Morales fulfilled his promise to renationalise natural gas by giving foreign firms six months to sell at least 51 per cent of their holding to the state and negotiate new contracts or leave the country.

On the issue of coca farming Morales has incensed the US government by stating that indigenous farmers have the right to cultivate and use the crop (a key ingredient in cocaine production) to preserve their traditional ways of life. A former coca grower himself, he looks set to be a barrier in the US Government's coca eradication programme in South America, which could have serious economic implications given that much of US government aid is conditional on the coca eradication programme.

## Development indicators<sup>1</sup>

*Classified as a moderately indebted lower middle income economy (\$826-\$3,255 GNI per capita).*

**Population: 9 million**

**Urban population: 64 per cent of total population**

**GNI per capita: US\$ 960**

**Poverty: 63 per cent of the total population below the national poverty line**

**Life expectancy: 64 years**

**Infant mortality: 54 per 1,000 live births**

**Child malnutrition: 8 per cent of children under five**

**Access to an improved water source: 85 per cent of the population**

**Illiteracy: 13 per cent of the population over 14**

<sup>1</sup> All indicators from the World Development Indicators database and *Bolivia: at a glance fact sheet*, World Bank, April 2006, except for poverty indicator.

<sup>2</sup> The main indigenous populations are *Quechua* (30 per cent), *Aymara* (25 per cent) and *Guaraní* (1 per cent).

## Bolivia's adherence to some of the principal international standards which prohibit contemporary forms of slavery

<b>International standards</b>	<b>Ratified</b>	<b>Signed but not ratified</b>	<b>Not signed or ratified</b>
ILO Convention No. 29 on Forced or Compulsory Labour, 1929.	✓		
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.	✓		
UN International Covenant on Civil and Political Rights, 1966.	✓		
UN Convention on the Elimination of All Forms of Discrimination against Women, 1979.	✓		
UN International Convention on the Protection of the Rights of All Migrant Workers and Their Families, 1990.	✓		
ILO Convention No. 182 on the Worst Forms of Child Labour, 1999.	✓		
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime, 2000.	✓		

## 2. Forced Labour in Bolivia

There are three main areas in which forced labour is used in Bolivia: in the sugar cane industry, in the Brazil nuts industry and on private ranches (haciendas) in the region of the Chaco. The majority of forced labourers are in some form of debt bondage and are mainly indigenous peoples, particularly those working in the Chaco. The debt is initially created by advances of money and sustained by the subsequent purchases of food and goods on credit along with interest charges on debts. The debt is a mechanism for controlling and retaining labour. Forced labour is employed by private individuals and not the State.

### 2.1. Forced labour in the sugar cane industry

The International Labour Organization (ILO) estimates that some 33,000 people work harvesting sugar cane, 18,000 of which are men and 15,000 are women and children (of the children, 7,000 are under 14 years old). While not all sugar companies employ forced labour, the ILO estimated that, in 2003, there were 21,000 forced labourers, including women and children, working in the Santa Cruz area. Of these, 15,000 were recruited from their home towns, whilst 6,000 went to the camps in search of work.<sup>3</sup>

#### Recruitment of forced labour in the sugar cane industry

The sugar cane harvest takes place between March/April to September/October, mainly in the district of Santa Cruz, but also in Tarija. In 2003, approximately 33,000 workers (not all forced labourers) harvested 90,000 hectares of sugar cane.<sup>4</sup> Santa Cruz is a region with low population density and there are not enough workers in the region to carry out the harvesting. Therefore labour needs to be attracted into the region. Employers utilise a system of advances to recruit workers from other regions, but also use debt as a method of retaining labour throughout the full harvesting season, and possibly future seasons.

Subcontractors are hired to recruit workers by sugar cane producers. To recruit workers they go to towns such as Chuquisaca and Potosi in the Bolivian highlands which have large populations of poor, indigenous people. They give potential workers an advance on their future salaries to be earned harvesting sugar cane. Once the workers have taken advances they are obliged to work for that contractor and do not have the option of giving the money back, or finding work with other contractors who will pay more.

There is a clear hierarchy involved in the recruitment and retention of agricultural labourers. The sugar companies hire intermediaries and pay them for delivering a specified quantity of sugar every fortnight, roughly 1,000 metric tonnes.<sup>5</sup> The intermediary hires a subcontractor to physically go to towns and recruit enough agricultural labourers (mainly indigenous *Quechua* people) to meet the quotas.

The fact that the subcontractor is not hired by the company allows the company to claim that it is not responsible for the use forced labour and that it does not have the employer's duties in relation to labour rights, health care and other benefits. The subcontractor is also someone with local knowledge of the recruitment area which allows him to exploit his familiarity with the people and gain the trust of potential workers.

In return the subcontractor receives a series of benefits. He owns the shop at the harvesting site where all workers have to buy their goods as they are in isolated locations and unable to go elsewhere for their food and other necessities. The prices of food and goods are substantially inflated and this profit belongs to the subcontractor. For example, a kilo of sugar costs 2.7 Bolivianos (US\$0.34) in the market but in the site shop it will cost 5 Bolivianos (US\$0.64), whilst a tin of sardines is double the market price at 10 Bolivianos (US\$1.28) in the site shop.<sup>6</sup>

<sup>3</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *Enganche y servidumbre por deuda en Bolivia*, ILO, Geneva, January 2005, page 2.

<sup>4</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 1.

<sup>5</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 1.

<sup>6</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 4.

Additionally, the subcontractor is responsible for paying the wages to workers and managing their debts. The workers find themselves increasingly indebted to the subcontractor, having to pay back the advance and paying for their food and basic goods on credit, as well as interest payments on money borrowed.

In Santa Cruz it is estimated that there are between 250 and 270 subcontractors recruiting workers from rural areas.

### Creation of debt as a control mechanism

The contract is usually verbal, between the agricultural labourers and the subcontractor. The contract is made with the male head of the household and in some cases with male adolescents. Women and children do not have any sort of contract, although they work alongside the rest of their family. If paid anything at all, the women receive a quarter of the daily salary of the men, to reflect the supposedly less arduous nature of the work they do. Women collect, pile and peel the sugar cane. Children often work with their parents, but are never paid.<sup>7</sup>

The contractors and subcontractors are fully aware of the times of the year when people are more likely to need money (e.g. Christmas, New Year and Carnival) and thus travel to the rural areas to offer advances just before these occasions.<sup>8</sup>

The subcontractor makes three payments of 100 Bolivianos (US\$13) in December, before Carnival and then before they leave their homes. The subcontractor adds a 10 per cent “finder’s fee” on the initial loan and will pay the travel costs, although they may add this cost to the debt. Another 200 Bolivianos (US\$26) is borrowed by the workers upon arrival at the plantation to buy basic goods and food, leading to a debt of 510 Bolivianos (US\$65) before any work has been done. Researchers for the ILO found that in one contractor’s logbook 65 per cent of workers had an initial debt of at least 510 Bolivianos with the highest initial debt being 1,200 Bolivianos (US\$154).

After 15 days the first wage is paid, minus deductions made for the advance, money borrowed to pay for food, interest charges, membership to the Federation of Harvesters, etc. The calculations and deductions made are intended to be confusing for the largely illiterate workers who often have very little understanding of what is being deducted and what they are owed. Workers find that at least 60 per cent of their salaries are retained to pay off their various debts.

Other mechanisms to control labour include deducting 30 per cent or more of workers’ wages as “savings”. The contractor assures the worker that this is for their own benefit, so that they leave with some money in their pockets at the end of the season. Thus the contractor is able to keep labour till the end of the season, as workers know that they will not get their “savings” if they leave the harvest early. Contractors may also retain a portion of workers’ salary, claiming that he doesn’t have enough money to pay them now and will do so at the end of the season.

When the season finishes, a worker that is still in debt will have to promise to return next season to pay off what is owed or agree to stay and work on another plantation after harvesting season. If the worker dies, his debt can be inherited by his sons.

## 2.2 Forced labour in the Brazil nut industry

In recent years, the Brazil nuts industry in Bolivia has experienced a boom. In 1997, Bolivia became the world’s principal exporter of Brazil nuts, meeting 73 per cent of the world supply. Between 1986 and 2003, the value of Brazil nuts exported from Bolivia increased from US\$7 to US\$34 million, representing 2.4 per cent of the value all Bolivian exports. The Brazil nut industry accounts for 75 per cent of economic activity in the North Amazon region and employs half the labour force in the region.<sup>9</sup>

<sup>7</sup> See section below on child labour on sugar cane plantations.

<sup>8</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 9.

<sup>9</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 23.



Ninety per cent of Brazil nut sites are in the department of Pando, which is at least a two or three day trip from the principal urban centres.<sup>10</sup> Forced labour in the Brazil nuts industry takes place in the departments of Pando and Beni (province of Vaca Diez) in the Bolivian Amazon, an area that covers 100,000 kilometres squared.<sup>11</sup>

There are approximately 250 to 300 harvesting sites in the North Amazon. They vary greatly in their size, ranging from 5000 to 70,000 hectares. The smallest farms produce approximately 2000 “boxes” (46,000 kilograms) of nuts a year.<sup>12</sup> The larger farms have multiple centres and are run by administrators. Both types of farms require some families to remain out of season to look after the sites.

Approximately 31,000 people migrate to the Amazon every year to harvest Brazil nuts. The great majority of these workers have their freedom severely curtailed and work in forced labour conditions during the harvest season period, but are free to leave after the season is over. Approximately 5000 to 6000 people become forced labourers on a permanent or semi-permanent basis.<sup>13</sup>

### Recruitment and control of forced labour

Workers are recruited from the cities of Riberalta, Guayaramerín and Cobija. The rest come from rural areas close to these urban centres. Although no study shows a clear ethnic breakdown, from the 2001 census it can be deduced that the workers are mainly *mestizos* - mixed indigenous and Spanish descent. Indigenous people are also employed on the plantations. The indigenous population of the Northern Amazon comprises approximately 10 per cent of the general population and are from various ethnic groups.<sup>14</sup>

Recruitment takes place between October and December. The harvesters leave their homes in January to travel to the Amazon, often accompanied by their families. Agricultural

workers receive advances from contractors or subcontractors hired to recruit workers. The advance is a combination of cash and goods, with a value of 300 (US\$38) to 1000 Bolivianos (US\$128).

The majority of workers sign a contract which states the amount given as an advance, the length of the harvest season and the price to be paid per “box”<sup>15</sup> of Brazil nuts. The contracts state that if workers leave the site before the end of the harvest they are liable to pay their transport costs and “damages” to the contractor, which in some cases is set at 100 Bolivianos (US\$12.80) and is payable even in cases of illness or injury. Some contracts also include clauses which allow the contractor to fine workers 100 Bolivianos (US\$12.80) for arriving late or to increase shop prices by up to 35 per cent each year.<sup>16</sup> The most important clause, however, states that the debt is legitimate and accepted as such by both parties and that it must be repaid through labour and cannot be repaid with cash.

There is considerable fraud involved in how contractors weigh the loads of nuts collected and how they calculate payment. The loads are routinely under-weighed. One study found that every load of 26 kilos was valued at 22 kilos, thus four kilos were being taken for free. This amounts to one box out of every six collected being provided free and results in workers receiving less wages and having less money to cover their living costs. These costs are particularly high as goods can only be purchased at the site shop at inflated prices.

One site shop marked up goods by 12 per cent for cooking oil, 42 per cent for sugar, 144 per cent for salt, 122 per cent for matches and 104 per cent for bullets, when compared with prices in the city for the same goods. Smaller camps charged more than the larger camps, but on average a site shop was able to earn US\$2,000 from each worker each season. Another study found that some

<sup>10</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 27.

<sup>11</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 21.

<sup>12</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 27.

<sup>13</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 21.

<sup>14</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 25.

<sup>15</sup> Brazil nuts are collected and measured according to “boxes” (*cajas*). The weight of a box is 23 kilograms.

<sup>16</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 29.

employers prohibited workers from cultivating any crops and obliged them to buy everything from the site shops.<sup>17</sup>

In most camps cash is not used. Wages are simply written off against debts. Workers survive by buying all goods on credit at the shop and seeing their salaries as entries in the employer's log-book.

### **Forced labour**

Most of the 31,000 people who work collecting Brazil nuts leave after the end of the harvest season. However, during the season most of them are in debt bondage to their employer and are generally not allowed to leave the site or seek work elsewhere.<sup>18</sup>

At the end of the season every worker's accounts are reviewed. If the debt has been paid off, he is told he can collect his wages from the central office in Riberalta or one of the other cities nearby. Many of these workers remain in those cities to work at the Brazil nuts processing plants.<sup>19</sup>

The majority of workers leave without a debt, but with little if any money owed to them. Those workers who were owed wages complained that it was very difficult to get the money from the administrator in the central office in the city. The Defensoria del Pueblo said that this was the most common complaint they received from the workers against their employers.<sup>20</sup>

The regional labour inspector for the Ministry of Employment in Riberalta confirmed that he had received 80 such complaints between October 2003 and January 2004. It is particularly difficult for those workers who are owed 1000 Bolivianos or more to get their money. Many workers end up receiving their wages in food or other goods, but not cash.<sup>21</sup>

Even if the workers do not have any outstanding debt left to pay, they are dependent on the employer providing them with transport to leave the site. If they leave the site without the

permission of the employer they risk not being paid. Sometimes the employers keep the workers on site until they have spent the little salary they are owed in the shop or demand that they pay for their transportation.

Approximately 5000 to 6000 workers find themselves indebted at the end of the harvest season and become permanent or semi-permanent forced labourers. These will include workers who remain after the harvest season to carry out manual labour on the site until they are given permission to leave and those who are required to come back for the next harvest in order to pay back their debt.

Some of the workers who remain on site run up further debts as they still need to buy food and goods from the shop, but have no capacity for earning money as they are not collecting any nuts. In theory they are paid the nominal sum of 25 Bolivianos (US\$3.20) per day for their labour, but their wives and children do not receive any sort of payment at all. Thus the workers enter a permanent cycle of debt.

According to the Defensoria del Pueblo in Riberalta, there were three cases in 2003 where families who had left the site without paying back their debts were captured by the local police and jailed.

It would appear that the number of workers who remain indebted at the end of the harvest has little to do with their debts, which can easily be manipulated by their employers, and is linked to the amount of labour required by the contractors.

### **Working conditions and abuses**

The workers and their families work for approximately 12 hours a day. They collect the Brazil nut fruits, cracking open the fruit with machetes to reveal the hard nut inside. The nuts are taken back to their huts where they are stored temporarily. A single worker, without help from family members, collects around 3 boxes (69 kilos) of nuts a day, whilst a worker with his family

<sup>17</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 31.

<sup>18</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 21.

<sup>19</sup> There are 16 plants in Riberalta, two in Cobija and one in Guayaramerin.

<sup>20</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 33.

<sup>21</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 34. Data taken from interviews carried out with agricultural workers in 2003 by the Comision de Trabajo del Senado.

can collect around 6 boxes (138 kilos) a day.<sup>22</sup>

Every two weeks the workers will take their harvest to the central site for weighing and payment. This can be up to a 12 hour hike through the jungle.

The workers live in miserable conditions. There is no drinkable water, and the workers survive on a diet of rice bought from the shop and whatever fruit they can find in the forest and any animals they can hunt.

The families have to build their own shelters, without suitable materials or tools being provided. They have to find whatever they can in the forest or buy materials and tools from the shop, assuming all the costs themselves. The contractor takes no responsibility for providing basic shelter, toilet facilities or water.<sup>23</sup>

The workers live between nine to 16 hours away from the nearest populations, and up to 12 hours away from the central camp site. This isolation is a key control mechanism exerted over the workers, as the employer controls all transport and contact with the outside world, including prohibiting the workers from leaving the camps.<sup>24</sup>

Isolation, lack of guidance, lack of contact with institutions and authorities that could assist the communities, as well as a lack of basic services has created a situation of extreme vulnerability which has facilitated their exploitation and forced labour. A lack of education and illiteracy means that the workers are not able to understand the nature of their debts or control them in any way. It also leads to a lack of knowledge and understanding of their rights as workers and, in some cases, as indigenous people. They are not able to negotiate any kind of worker rights such as minimum wages, maximum hours worked in a day, vacation time, frequency of payment and method of payment.

## 2.3. Forced labour on private ranches

Forced labour of the *Guaraní* people on private ranches takes place in three provinces of the Chaco region: Santa Cruz, Chuquisaca and Tarija. Under this system, indigenous *Guaraní* people are held in debt bondage and, in some cases, threats and violence are used to keep them on the ranches. This semi-feudal system began in the 1950s and continues to the present day.

The national *Guaraní* population stands at 81,000 adults. 72 per cent live in Santa Cruz, 13 per cent in Chuquisaca and seven per cent in Tarija. However, 56 per cent live in urban areas and are mainly working in the service sector and not subject to forced labour. The other 44 per cent live in rural areas. The ILO estimates that 7,000 of these *Guaraní* are in a forced labour situation on ranches.<sup>25</sup>

The ranches are between 250 and 6,500 hectares. They produce corn, chillies and peanuts, whilst the larger ranches also have cattle. However, the ranches on average produce a low yield due to poor soil quality and lack of investment in tools and technology.

The number of *Guaraníes* per ranch varies. The ILO estimates that on ranches of 2,500 hectares or more in the Chiriguanía-Chuquisaca region there are approximately 100 families living on each ranch, in some extreme cases there are 300 families per ranch. Whilst in the province of Cordillera there are less than 30 families per ranch, and on some just 2-3 families.<sup>26</sup>

The Government's figures differ to those of the ILO and highlights the difficulty in estimating the number of Guaraní families in forced labour. In 1996 they recorded 121 ranches with 773 captive families in Luis Calvo and Hernando Siles in Chuquisaca province. By 1999 there were 578 families (3,179 people) on 106 ranches working

<sup>22</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 29.

<sup>23</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 30.

<sup>24</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 33.

<sup>25</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 49.

<sup>26</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 49.

as forced labourers in Chuquisaca. This reduction in forced labourers was due to a liberation project implemented by the Catholic Church and some NGOs that managed to secure the release of 514 families in total, some from Chuquisaca as well as Santa Cruz and Tarija. The estimate of the total number of *Guaraníes* in forced labourer stood at 7,000 in 1999. In 2003, a separate report<sup>27</sup> estimated the number of forced labourers to be 9,900 people<sup>28</sup> in just Hernando Siles and Luis Calvo in Chuquisaca as well as another possible 275 families (1,375 people) held captive in other towns in the Chuquisaca province.

### Context of forced labour on private ranches

The forced labour of *Guaraníes* has its roots in the 1600s when indigenous peoples lost their rights to land. The ranches not only drastically reduced the territory of the *Guaraní*, but it also broke up their land. The *Guaraníes* were forced to settle on the land on which they were living at the time. Being forced to settle in one place ended their traditional nomadic methods of providing for the community and made them reliant on their employer for their survival.

### Creation of debt as a control mechanism

The indigenous workers are paid extremely low wages which do not cover their basic living costs, thus requiring them to ask their employer to provide them with food and basic goods (e.g. clothing, medicines, etc.) which the rancher does but at an inflated price.<sup>29</sup> This creates a dynamic of debt and while the debt exists workers are not allowed to leave the ranch to look for other work. The workers rarely see any form of payment as their salary is taken to pay for the debts accrued and they then have to borrow more money to pay for food to eat. There have been cases where the ranch owner exchanges the debt for the title deeds on land which officially belongs to the *Guaraní* community.

In 1999, a study by the Council of *Guaraní* Chiefs of Chuquisaca found that 63 per cent of *Guaraníes*

living on ranches were in debt. The ranch owners are often local people themselves and active in their towns and local politics. The relations between local authorities and ranchers often impedes the *Guaraníes'* ability to demand their rights.

The majority of employers keep a register of all of their workers, their wives and number of children they have and the debts they have incurred. The workers do not have access to it and many are unable to read anyway. In reality, the register does not provide an accurate record of what they owe, but it is presented as an official document to maintain control over the workers.

There have also been documented cases of the workers being transferred between employers, taking their debts with them. The new employer pays the previous employer the worker's debt but then the worker is required to work for his new employer for free to pay off this debt. Germán Romero, a *Guaraní* with seven children, was passed from one ranch owned by Eltan Ruiz to a ranch belonging to Walter Cabezas, who paid off Romero's debt of 1,300 Bolivianos. Romero was then obliged to work for Cabezas for free to pay back the money he had paid to Ruiz. The worker has no choice in the matter. He cannot refuse to be transferred and cannot leave his new employer. Indeed, Germán Romero noted that following the move, "For approximately two years I did not know money and I worked only to pay off my debt, including the advances I received in kind or in food. I could not leave."<sup>30</sup>

Debts can also be transferred from generation to generation, with sons inheriting their fathers' debts. In many cases when the father dies the rest of the families remains tied to the ranch by the debt. One 71 year old *Guaraní*, Policarpio Maraveño, had been living on one farm his whole life, living the same life as his parents before him.<sup>31</sup>

<sup>27</sup> Monica Vargas Collazos, *Procesos de Empoderamiento en el Area de Trabajo de la Oficina de Derechos Humanos de Monteagudo*, Bolivia, 2003.

<sup>28</sup> Quoted in Viceministerio de Justicia, Defensor del Pueblo and Concejo de Capitanes Guaranies de Chuquisaca, *Diagnostico de Situación: Servidumbre y empatronamiento en el Chaco*, La Paz, Novemebr 2005, page 9.

<sup>29</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 47.

<sup>30</sup> Viceministerio de Justicia, Defensor del Pueblo and Concejo de Capitanes Guaranies de Chuquisaca, *op.cit.*, page 27.

<sup>31</sup> Viceministerio de Justicia, Defensor del Pueblo and Concejo de Capitanes Guaranies de Chuquisaca, *op.cit.*, page 28.

### Working conditions and abuses

The relationship between the rancher as employer and the *Guaraní* workers is not formalised, and is founded upon the indebtedness of the worker. This creates a wholly unequal relationship where the *Guaraní* families are not able to demand any rights, and rely entirely on the employer to provide them with everything they need. This dependency extends further than the provision of basic goods, services and food. Not only do the workers call their employers *papi* or *mami*, but they exist in an oppressed psychological state where they delegate decisions to their employers, as if they really were their parents or guardians. There is no sense of self worth, self confidence or autonomy in the communities, and they are unable to exercise control over their own lives.

The intensity of the forced labour situation of the *Guaraníes* differs from area to area and ranch to ranch. In general, the situation is worse in the south-west of Chuquisaca and the south of Camin than in the province of Cordillera.

The typical *Guaraní* family begins work on the ranch at 6am and works till 12 or 1pm without a break. They have a small lunch of beans and return to work until 5pm. They then return to their homes and work on their subsistence crops, if they have any, for another couple of hours.

The average daily salary is approximately 10-15 Bolivianos (US\$1.28-1.92), but only for men. Women and children are not paid at all. The families are rarely given any land to cultivate their own crops and in the few cases where families are given land, it is of the worst quality. Thus they have no choice but to buy their goods and food from their employers at inflated prices of roughly 50-100 per cent. As most workers do not leave the ranch they do not know the real value of the goods or have the opportunity to buy them elsewhere

There are two types of workers on the farm, cowboys and peons, and both are indebted to their employers. There are fewer cowboys, and they are responsible for managing the ranch. The ranch owner maintains a close relationship with the cowboys, sometimes allowing them to eat in their house with them and giving them some food and milk to live on. Their wives often work in the

boss's house as maid and cook.

The majority of forced labourers are peons. In Chuquisaca the peons work throughout the year, six days a week. In Cordillera they work throughout the active agricultural season. They do not eat with their bosses, or receive any food or milk from them. Besides a meagre wage, not paid in cash, the only other benefit that they might receive is a small piece of land to cultivate some crops.

Women's daily tasks include helping in the fields, cleaning the employer's house, washing clothes, looking after and feed the chickens and cooking breakfast, lunch and dinner. It is not uncommon for women to work from 4am to 6pm.

Children carry out any menial tasks that the employer requires, such as taking messages to people, carrying goods or saddling up the horses. Children may attend school, if there is one available, in the morning but then in the afternoon they are required to work for the ranch owner or help their parents in the fields.

There have been cases of children being "loaned" to the employer in return for the children being educated. The children are given to the ranch owner for a year or so, and are expected to work in the employer's house in exchange for being enrolled in school. However, the children find that their labour is not considered sufficient for the exchange of education, and many do not attend schools. There have also been cases of the system of *criados* where children are given to employers and the employers assume responsibilities of bringing them up (feeding, clothing and educating them) in exchange for their labour.<sup>32</sup> The children go to live with their employers when they are very young and usually carry out domestic chores in the house. This practice is common in the Chuquisaca province of the Chaco.

### Abuses

Many ranch workers are unaware of just how bad their working conditions are compared to other people, as they have never known anything else, nor are they aware of their rights as indigenous peoples.

<sup>32</sup> See Mike Kaye, *Contemporary Forms of Slavery in Paraguay*, Anti-Slavery International, London 2006 for a discussion of the similar practice of *criadazgo* in Paraguay.



There is clear control of the movement of workers and their freedom. Often there are armed guards that prevent the workers from leaving or the boss has people in the towns keeping an eye out for any workers that try to leave the ranch.

Threats and the use of violence against *Guaraní* families are common. A newspaper report described how workers were punished for not working a full 10 hour day. Punishments included their own subsistence crops or shacks being destroyed, or even their animals being killed.

Another obstacle for workers wishing to leave the ranch is that they have no money. The vast majority of *Guaraní* workers have not received any wages or pension and would receive no compensation for the basic building constructions that they have built and would have to leave behind on the farms.

There have been few official complaints due to threats and intimidation by the ranchers. Workers feel that it will be very difficult to file a complaint with the authorities and have it taken seriously, given that ranchers are often local politicians or authorities themselves. There were roughly 170 complaints filed in 2003 and 2004 to the human rights representative based in Montegudo.

### **Institutional weakness**

In the Chaco region the ranchers are powerful political players and have integrated themselves into various local and state institutions in order to promote their interests.

One rancher, Federico Reynaga, owned a total of 8,120 hectares of land. From 1999 to 2004 he was the mayor of his town and before that he was a town councillor. At present he holds a position in the municipal office of Chuquisaca. One of the ways ranchers use their power and influence is to have schools or health centres built on their ranches using state government money, saying that it is to provide services to *Guaraní* people. In this way Federico Reynaga has had a health centre built on his ranch. These decisions are often made privately between the ranchers and local authorities.

National and local institutions do exist in the

### **Case Study: Casa Alta Community**

**18 families worked for a ranch owner for 25 years. They had a verbal agreement that the men would be paid 10 Bolivianos (US\$1.28) and the women would be paid 5 Bolivianos (S\$0.64) daily, whilst children helping their parents received nothing. They were thrown off the ranch in 1999 when the ranch owner was worried that government inspectors would find the forced labourers on his land.**

**The workers explained to the Inspection Commission<sup>33</sup> the system of debt that they were subjected to. Their employer gave them advances of money and basic goods. The administrator took note of all advances given in a private notebook that no one else had access to. At the end of every year the books were “balanced” with all salary due going towards paying off the debt. In this way, every year the debt steadily grew.**

**The workers complained that they were prohibited from seeking work elsewhere to pay off what they owed and their debts continued to rise. They said it had been difficult to file complaints earlier due to the friendships between the rancher, the local authorities and the mayor.**

departments where forced labour is taking place, but they are ineffective in tackling forced labour. Local authorities are incapable of implementing plans to combat forced labour due to a lack of political will and/or resources. Many ranch owners use their political influence to protect their interests while *Guaraní* workers struggle to access their rights and decision making fora.

The first key obstacle for *Guarani* workers is their inability to make official complaints against their employers. The offices where they can register their complaints are often in urban locations, and not necessarily in the nearest town. Most *Guaraníes* have never made a journey like that and do not even have the money for the bus journey. Even if *Guaraní* workers are aware of their rights or the institutions set up to help them, they feel isolated and are reluctant to make a complaint

<sup>33</sup> This Commission was set up to investigate and monitor forced labour of *Guaraníes* by the Ministry of Justice and Human Rights.

against powerful men who are in a position to punish them.

A key issue around accessing rights is the fact that most *Guaraní* have not been registered at birth and/or do not have national identity documents. This means they are unable to vote; carry out any legal or economic transactions, such as file a complaint or open a bank account; access health and education services; or gain rights to land. Without these documents they cannot carry out the activities of a citizen.

Education and health services in the ranch areas lack the budget, staff and material resources to provide the most basic services to the *Guaraní* communities. Most schools do not have bilingual staff so that children are unable to learn in their mother tongues. Clinics are unable to treat their ailments or give them medicine. Thus not only are the communities unable to prevent the perpetuation of the cycle of poverty with their children remaining largely illiterate and suffering from persistent ill health, but the communities become further reliant on their employers for providing these basic services.

In general, there is a lack of a sense of urgency by local authorities to address these issues and include the needs of the *Guaraníes* specifically in their operational plans which has resulted in the absence of state presence in these areas.

The *Guaraní* community has had national political representation since 1987 through the *Asamblea del Pueblo Guaraní* (Guaraní People's Assembly). This is made up of national representatives as well as local council leaders. They are aware of the forced labour practices affecting their community and have put forward a plan of action that includes the redistribution of land, building infrastructure and providing health and education services. However they lack the budget, resources and capacity necessary to carry out their plan.

### Government Action

In 1999, the Ministry of Justice and Human Rights' set up an Inspection Commission for the area of Monteagudo and Huacareta with the objective to

“remain in the areas to record cases of servitude, abuse, mistreatment, physical and psychological aggression and labour exploitation.”<sup>34</sup> The mission was made up of the Vice-ministry of Human Rights, The Vice-ministry of Indigenous Issues, the Human Rights Coordinator for Indigenous Peoples and a team of consultants considered experts in the field.

In 2003 the Government decided on a policy of buying back land, at least 50,000 hectares, for freed *Guaraní* families to live on. In 2004, they set up an inter-institutional commission to further investigate the issue of forced labour, made up of the Ministry of Indigenous Issues, the Viceministry of Justice, the Defensor del Pueblo and the *Guaraní* People's Assembly.

The inter-institutional commission set up offices in various parts of the Chaco to document cases of forced labour as well as all related human rights abuses. They produced a report in November 2005 and are currently drafting a series of proposals on how to free Guaraní families and secure land for them to live on. In 2004, they announced that there were 894 families<sup>35</sup> living on ranches and forced to work.

As part of the project the Government passed a Supreme Decree in 2005 that sets out some of the Government's responsibilities and commitments with regards to tackling this issue. Actions to follow include quantifying the number of families in forced labour, registering all *Guaraní* people so that have their national identity documents and are recognised legally, incorporation of these workers into the General Labour Law, putting in place the paperwork and finances to buy back the land for freed families, and the reorganisation of this land for the communities' benefit.

However there are a number of problems with the Supreme Decree and its accompanying programme of action. Firstly, the Supreme Decree and project are ambiguous in how they aim to deal with the problem and do not fully appreciate the complex interplay of issues that maintain the forced labour system.

<sup>34</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 48.

<sup>35</sup> This amounts to an approximation of between 4,470 and 7,152 people. This is based on a range of members per family from five people per family to eight people per family. As Guaraní families traditionally tend to be large it is not inconceivable for the average family size to be eight people.

They focus on the acquisition of land and certain labour violations but are not taking on board the factors of political influence of ranchers, the lack of education of the communities as well as their lack of social cohesion or identity.

It is also unclear at present who exactly will be buying the land. It is confusing as to whether the government will be buying the land and giving it to the *Guaraníes*, or if it will be given to the communities on credit so that they will then have to pay the Government back.

The requirements for *Guaraní* families and communities to make a claim to the land bought are at present arbitrary and inconsistent. It is not clear which families will be eligible for land. This ignores the land rights and claims of specific communities to specific pieces of land; this is being ignored for a process that is imposed from outside the communities themselves and is perceived to be arbitrary.

## 2.4 Legislation and enforcement

Article 5 of the Bolivian Constitution states that no form of servitude will be recognised as legitimate and no one can force another to work without their full consent and appropriate remuneration. Article 291 of the Penal Code establishes the crime of reducing a person to slavery or analogous situation, punishable by a sentence of two to eight years. In 2005, Bolivia ratified ILO Convention No. 29 on forced labour.

Temporary and seasonal workers are not covered by the General Labour Law, 1942, thereby not protecting agricultural or *Guaraní* workers. However, the law does prohibit the system of giving advances, and calls on the relevant authorities to set up offices to recruit and contract workers, in order to replace the advance system. However, this law dates back over 60 years, and these offices are yet to be set up.

There has been weak implementation of international conventions against slavery and forced labour in legislation and state actions, as well as a lack of knowledge of these conventions by judges, labour inspectors, police, local and national state officials. There is even confusion amongst the officials as to what constitutes forced labour and differentiates it from poor labour

practices.

There is a lack of human and financial resources for the labour inspectors teams, whose responsibility is to supervise the implementation of labour laws and rights. For example, the labour inspection teams lacks the resources necessary to carry out inspections of sugar cane plantations during the harvest.

The *Ministerio de Asuntos Indígenas y Pueblos Originarios* (Ministry for Indigenous Affairs) was set up in 2003. It has begun to look at the issue of forced labour of *Guaraní* people, having conducted research and produced a report in 2005. However, the Ministry's ability to eradicate forced labour is hampered by a lack of budget and qualified personnel. The Ministry sees the redistribution of land as the key mechanism for freeing and rehabilitating *Guaraní* people, as having no land is the primary reason they are so dependent on their employers. However, the Government is obliged to buy back this land from the ranchers, at whatever price they wish to set and the whole process is excessively complicated and time-consuming.

Additionally, the Ministry in theory has an emergency fund for assisting freed *Guaraní* workers. However, they have had little success in reaching forced labourers given that they are often hidden by ranchers tipped off of a forthcoming inspection. Recent claims of freeing 40 families has been hotly disputed by others who have claimed that these families have been free for two years and that the Ministry is trying to claim some glory for themselves.

## 2.5. Conclusions

There has been slow acceptance of the problem of forced labour in Bolivia, with the Government only ratifying the ILO's Convention on forced labour in 2005. However, in the last few years there has been growing acceptance of the scale of the problem and the Government has begun to take some steps to address the issue. The acceptance of ILO technical assistance in formulating a national plan of action against forced labour is a positive move, although the Government must move faster to develop, publish and act on this forthcoming plan.

The plan should include amendments to the law to include forced labour; policies for the eradication of forced labour; as well as the provision of health, education and income generation services to the relevant populations. The plan of action must involve all the relevant ministries and be executed in a coordinated and sustained manner, over a period of years with thorough monitoring and evaluation to ensure that labourers once freed do not fall back into slavery. There also needs to be awareness-raising and empowerment components for the affected populations so that they know their rights and are able to begin to organise collectively to demand them.

Legislative amendments must include a clear definition of forced labour under the law and adequate deterrent and punishment measures in the penal code. Not only must forced labour itself be outlawed but also the constituent elements of the practice such as giving advances, payment in kind, the unregulated camp shops and the practice of paying back the debt with labour only. The large companies and employers must be legally responsible for all its workers and unable to rely on the excuse that they did not contract the workers directly and therefore are not responsible for how they are treated.

The Government should also include all agricultural, seasonal and temporary workers under the General Labour Law. This would give all workers mentioned in this report the same rights and protection under the law as other workers and would enable the law to become one of the tools at their disposal to combat forced labour. This would substantially improve the ability of the *Guaraní* population to demand their rights, given that they have a concerned ministry to speak on their behalf as well as their own representative body in the *Asamblea de Pueblos Guaraníes*. The situation is more complicated for sugar cane and Brazil nuts workers, who have been unable to organise themselves and participate in trade unions. Workers must be allowed to participate fully in trade unions so that their unions also reflect their needs and interests.

The Government must acknowledge that the work of labour inspectors is often hindered by insiders telling employers when inspections are going to take place and thus prevent inspectors from identifying forced labourers. If the government is serious about combating forced labour it needs to provide the labour inspection teams with adequate equipment, resources and personnel to carry out its work efficiently.

The Ministry for Indigenous Affairs is committed to addressing the issue of forced labour of *Guaraníes* but lacks adequate funds, personnel and political support to carry out its intentions. Freeing *Guaraníes* permanently requires coordinated and enlightened policies on the issues of land reform, infrastructure, income generation, education and health. These are significant challenges which need to be priorities for the Government as well as the Ministry if they are to be met successfully.

### 3. The worst forms of child labour

The worst forms of child labour includes “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;”<sup>36</sup>.

In Bolivia there is a general acceptance that children are working in these conditions in the sugar cane, Brazil nuts and mining industries as well as in domestic service. These constitute slavery practices as the children have no choice but to work and do not have any freedom of movement. The children are often in debt bondage along with their parents, for although their work remains unrecognised and unremunerated, they carry the burden of debt along with their parents and are made to work to help repay the debt. Crucially children will inherit their parents debts in the event of their parents' deaths.

<sup>36</sup> See ILO Convention 182 for more detail on the worst forms of child labour.

### 3.1 Child labour in the sugar cane industry

Between 33,000 and 35,000 people are involved in the sugar cane harvest, with the ILO estimating that there are 21,000 forced labourers, including children and women.<sup>37</sup> Children as young as nine years old are involved in the harvest, working 12 hour days in high temperatures and dangerous conditions.

The harvest takes place in the areas of Santa Cruz and Tarija. In Santa Cruz, it is estimated that there are 78,000 hectares of sugar cane plantations, producing more than 700 million pounds of sugar, worth US\$110 million. In Tarija there are 12,000 hectares of sugar cane producing 90 million pounds of sugar with an estimated value of US\$15 million.<sup>38</sup>

In Santa Cruz approximately 30,000 people are involved in the sugar cane harvest, with 7,000 children, whilst in Tarija 5,000 people work with almost 3,000 of them children. Thus the total number of children involved in the sugar cane harvest is approximately 10,000.<sup>39</sup> Half the children working in Santa Cruz are between the ages of nine and 13 years old.

When asked whether children should work in the harvest, parents gave a mixed response. In Tarija the majority of parents said that although it was not desirable that their children should work, they had no choice but to make their children work as they had no alternatives and they needed the extra income. However, in Santa Cruz, parents had a very different attitude. 50 per cent of parents thought that their children should work in the harvest as work was an important life lesson and the family relied on the extra income.<sup>40</sup>

The majority of owners and administrators of sugar cane plantations in Tarija admitted that they

were aware that children worked on their farms helping their parents, although they felt that the decision to work rested with the families themselves and was not their responsibility. However 67 per cent of them did recognise that the children were exposing themselves to great risks and dangers by working on the plantations.<sup>41</sup> In Santa Cruz, where the industry is substantially larger and more profitable, plantation owners and administrators were not willing to admit that they knew of children working on their harvests.

#### Working conditions and risks

Division of labour is clearly divided along gender and age lines. Adults and boys cut the sugar cane whilst women and young children are responsible for collecting and piling up the sugar cane, as well as peeling it. Only adult and young men are considered to be the workers by the employers, and they alone have a contract and are paid directly for the work they do. The majority of contracts are verbal and between the male head of the household and employers, often with the understanding that the man will involve his family in the work but they are simply classed as his “helpers” and therefore their work is not recognised as meriting remuneration.

In one testimony, a 13 year old girl explained how she was taken to the plantation with her employer and her husband who was a sugar cane harvester. She was employed to cook, clean and prepare flour and bread. She woke up at 4am and went to sleep at 9pm or 10pm. She only received food as payment. She complained of the heat and mosquitoes, and being extremely tired all the time.<sup>42</sup> A boy of 12 years old described how he was made to get up at 5am to cut sugar cane. He would work until 6pm and sleep around 9pm.<sup>43</sup>

Children are often ill as a consequence of the difficult climate and conditions. Temperatures are high during the day but low at night, resulting in sun exposure, respiratory infections and other illnesses.

<sup>37</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op.cit.*, page 2.

<sup>38</sup> International Labour Organization and UNICEF, *Caña dulce, vida amarga: el trabajo de los niños, niñas y adolescentes en la zafra de caña de azúcar*, ILO/UNICEF, La Paz, 2004, page 8.

<sup>39</sup> International Labour Organization and UNICEF, *op.cit.*, page 9.

<sup>40</sup> International Labour Organization and UNICEF, *op.cit.*, page 16.

<sup>41</sup> International Labour Organization and UNICEF, *op.cit.*, page 17.

<sup>42</sup> International Labour Organization and UNICEF, *op.cit.*, page 12.

<sup>43</sup> International Labour Organization and UNICEF, *op.cit.*, page 13.



Children are frequently malnourished and do not have access to clean water in their camp sites, and thus suffer food poisoning and other gastrointestinal illnesses. Accidents are common; children cut themselves with machetes and on the sugar cane leaves, as well suffering bites from various insects and bugs on the plantations.

## 3.2 Child labour in the Brazil nuts industry

Children as young as seven years old help their parents on the plantations. Not only does this break the law, where the minimum age for working is 14 years old, but it also breaks an agreement between the workers, employers and the Government that children under the age of 14 will not work in this industry. Although workers are aware that it is illegal for their children to work, they allow it to happen and simply hide the children when there is a visit from government officials or local organisations.<sup>44</sup>

The children are not paid for the work they do. It is simply expressed as them helping their parents, in order to process enough nuts in a day so that they earn enough money to eat. The parents are indebted to their employer, and thus the children also find themselves obliged to work to contribute towards their parents' debt payments.

### Working conditions and risks

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

The work is dangerous as children use machetes to crack open the nuts and to cut out the nuts from the inside of the fruit. There is no difference between the work the children do and that of adults. One nineteen year old described his

various injuries, "The first time I injured myself I was ten years old when I was cutting out the nuts from the fruit. Since then I have cut myself seven times on the right hand and on my left hand I have a big scar. Once when I was cracking open the fruit I almost cut my finger off."<sup>45</sup>

During the harvest the children begin working at 5am to collect nuts. Often they have to walk for hours, up to six hours, to look for fruit bearing trees. They finish working at 6pm.

The workshops open at 3am, sometimes even 2am. The children go to the workshops with their parents and work till approximately midday. In some locations the children work after they have attended school in the morning, and there have even been reports of some children working from 10pm until 6am.<sup>46</sup>

## 3.3 Child labour in the mining industry

In 1985, following a crisis in tin production, 30,000 miners lost their jobs. These miners looked for work in small and cooperative mines, where the use of technology was low and the demand for manual labour high. Many miners began working in these mines with their whole families. Thus children began working in mines in much larger numbers than previously.

Children work in tin, zinc and silver mines in the Departments of Ururo, Potosí and La Paz. The total population in the mining areas is 215,000 of which 46 per cent are children. There are 38,600 miners of which 3,800 are children, 10 per cent of the total mining workforce.<sup>47</sup> The rest of the population provide goods and services to the local population, but mining is the principal economic activity. The cooperatives vary in size and can be as large as 2,800 workers, such as the *Cooperativa Minera Unificada del Cerro Rico de Potosí* or as small as 20 people.

The population is fluid and mobile, often moving to mines where work is available. The movement

<sup>44</sup> Julia Durango, *Sistematización sobre la situación de niños, niñas y adolescentes involucrados en la zafra de la castaña*, UNICEF, Bolivia, 2005, page 11.

<sup>45</sup> Julia Durango, *op.cit.*, page 16.

<sup>46</sup> Julia Durango, *op.cit.*, page 11.

<sup>47</sup> International Labour Organization and UNICEF, *Buscando la luz al final del tunnel: niños, niñas y adolescentes en la minería artesanal en Bolivia*, ILO/UNICEF, La Paz, 2004, page 9.

of the population makes it difficult to provide them with health and education services, as well as preventing children from carrying out mining activities.

Bolivia's economy relies on mining, which accounts for 40 per cent of the country's exports. However, 32 per cent of exports and 85 per cent of all employment in mining is in cooperatives and very small mines, where miners work alongside their whole family.

### Working conditions and risks

Children have no choice as to whether they mine or not. The majority of children who mine are from mining families where their fathers and grandfathers were also miners. Parents do not think that sending their children into the mines is exposing them to extreme risks; many of them feel that learning a trade is preparing them for a life of work and ensuring they have a skill to rely on. The mining culture is very strong within the community. They have strong belief system which increases the risks to children. For example, they believe in the devil (*tio*) of the mine that is to be worshipped and feared. Thus, if an accident occurs in the mines they don't report it for fear of angering the devil and see it as a sacrifice they have to make that will help them in their mining. The families do not see themselves as having any alternatives as they have always mined and life has always been hard.

The traditional mining areas are in the highlands in the departments of Oruro and Potosí where zinc, tin and silver are mined. These regions have an altitude of approximately 1000 metres above sea level, with a cool climate and temperatures ranging from 15 to minus 10 degrees centigrade. These areas are largely infertile, with little opportunities for agriculture or cattle, leading to greater impoverishment of the local population. Mining is the principal economic activity of the region.

In the tropical area of Tipuani, north of La Paz, gold is mined. This is a sub-tropical area where daily temperatures average around 35 degrees centigrade. In this region the cooperatives are very different. The largest cooperatives work with mechanised equipment, whilst the smallest

extract gold by hand. The cooperatives are owned by the workers, but it is very common for other workers to be contracted on a daily basis and paid in cash or allowed to keep a percentage of the mineral mined for themselves as payment. The majority of the independent workers that work for the cooperatives are extremely poor and recruit their whole family to work with them in order to mine enough to subsist. Many children, especially boys, work with their fathers in the mines which essentially means that they will work in the mines for the rest of their lives.

The children are involved in many of the peripheral tasks of mining, such as collecting and carrying rocks. However, in some cases, children work inside the mines alongside their fathers. Children as young as eight have been known to go into underground mines.

The children carry out different tasks, depending on their age and sex. In general, the older boys will work with their fathers in the mines whilst the younger children will carry rocks and tools out of the mines or work on the edge of mines collecting rocks. In the tropical regions they will work in the rivers collecting and washing gold deposits.

However, in some cases young children between the ages of 8 and 12 are used to go down small mine shafts as they are the only ones small enough to enter. They help to carry tools, extract minerals and set up and explode dynamite.

In some cases young children are sent down the mines as they are the only male members of their families and their widow mothers rely on them for an income. Mining is a gendered environment where women do not go into the mines, and these norms are widely obeyed. There have been a few cases of children entering mines at night, where their families do not have permission to mine, to steal minerals from those mines.<sup>48</sup>

One of the main tasks carried about by boys is to help set up dynamite in the interiors of the mines. The adults sets up the dynamite by attaching it to a suitable surface within the mines whilst the boys pass the necessary tools and dynamite, as well as clearing away all the waste materials from the area.

<sup>48</sup> International Labour Organization and UNICEF, *op.cit.*, page 16.

Boys are also responsible for moving the mining carts out of the mines when they are full of minerals. In mines where there are not any carts the children carry the heavy loads on their backs, and then take them to be processed. Other children work at the entrance of the mines collecting for rocks by hand and take them to be processed.

Young boys, girls and women are primarily employed in the processing stage, which is mostly done by hand except in the largest mines. The tool used is comprised of a heavy stone in the shape of a half moon, which can weigh up to 60 kilos. This is placed on a metal plate with small rocks in between, which are then ground down with the weight of the stone. Once the stone has been ground down it is then washed in a metal barrel and sieve, where the mineral sinks to the bottom of the barrel whilst the stone is left in the sieve. The next stage is extremely dangerous as the children have to collect any mineral traces left in the stones by grinding them with toxic chemicals. They do not use any protective clothing and risk being burnt by the chemicals as well as inhaling the toxic fumes. Children often complain of feeling weak and nauseous after carrying out this task. They then polish and shine the mineral collected.

At the entrance of the mines young children are employed in various tasks of carrying rocks, looking after tools and selling food and drink to the miners. In the large mines, such as Potosí, the children sell mineral pieces as souvenirs to tourists as well as offering to be their guides, receiving a small payment from the tourist agencies.

Children working in the gold mines in the north of La Paz, are responsible for entering underground mines and helping the miners as well as collecting gold deposits from river beds and washing them in rivers. To wash the gold the children are submerged up their wastes in water. The rivers are contaminated with mercury, sulphur, other chemicals used in the mining process and all the waste from the mines and camps. They also handle mercury to separate the gold deposits

from the stones they are embedded in. The children do these tasks every day with great risk to their health. Children as young as five years old start out by helping their mothers collecting gold deposits from contaminated river beds.<sup>49</sup>

There are two main types of systems of work and payment: the first is where the whole family works and is allowed to take a percentage of what they mine as payment, and the second is where individual family members are contracted to work and paid daily amounts. In the latter case, children are often paid a small sum but it is paid to an adult member of their family, usually their father or mother.<sup>50</sup> In both cases children are made to work by their parents for the family's survival. However, the children have no choice but to work in the mines and they do not have any control over the remuneration, cash or in kind, that they have earned. This work is often done at great risk to their physical and mental wellbeing. Although 68 per cent of children are enrolled in schools between the first and seventh grade, only nine per cent complete grades eight and above (secondary school) and only three per cent receive their secondary school qualification.<sup>51</sup>

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

There are also many accidents outside of the mines involving the huge stone used to grind the rocks, or children falling outside the mines on steep and precarious mine surfaces.<sup>52</sup> Children suffer from respiratory problems, rheumatism, back problems and other ailments. The children working in sub-tropical regions, often for many hours in rivers, also suffer from yellow fever and

<sup>49</sup> International Labour Organization and UNICEF, *op.cit.*, page 17.

<sup>50</sup> International Labour Organization and UNICEF, *op.cit.*, page 20.

<sup>51</sup> International Labour Organization and UNICEF, *op.cit.*, page 24.

<sup>52</sup> International Labour Organization and UNICEF, *op.cit.*, page 27.

chemical contamination. Children and their parents are often aware of the many risks they are exposed to but are unable or do not have the ability to prevent them.

### 3.4 Legislative framework

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

The Code also prohibits a number of activities that are considered to be hazardous for under 18 year olds to carry out. Many of the activities in mining are considered to be dangerous such as, carrying loads that are too heavy for children's physical capability, working in quarries or underground mines, handling toxic chemical substances (such as mercury), explosives and inflammables, exposure to toxic gases, dust or vapours and working in high temperatures and without adequate ventilation.<sup>53</sup>

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

### 3.5 Government action

The Government put together a 10 year National Plan for the Eradication of Child Labour in 2000 with three primary goals of eradicating the worst forms of child labour; reduction and eventual elimination of children under 14 working; and improving the working conditions for 14-18 year olds. To date the worst forms of child labour have been defined as working in the industries of sugar

cane, Brazil nuts, mining and domestic work.<sup>54</sup> The Plan's aim is to reduce child labour by 20 per cent by 2008.

The National Committee for the Eradication of Child Labour is made up of government departments, NGOs and international agencies such as the ILO and UNICEF and is responsible for implementing the national plan. However, the Committee suffers from a lack of resources, capacity and budget to implement the Plan. The Committee only has one full time staff member, the child labour commissioner, who is responsible for implementing the Plan by coordinating committee members' actions, liaising with other government departments and donors and writing reports. The workload is too heavy for just one full time commissioner. Although it is positive that a National Plan exists, in reality there is little political buy-in from other departments and the child labour commissioner remains isolated and without political and institutional support to implement the Plan of Action. To date, the Bolivian Government has only provided funds to employ one commissioner, whilst UNICEF have provided resources for all trainings, campaigns and activities carried out by the Committee.

Amongst the Plan's goals is for the Government to create child labour offices in every province of the country to monitor the child labour situation and to collect statistics and testimonials from children. There are currently only three such offices in the country; two are looking at the issue of child labour in the sugar cane industry in the towns of Santa Cruz and Pucallpa, and a third is focused on the issue of urban child labour. Their activities include training, capacity building of local officials, awareness raising, creation of long term projects and provision of direct services to children. With a limited budget and only one commissioner it is unclear how the committee will be able to meet such an ambitious goal.

One recent success, however, has been that the Government has signed an agreement with sugar cane companies in which the producers commit to not employing child labour anymore.

<sup>53</sup> A full list of hazardous risks that children cannot be exposed to is in Article 134 of the Code of Children and Adolescents 2000.

<sup>54</sup> It was beyond the scope of this study to analyse child domestic work. It appears that many of the issues in child domestic work in Bolivia are similar to those in Peru. For further information see Bhavna Sharma, *Contemporary Forms of Slavery in Peru*, Anti-Slavery International, London, 2006.

This agreement was the result of the United States Government impounding a shipment of sugar from Bolivia because child labour had been used in its production. This was the push needed to scare the companies into admitting that there was a serious problem and signing the agreement. However, it will be difficult to implement this agreement without adequate numbers of labour inspectors to monitor the situation and priority being given in carrying out prosecutions.

### 3.6 Conclusions

The Bolivian Government has little institutional capacity or budget to implement its anti-child labour policy. In 2005 alone, there were three changes in the Minister of Labour with a fourth following the election in December 2005. Such changes result in a lack of continuity in leadership and personnel which seriously impedes the ability to move forward with the Plan. The National Plan provides the policy framework to address the issue of child labour, but lacks the budget and resources to implement it. The Government must ensure the involvement of committed ministries and officials in the National Plan's actions and Committee. The Committee for the Eradication of Child Labour needs to be reinforced with a larger budget and additional experienced staff. At present, the sole commissioner cannot possibly carry out all of the necessary tasks to implement the Plan of Action.

There needs to be more rigorous and thorough inspection and monitoring systems in place to track and tackle the use of child labour. Employers and even workers in industries that employ child labour will deny that it exists and will hide children if they know a labour official is coming to visit.<sup>55</sup> However, even though labour officials know that children are often being hidden on their visits they are still willing to believe the employers' denials that children are not working but simply accompanying their parents.<sup>56</sup>

There also needs to be closer investigation of local officials and their overlapping interests. In interviews with UNICEF, the mayor of Riberalta (one of the principal cities for the Brazil nuts

industry), stated that only children over the minimum age of 14 years old were allowed in the processing factories. However, it turned out that his wife is an owner of a processing factory.<sup>57</sup> The owners of such factories claim that children under the age of 14 are there to bring lunch to their parents or to stay close to their mother where they can keep an eye on them.

<sup>55</sup> Julia Durango, *op.cit.*, page 11.

<sup>56</sup> Julia Durango, *op.cit.*, page 11 and 18.

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Iveta Bartunkova, *Protocol for the Identification and Assistance of Trafficked Persons*, Anti-Slavery International, London, 2005.

Mike Kaye, *The Migration-Trafficking Nexus: Combating trafficking through the protection of migrant's human rights*, Anti-Slavery International, London, 2003

Binka Le Breton, *Trapped: Modern-day slavery in the Brazilian Amazon*, LAB, London, 2003.

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