

**Additional Submissions :**  
**- Committee on the Rights of the Child -**

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## **1. INTRODUCTION :**

### **1.1. The Centro Forjando Huellas :**

The Centro Forjando Huellas is a non-governmental organization that works with vulnerable children from the city of Tarija, located in the department of Tarija, situated in the south-east of Bolivia. The Centro opened its doors in 2009 as a result of social and volunteer mobilization of the inhabitants of Tarija, who wanted to offer to the underprivileged children of the city, and more specifically the youth of the Las Barrancas—a peri-urban zone where the Centro is located—a space for after-school support and activities and other youth oriented services. The population supported are children and teenagers hailing from impoverished socioeconomic backgrounds and who have been victims of maltreatment, violence, exploitation, discrimination and other forms of abuse. Centro Forjando Huellas thus serves a children population that is highly at-risk of dropping out of school and falling into various types of delinquency and drug addiction.

The Centro's mission is to offer the maximum psychological and educational support through the center's team of dedicated teachers, psychologists and educational-social area workers that work tirelessly to foster a space of learning and care for all the children that come through the doors of the Centro.

### **1.2. Focus :**

Given the Centro's focus on education and the primary sources of violations we successfully documented, we have decided to mainly focus this report on three sets of rights: the right to education, the right to non-discrimination and the right to protection.

### **1.3. Methodology :**

These submissions are based on interviews conducted with members of the community in Las Barrancas. Seven people were interviewed: mothers of children who live in Las Barrancas and professionals such as psychologists and educators involved in the community. These interviews were conducted in collaboration with two students of the *Clinique internationale de défense des droits humains de l'UQÀM (CIDDHU)*, a Canadian pro-bono university legal clinic based at the University of Quebec in Montreal.

The interviews were conducted between November 5<sup>th</sup> to 20<sup>th</sup>, 2021. To ensure the protection of the identity of the interviewees, the interviews were anonymized following a code of color. Subsequently, the interviews were named in this way : *Red Interview, Orange Interview, Yellow Interview, Green Interview, Blue Interview, Brown Interview and Pink Interview.*

The interviewees all gave their consent to have the interview recorded to facilitate its transcription. The audio files of the interviews were recorded and were uploaded at the end of each interview to a secure server.

The information included in these additional submissions is entirely based on the information collected during the interview process. The Centro believes that these interviews genuinely illustrate relevant information that is of interest to the Committee in relation to the general conditions of the protection of rights and well-being of children in Bolivia, and more specifically in the Department of Tarija. The subsequent recommendations contained in this report are inspired by the participants of the investigation and joint recommendations from the Centro and the CIDDHU.

## **2. Addressed Children's Rights :**

### 2.1. Right to Education :

#### *2.1.1. Panorama of the right to education in Las Barrancas :*

According to article 28 of the Convention on the Rights of the Child, "States Parties recognise the right of the child to education". However, there are several obstacles to the realization of this right in the Las Barrancas area. The Centro has identified the following obstacles :

The first obstacle identified is of an economic nature. School is a financial burden for the families who have to pay for the children's transport to school and for school materials. Many children have to work instead of studying to support their families. Others have to work to finance their studies. However, according to article 32 of the Convention, "States Parties recognize the right of the child (...) not to be required to perform any work (...) that is likely to interfere with the child's education". On average, the children of Las Barrancas work from the age of 7. These economic issues have been exacerbated by the worldwide pandemic of COVID-19.

*"It is very common for children in the peri-urban areas of Tarija (Las Barrancas) to drop out of school. Very few children finish high school; they prefer to work and many stay on the streets"<sup>1</sup>, said a psychologist involved in the community of Las Barrancas.*

The second issue that has been identified is an obstacle of a social nature. In general, education is not promoted within families. Many children drop out of school before the end of high school and technical and university education is very rarely considered because the immediate priority is to survive and provide an income for the family. A lot of families, unaware of the importance of education, believe that university education is not necessary. It is important to stress that this situation mainly affects girls because of the prominence of patriarchal ideas embedded within Bolivian society.

According to a psychologist involved in the community of Las Barrancas, *"Apart from social disadvantages and economic limitations, [parents/families] prioritize the schooling of boys more than that of girls, due to machismo."<sup>2</sup>*

*"The ones who drop out of school first are the children who are behind in school, the ones who are socially disadvantaged and don't have the support they need."<sup>3</sup> said a psychologist involved in the community of Las Barrancas.*

The third obstacle identified is about violence issues at school. While States Parties have pledged, in article 28(2) of the Convention, to "take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity", there are many cases of verbal abuse against children with learning difficulties. This verbal abuse takes the form of humiliation or constant denigration. These abuses are perpetrated by both teachers and students, and target the most underprivileged children, for example children that have learning disabilities or hail from impoverished socioeconomic backgrounds.

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<sup>1</sup> Red Interview, min 30:20. [ free translation ]

<sup>2</sup> Ibid, min 24:19. [ free translation ]

<sup>3</sup> Orange Interview, min 15:02. [ free translation ]

Finally, there are some issues about the public service of education itself. Indeed, teachers do not have adequate resources, are understaffed and do not receive training to learn how to deal appropriately with children with learning difficulties.

Most of these problems were accentuated by the COVID-19 pandemic. Indeed, child labour has become more generalized as a way to support families, which were often badly affected by the economic consequences of the pandemic. This increase in child labour has been at the detriment of formal education. Furthermore, many children do not have access to a computer, which in the context of the COVID-19 pandemic, was an absolute requirement to be able to attend remote classes.

*“While we are still in the pandemic, we need equipment. What we need is to have the equipment to run virtual classes. That is my greatest wish to try to improve the working conditions of the children, so that they do not continue to work as they are doing now.”<sup>4</sup>* said a mother involved in the community of Las Barrancas.

While the States Parties to the Convention commit themselves, in article 28(1)e), to “take measures to encourage (...) the reduction of dropout rates”, in Las Barrancas, the average age for school drop-out is 12 years old. Government intervention does not appear to be successful in addressing this issue and ensuring that the right to education is respected. For example, the Juancito Pinto Scholarship remains without effect, according to the participants in the interviews conducted. This grant is an incentive granted to school children. However, this has little effect in Tarija. Families know when school attendance will be assessed, and their children only attend school on those specific days. The scholarship is therefore not a solution, because it does not incentivize children to attend school throughout the duration of the school year.

*“What is lacking is the education system.”<sup>5</sup>* said a psychologist involved in the community of Las Barrancas.

One of the objectives of the Centro Forjando Huellas is to facilitate access to education for children by giving them access to a safe space where they can study and have the support of professionals. The Centro has prevented many children from dropping out of school and some have even gone on to attend university after their time at the Centro.

According to an interviewee, *“The Centro Forjando Huellas does not have resources to help children of all ages. They cannot mix 5 or 6 year olds with 17 or 18 year olds. So they work with the youngest (...) to encourage them to continue advancing. (...) Many of the children who come to the Centro Forjando Huellas have continued studying. Sure, there are children who have dropped out, who have left the Centro and have stopped studying. But the Centro Forjando Huellas also has children who have achieved high school, one is already a kindergarten school teacher, another is studying tourism, another (...) is studying dentistry because the Centro Forjando Huellas managed to have a sponsorship.”<sup>6</sup>*

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<sup>4</sup> Pink Interview, min 21:11. [ free translation ]

<sup>5</sup> Orange Interview, min 16:47. [ free translation ]

<sup>6</sup> Red Interview, min 24:15. [ free translation ]

#### *2.1.2 - Recommendations .*

Following the above assessment of the right to education, several recommendations have been identified :

##### Economic recommendations :

- Ensure better funding for organizations such as the Centro Forjando Huellas that offer academic support to children and that provide them with a safe space and materials to accompany them on their academic journey.
- Limit the cost of school materials, with a progressive benefit to be implemented to help the most disadvantaged children and their families, in the form of a direct monetary transfer. Such a policy would ensure compliance with the right to free education.
- Make school transportation free for the most disadvantaged. This could be implemented in offering a benefit paid to children who need to use transportation, by creating a free transportation pass for children with proof of school attendance, or by creating a free transportation network for children attending school.
- Implement scholarships conditional on school attendance, with the implementation of random evaluation of school attendance or evaluation of attendance by the teacher.
- Fund and hire experts on child protection and education to develop strategies to raise public awareness of children's issues and their rights.

##### Social recommendations :

- Create public campaigns to raise parents' awareness of the importance of education for all (girls and boys). This could take the form of awareness-raising activities in schools or other public institutions.
- Train and sensitize teachers on ethnic issues, poverty issues and learning difficulties in order to promote the inclusion of all, to make schools a safe place and to encourage children to persevere in their learning process.

##### Institutional and legal recommendations :

- Create the position of a "mediator" in schools as a way to deter violence and in the case violence occurs, address problems between pupils. This mediator could also ensure to address other issues such as the problems stemming from the differences in social status between teachers and children. This mediator should be independent, and his or her meetings with children should be held at their request and anonymously.
- Limiting the number of pupils per class, for example by differentiating and dividing classes between morning and afternoon.

- Take actions against teachers who are violent (including verbally) towards children. These measures could take the form of disciplinary sanctions and reprimands within the school hierarchy, but also awareness-raising workshops for teachers.
- Democratize distance learning, in particular by allowing the most disadvantaged children to use school equipment and premises for at-distance learning (computer equipment).
- Implement proactive measures for children and adolescents to achieve a healthier work-study balance. These measures, targeting parents of child workers, could take various forms, most notably the sensitization of children and their families to the economic, social and psychological importance and benefits of education for children.
- Make kindergarten attendance compulsory.

*“My greatest wish is for the kids to go ahead with their studies, for their future”*<sup>7</sup> said a mother living in Las Barrancas.

## 2.2. Right to Non-discrimination :

### *2.2.1. Panorama of the right to Non-Discrimination in Las Barrancas :*

Article 2 of the Convention on the Rights of the Child states that: “States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status of activities, expressed opinions, or beliefs of the child’s parents, legal guardians or family members”.

In reality, the principles enshrined in the second article of the Convention on the Rights of the Child are far from being an everyday reality for the children of Las Barrancas. Quite to the contrary, discrimination on the basis of race, gender, sexual orientation and social class are a daily occurrence for the children that are served by the Centro.

The main type of discrimination that has been identified through the investigation is the stigmatization and discrimination of children based on their socioeconomic status. Zona Las Barrancas being an “informal” neighborhood of Tarija, most children come from marginalized and poor socioeconomic backgrounds. The children of Las Barrancas are stigmatized notably on the basis of the quality of their clothing, an incomplete mastering of the Spanish language or the use of slang.

According to an interviewee, *“[Children] suffer discrimination because of their physical appearance, because of their social-economic background, because of the way they speak and the way they act.”*<sup>8</sup>

This form of discrimination is widespread within schools. Children discriminate against other children on the basis of clothing differences or choices that, through their preconceived ideas demonstrate a precarious socioeconomic situation. Teachers and educational staff are not immune

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<sup>7</sup> Green Interview, min 25:40. [ free translation ]

<sup>8</sup> Orange Interview, min 39:45. [ free translation ]

to such preconceived views either. The mention of children suffering psychological abuse and discrimination on the basis of their socioeconomic background is not a rare occurrence.

According to an interviewee, *“There is a lot of discrimination in the schools, because [children] are poorly dressed and their parents do not have money to buy better clothes.”*<sup>9</sup>

Young girls and teenagers are also discriminated against on the basis of their gender. In large families, boys always receive priority to be sent to school whereas girls or young women are denied that very right on the basis of their gender. The patriarchal structure of Bolivian society is very present within the families of the Las Barrancas neighborhood. On that basis, girls and young women are expected to tend to traditional female reserved domestic duties such as cooking, cleaning, but also in some cases to take care of younger siblings when the parents are absent. The emotional and psychological pressure put on girls and young women to fill those nurturing roles can sometimes come at the detriment of their education, their social and intellectual emancipation.

According to an interviewee, *“It’s problematic when a child that is only 7 is the one taking care of babies. Mothers are substituted by their own children.”*<sup>10</sup>

Finally, another form of discrimination is the targeting of individuals based on their racial, cultural or ethnic identities and heritage. Certain children who visit the Centro have complained about being victims of discrimination based on their perceived racial identity or their ethnical and cultural background. A certain percentage of these children are Quechua and the targets of discrimination by non-Quechua (Creolo or “White”) because of their ethnic and cultural origins. Quechua parents of the children who frequent our institution have always been discriminated against for their incomplete mastering of the Spanish language.

According to an interviewee, *“There is discrimination against the migrants from the north, because of their ethnic background, the quechua, the people from the north (...) there’s discrimination in the schools against the quechua language.”*<sup>11</sup>

### 2.2.2 - Recommendations :

- Include of more material in the public curriculums to teach students about diverse forms of discrimination (classist, mysogynist and racist forms of discrimination).
- Implement better training of teachers and educational staff to understand the realities of poor and marginalized students.
- More preventive work done to ensure that students who are victims of discrimination are heard. For example, through availability of psychologists and social workers in the schools.
- Create workshops to facilitate cohesion between children of various socioeconomic, cultural and ethnic backgrounds.
- Dedicate specific educational chapters for girls and young women within the academic curriculum.

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<sup>9</sup> Blue Interview, min 17:55. [ free translation ]

<sup>10</sup> Orange Interview, min 22:20. [ free translation ]

<sup>11</sup> Yellow interview, min 16:46. [ free translation ]

- Create more spaces for girls and young women to voice their concerns, their feelings.
- Put in place safe space and for a reserved for woman in order to foster dialogue and sharing amongst teachers, staff and girls and young women.

### 2.3. Right to Protection :

#### *2.3.1. Panorama of the right to protection in Las Barrancas :*

- Protection against abuse :

According to article 19 of the Convention on the Rights of the Child “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of violence”. Unfortunately, abuse within family settings, at school, at work, and on the street are an integral part of a child’s life in Las Barrancas. The COVID-19 pandemic has only increased this systemic violence.

Within families, abuse is as much psychological as physical, as well as a high rate of sexual abuse. Violence is often more present in private than in public spheres. This makes it more difficult for authorities to protect these children since the abuse is generally not reported.

The pandemic only exacerbated this violence as children and their family members were forced to stay inside their homes that are often much too small to adequately accommodate all members of the family. The increase in alcohol and drug use during this period was also an important factor that led to more abuse against children.

To escape abuse in their own homes, children are often tempted to spend more time on the streets, which is not safer. Children are often drawn into conflicts between different groups of offenders. These organized gangs often push young children to use drugs to commit offenses or crimes for them since the law is more lenient towards children or first time offenders.

The Bolivian educational environment does not provide a sufficiently secure framework either. Children are very often victims of verbal abuse. Students in difficulty are marginalized and humiliated by teachers. This context often pushes young people to fight among themselves.

Finally, violence continues in the workplace. They are mistreated, especially physically, at the slightest mistake they make. If a child denounces an abusive situation at work, the authorities tend to reprimand the parents for letting their children work, rather than study, instead of punishing the employer for the violence inflicted.

- Protection against exploitation at work :

In 2014, law n°548 was enacted with the aim of granting more protection to children in their workplace. Regardless of the implementation of this new law or of the legal minimum age required to work, children still work in conditions that are harmful to their health and jeopardize their education. With regards to the work that children do, the tasks asked of children are very diverse from one workplace to the other. On the “easier” end of the spectrum, children laborers can be employed as sellers or labourers at the market, shoe shiners etc. On the other side of the spectrum consisting of “heavier” jobs, child work is solicited in the domains of construction or factory work, children are thus employed as bricklayers, mechanics and tellers in stores. They are exploited



regardless of whether the work is done under the subordination of an employer or in a family setting. Children are asked to work long hours without being paid.

According to an interviewee, *"There is a lack of protection for working children being minors. It is very dangerous because of the issue of trafficking in children. They are not insured, there is no accompanying adult. [...] There are children who are all day on the street, they are exposed to any kind of people who pay the parents and pitifully, they yield to the child. They are victims of labor exploitation".*<sup>12</sup>

According to a psychologist involved in the community of Las Barrancas, *"The work of children that is not done in the domestic space is risky. It is there where labor exploitation and verbal violence occurs, by the employer and by the people who train children in the streets."*<sup>13</sup>

- Protection against exploitation :

In addition to labor exploitation, the children of Las Barrancas are sometimes integrated into circles of child trafficking and smuggling, in violation of article 36 of the Convention on the Rights of the Child

- Protection against the use of drugs :

Despite article 33 of the Convention, drug use is very high among children who work in the local farmers' market. Some of the drugs consumed can have effects for up to 10 days. Generally speaking, children are exposed to drugs from an early age in their family circle. The use of such substances obviously accentuates the occurring of violence and children are the main and direct victims.

*2.3.2 - Recommendations :*

- Create temporary spaces of refuge, such as churches, NGOs, neighborhood or volunteer housing, that will ensure the safety and security of mothers and children that are endangered at critical times. Ensuring that sensitization of neighborhood leaders to the issue of violence towards women, mothers and children, happens continuously so as to allow for early detection of at-risk situation for mothers and their children.
- Provide police authorities with more financial resources and the necessary equipment so that they can intervene in a quicker and more effective manner / create working groups dedicated to issues that pertain to the protection of children (with appropriate training).
- Implement a two-pronged approach to ensure that the relevant authorities are provided with the necessary information to ensure the respect of children's rights and that awareness-raising campaigns are implemented to ensure that the relevant authorities have a better grasp of the rights of children.
- Access to police officers must be improved for children.
- Set up civilian squads.

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<sup>12</sup> Purple Interview, min 18:45. [ free translation ]

<sup>13</sup> Orange Interview, min 25:15. [ free translation ]

- Improve primary facilities in cities such as street lighting or civilian patrols to create a safer environment.
- Implement monthly interventions in schools to familiarise children with prevention of violation of their rights and to detect potential problems quickly.
- Fund centers that create a safe space for children (such as the Centro Forjando Huellas) and support initiatives that provide safe spaces.
- Increase the training of professionals on issues of drug abused.
- Intensify criminal repression with regard to the exploitation of children, whether at work or in trafficking. Repression should not happen in a vacuum. It should be put in place in a holistic program of prevention, including listening centers, centers of dialogue, for example, as well as measures to prevent corruption of State authorities.
- Make psychological support available to all children so that violence occurring in the private and family sphere may be better addressed.
- Set up awareness workshops for parents and teachers on the impact that certain words or gestures can have on the wellbeing of children.
- Implement a stronger legal framework to regulate the relationship between child workers and their employers. For example, this could take the form of a local redress mechanism so that children can legally challenge violations of their rights in the context of their work without taking the risk of losing their jobs or facing reprisals. This measure should be accompanied by a process of raising children's awareness of their rights and the solutions available to them to remedy violations of those rights.

#### 2.4. Right to an Adequate Standard of Living:

##### *2.4.1 - Panorama of the right to an adequate standard of living in Las Barrancas :*

According to Article 27 of the Convention, “States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development”. States Parties undertake “to take appropriate measures”. However, this right does not seem to be respected in Las Barrancas. Indeed, the children of Las Barrancas live in a situation of extreme poverty that threatens the respect of their other rights (right to education, right to protection...) because of the interdependence between different human rights.

In addition, the interviews that were conducted highlight a general problem of overcrowding in Las Barrancas. Most children grow up in a very dense urban environment and have to live in very small homes with very large families. This problem of overcrowding threatens the development of children who need to grow up in a healthy environment. This problem of overcrowding also affects the right to housing, the respect of which is threatened in Las Barrancas due the lack of adequate housing for all.

According to an interviewee, *in Las Barrancas, there is a lot of overcrowding. In a room, 5 to 6 people can sleep together. The quality of life ends up being very bad for both children and adults. [...] There is physical, psychological and domestic violence due to overcrowding.*<sup>14</sup>

#### 2.4.2 - Recommendations :

- Develop local administration and resources in order to facilitate access to public institutions and to basic necessities.
- Fund local organizations which work to uphold children rights in Las Barrancas.
- Implement a policy of access to adequate housing in the most disadvantaged areas of Bolivia.

#### 2.5. Others Rights Addressed :

##### 2.5.1 - Panorama of the others rights in Las Barrancas :

##### - Right to Information :

The right to education and the right to information, contained in article 17 of the Convention, are intimately interconnected. As previously stated, the right to education for the children of Zona Las Barrancas is precarious. Most children lack a sufficient education. This represents a serious obstacle for children to be able to search and obtain relevant information.

The overarching patriarchal influence on school curriculums is an impediment to girls and young women, especially in terms of sexual education. As international studies have shown, there is a proven correlation between lack of sexual education courses and teenage pregnancies.

##### - Right to Participation :

The views of children are, most of the time, disregarded, given that they are children and not considered relevant or worth listening to. This is why it is of utmost importance for the Centro to put the children's experience at the center of its action.

##### - Right to Justice :

On paper, there is a robust judicial system in place in Bolivia to protect the rights of children and teenagers, through specific legislation and civil institutions such as La Defensoría de la niñez. In reality, the judicial system is not efficient and even dysfunctional. The time it takes to treat complaints is prohibitive and access to the judicial system is very difficult for the type of impoverished and marginalized families and children the Centro represents.

The *Defensoría de la niñez*, a governmental organization supposed to be the equivalent of a public defender for the rights of children and teenagers, is severely underfunded and backlogged.

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<sup>14</sup> Purple Interview, min 5:20. [ free translation ]

According to an interviewee, *the Defensoría de la Niñez is supposed to fight against children dropping out from school, but in reality, that does not happen.*"<sup>15</sup>

According to another interviewee. *"The Defensoría de la Niñez does not have the necessary financial resources"*<sup>16</sup>

#### 2.5.2 - Recommendations :

- Expose children to the language of rights through ludic opportunities (cartoons, games, social activities).
- Create forums where children can express their opinions, express the difficulties and obstacles they are confronted with and the hopes they have for the future. These outlets could be created within schools or through the Defensoría de la Niñez.
- Create forums for youth to be consulted, a Youth board of Tarija, for example. These bodies would be required to represent a vast array of youth from different social, economic and cultural backgrounds.
- Allocate of more resources to the Defensoría del Niñez.
- Design monthly visits by Defensoría employees to the local schools to speak directly with the children and create a focal point for the Defensoría in each school that can communicate and transfer serious cases of abuses and violations to the Defensoría.

### 3. Conclusion :

The Centro Forjando Huellas works on a daily basis, to the best of its abilities to uphold and improve the respect of the rights of children, especially those relating to education, non-discrimination and protection, within Las Barrancas. Through their actions, the Centro hopes to improve the situation of the children who benefit from its services, protect them from street violence and provide the necessary resources that will encourage and empower them to continue their studies. Thus, several successes have been achieved during the span of their activities. Some children have hung on and finished high school, one of them has become a kindergarten teacher and two alumni of the Centro have gone on to study at the post-secondary level, one in tourism and the other in dentistry. However, the lack of means and the absence of governmental support for this type of grassroots/citizen led initiative reduces their potential scope of action. Indeed, the Centro has not received any government funding since 2017.

Ultimately, we hope that these additional observations, which aim at providing a complete picture of the situation of children's rights in Las Barrancas, will be useful in recommending solutions for action to the Bolivian government. Ultimately, we hope that our contribution to this report will help to ensure better respect for children's rights in Bolivia.

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<sup>15</sup> Yellow Interview, min 11:21. [ free translation ]

<sup>16</sup> Ibid, min 21:31. [ free translation ]