

Legal questionnaire completed by PPO Abogados • June 2024

This document contains responses from the law firm listed above to a questionnaire distributed by NCMEC (questions are in **bold text**). Responses to the questionnaire may be limited to officially enacted legislation; it is possible that actual practice or enforcement of the law varies, and relevant court rulings or case law may also differ from legislative text. Responses have been reformatted and may have been slightly edited for clarity. Furthermore, responses may include commentary, paraphrasing, and unofficial translations of source material (e.g., national legislation) originally produced in other languages. Only official source documents in official languages should be relied upon as legally binding. This document serves to inform further research and does not constitute legal advice from NCMEC or the listed law firm.

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your country):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

According to Bolivian law, a “child” and “minor” are two different concepts.

A minor is any person under the age of 18 years old and a child is any person under the age of 12 years old. Persons who are between 12 and 17 years old are understood as adolescents.

- Bolivian Constitution (7 February 2009)
http://www.silep.gob.bo/norma/12928/ley_actualizada

“ARTICLE 58. A child or adolescent is any person under the age of majority. Children and adolescents are entitled to the rights recognized in the Constitution, within the limits established therein, and of the specific rights inherent to their development process; to their ethnic, socio-cultural, gender and generational identity; and to the satisfaction of their needs, interests and aspirations.”

- Law N° 548), Code of Children and Adolescent (17 July 2014)
http://www.silep.gob.bo/norma/13316/ley_actualizada

“ARTICLE 5. RIGHTS HOLDERS. Human beings up to eighteen (18) years of age are subjects of rights under this Code, according to the following stages of development:
a) Childhood, from conception to twelve (12) years of age; and
b) Adolescence, from the age of twelve (12) up to the age of eighteen (18).”

- Convention on the Rights of the Child
[Chapter IV. Human Rights \(un.org\)](http://www.un.org)

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)



- Law N° 548, Code of Children and Adolescent, article 148 (2) (b)
http://www.silep.gob.bo/norma/13316/ley_actualizada

Bolivian law establishes that “sexual exploitation” of minors, which include any person under 18 years old, is any conduct defined in the Criminal Code, consisting of any form of abuse or sexual violence, with the aim of obtaining some type of retribution.

**c. sexually explicit conduct (18 U.S.C. 2256(2),
<https://www.law.cornell.edu/uscode/text/18/2256>)**

There is no applicable law defying this concept specifically, however, Bolivian law establishes two different concepts which include acts that reflect sexually explicit conduct.

- a) Sexual violence, which constitutes any conduct defined in the Penal Code that affects the sexual freedom and integrity of a child or adolescent;
- b) Sexual exploitation, which constitutes any conduct defined in the Penal Code, consisting of any form of sexual abuse or violence, with the aim of obtaining some type of retribution;

- Law N° 548, Code of Children and Adolescent, article 148 (2) (a) and (b)
http://www.silep.gob.bo/norma/13316/ley_actualizada

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

- Law No. 348 to guarantee women a life without violence (9 March 2023), article 83 (modifies article 308 and 308 Bis Bis of the Criminal Code)
http://www.silep.gob.bo/norma/12781/ley_actualizada

Bolivian law establishes the legal figure of “rape” (*violación*) which is understood as anyone who, through intimidation, physical or psychological violence, carries out, with a person of either sex, non-consensual sexual acts that involve carnal access, through the penetration of the virile member, or any other part of the body, or any object, vaginally, anal or oral, with libidinous fines; and who, under the same circumstances, even if there was no physical violence or intimidation, taking advantage of the victim's serious mental illness or lack of intelligence or who was incapable of resisting for any other reason.

In addition, Bolivian law establishes that “sexual abuse” of a “minor” is when “rape” (as defined above) is committed against anyone under 14 years old.

“ARTICLE 308. (RAPE). Anyone who, through intimidation, physical or psychological violence, performs, with a person of either sex, non-consensual sexual acts that involve carnal access, through penetration of the virile member, will be punished with deprivation of liberty for a period of fifteen (15) to twenty (20) years, or any other part of the body, or any object, vaginally, anal or orally, for libidinous purposes; and who, under the same circumstances, even if there was no physical violence or intimidation, taking advantage of the serious mental illness or lack of intelligence of the victim or who was incapable for any other reason to resist.”

“ARTICLE 308 BIS. (RAPE OF CHILD OR ADOLESCENT). If the crime of sexual abuse is



committed against a person of either sex under fourteen (14) years of age, it will be punished with deprivation of liberty for twenty (20) to twenty-five (25) years, even if there is no use of force or intimidation and consent is alleged.

If any of the aggravating circumstances provided in Article 310 of the Penal Code are evident, and the sentence reaches thirty (30) years, the sentence will be without the right to pardon.

Consensual relationships between adolescents over twelve (12) years of age are exempt from this sanction, if there is no age difference of more than three (3) years between them and no violence or intimidation has been committed.”

- Law No. 348 to guarantee women a life without violence (9 March 2023), article 83 (modifies article 312 of the Criminal Code)
http://www.silep.gob.bo/norma/12781/ley_actualizada

Bolivian law defines “sexual abuse” as when in the same circumstances and by the means established in article 308 and 308 Bis anyone executes sexual acts that do not constitute in penetration or carnal access.

- Law No. 054 of Legal Protection of Children and Adolescents (8 November 2010), article, 16 (modifies article 309 of the Criminal Code)
http://www.silep.gob.bo/norma/4169/ley_actualizada

Bolivian law criminalizes under the term of “*Estupro*” to anyone who, through seduction or deception, has carnal access with a person of either sex who is older than fourteen (14) and younger than eighteen (18) years.”

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

- Law No. 263 Law against Human Trafficking (modifies article 323 Bis of the Criminal Code)
http://www.silep.gob.bo/norma/4654/ley_actualizada

ARTICLE 323 Bis. (CHILD PORNOGRAPHY).

- I. Anyone who procures, forces, facilitates, or induces, by any means, themselves or through a third party, another person who does not give their consent to engage in sexual acts or bodily exhibitionism for lascivious purposes with the intention of videotaping, photographing, filming, exhibiting, or describing them through printed advertisements, transmission of data files on public communication networks, computer systems, electronic systems, or similar means, shall be punished with imprisonment of ten (10) to fifteen (15) years. The same penalty shall be imposed when the perpetrator reproduces, stores, distributes, or sells pornographic material.
- II. The term of imprisonment shall be increased by one-third when:
 1. The victim is a child, minor, or person with a disability.
 2. The perpetrator is the spouse, cohabitant, father, mother, or person exercising some form of authority or legal responsibility over the victim.



3. The perpetrator has a working relationship, blood relationship, or affinity with the victim.
4. The victim is a pregnant woman.
5. The perpetrator is a public servant.
6. The perpetrator is responsible for protecting the rights and integrity of vulnerable persons.
7. The perpetrator was part of a diplomatic delegation or mission at the time the crime was committed.
8. The crime is committed against more than one person.
9. The activity is habitual and for profit.
10. The perpetrator is part of a criminal organization.

III. Anyone who purchases, leases, or sells pornographic material displaying images of children and adolescents shall be punished with imprisonment of five (5) to eight (8) years.”

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (25 May 2000), article 2 (c) ([Chapter IV. Human Rights \(un.org\)](#))

f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

There is no applicable law defining this concept.

g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

There is no applicable law defining this concept.

h. **legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

- Law No. 348 to guarantee women a life without violence (9 March 2023), article 83 (modifies article 308 Bis of the Criminal Code) http://www.silep.gob.bo/norma/12781/ley_actualizada

The legal age of consent for sexual activity is 12, however, is subject to certain conditions:

- 1) it takes place between adolescents older than 12 years old;
- 2) there is not a difference between their ages greater than 3 years; and
- 3) no violence or intimidation has been committed.

i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS->**

[118s2051es.pdf](#))

There is no applicable law defining this concept.

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

Bolivian law does not regulate online platforms, nor does it establish specific obligations regarding undertaking any of the mentioned activities in their systems.

However, Bolivian Criminal Code, article 323 bis states that anyone who leases, or sells pornographic material that includes images of children and adolescents will be sanctioned.

Therefore, we consider that a platform cannot be involved or conduct the mentioned activities. However, the platform, specifically the person responsible for managing it, could be criminally sanctioned. Consequently, online platforms should take these provisions into account to avoid potential legal prosecution.

There is therefore no legal requirement on Online Platforms to detect this content, but they could be prosecuted as a result.

Law No. 263 Law against Human Trafficking (modifies article 323 Bis of the Criminal Code)
http://www.silep.gob.bo/norma/4654/ley_actualizada

ARTICLE 323 Bis. (CHILD PORNOGRAPHY).

- I. Anyone who procures, forces, facilitates, or induces, by any means, themselves or through a third party, another person who does not give their consent to engage in sexual acts or bodily exhibitionism for lascivious purposes with the intention of videotaping, photographing, filming, exhibiting, or describing them through printed advertisements, transmission of data files on public communication networks, computer systems, electronic systems, or similar means, shall be punished with imprisonment of ten (10) to fifteen (15) years. The same penalty shall be imposed when the perpetrator reproduces, stores, distributes, or sells pornographic material.
- II. The term of imprisonment shall be increased by one-third when:
 1. The victim is a child, minor, or person with a disability.
 2. The perpetrator is the spouse, cohabitant, father, mother, or person exercising some form of authority or legal responsibility over the victim.
 3. The perpetrator has a working relationship, blood relationship, or affinity with the victim.
 4. The victim is a pregnant woman.
 5. The perpetrator is a public servant.
 6. The perpetrator is responsible for protecting the rights and integrity of vulnerable persons.
 7. The perpetrator was part of a diplomatic delegation or mission at the time



the crime was committed.

8. The crime is committed against more than one person.
9. The activity is habitual and for profit.
10. The perpetrator is part of a criminal organization.

III. Anyone who purchases, leases, or sells pornographic material displaying images of children and adolescents shall be punished with imprisonment of five (5) to eight (8) years.

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

There is no applicable law.

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

There is no specific obligation for online platforms, however, art. 155 of the Code of Children and Adolescent establishes that any person who has knowledge of acts of violence against children or adolescents is obliged to report them within a maximum period of twenty-four (24) hours of becoming aware of the fact, before the Ombudsmen for Children and Adolescents or any other competent authority. Therefore, this disposition should be complied by the platform, specifically the person responsible for managing it.

Law No. 548 Code of Children and Adolescent
http://www.silep.gob.bo/norma/13316/ley_actualizada

ARTICLE 155. (OBLIGATION TO REPORT).

- I. All persons, whether individuals, public servants, who are aware of acts of violence against girls, boys or adolescents, are obliged to report them within a maximum period of twenty-four (24) hours of becoming aware of the fact, before the Ombudsmen for Children and Adolescents or any other competent authority.
- II. In the absence of the instances described in the previous Paragraph, you may go to indigenous authorities, who, depending on the case, must forward the complaint to the competent authorities.

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

There is no applicable law.

e. review content by human moderators to screen or moderate for child pornography or CSAM

There is no applicable law.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems

when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

There is no applicable law.

- g. **use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:**
 - i. **“Hashing technology”** (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. **Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

There is no applicable law.

- h. **if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?**

There is no specific regulation that applies to online platforms.

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

Bolivia’s Law No. 164 on Telecommunications governs data communication, electronic commerce, and digital signatures, among others. However, it lacks specific regulations for online platforms. Consequently, there is no legal mandate for online platforms to verify user’s ages before granting access.

Nevertheless, several local online platforms engaged in the sale of restricted products, such as alcohol and cigarettes, have voluntarily implemented age verification methods. This action aligns with Article 20 of the Law on the Control of the Sale and Consumption of Alcoholic Beverages that mandates confirmation of consumers’ legal age, as Bolivian law prohibits the sale of such products to people under 18 years old.

Law No. 259 on the Control of the Sale and Consumption of Alcoholic Beverages
http://www.silep.gob.bo/norma/4650/ley_actualizada

“ARTICLE 20 (PROHIBITION OF THE SALE OF ALCOHOLIC BEVERAGES TO MINORS UNDER 18 YEARS OF AGE) The sale of alcoholic beverages to minors under 18 years of age is prohibited, subject to sanctions provided for in this Law.

Establishments selling alcoholic beverages shall be required to demand the original identification document, which allows verification of legal age. In case of disregarding this measure, the corresponding sanction of the selling establishment shall be applied.”

4. Are Online Platforms legally required or recommended to implement any method to obtain

parental consent before a child uses the services of such Online Platforms?

No, online platforms are not legally required or recommended to implement any method to obtain parental consent before a child uses an online platform.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

Yes

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

Yes, there are legal remedies available for minors that have been victims of sexual exploitation.

Under Bolivian law, children victimized by online child sexual exploitation could 1) initiate a criminal investigation against the perpetrator or 2) file a privacy action (extraordinary action), related to the violation of their privacy rights. Bolivian law criminalizes child pornography allowing victims to seek injunctions under criminal process to stop the publication.

Law No 1173 on “Expedited Criminal Procedure and Strengthening Comprehensive Action Against Violence Towards Childs, Adolescents, and Women” allows judges to apply protections measures established in Law 348 and in Law 548 “Code of Childhood and Adolescents”. These measures aim to interrupt and prevent acts of violence and ensure proper investigation, prosecution and possible sanction.

Among these, there are measures that guarantee the integrity of women who are in a situation of violence, which will also be applicable to minors pursuant article 389 Bis of the Criminal Procedure Code. (modified by Law 1173)

In addition, Bolivian Constitution provides for a privacy action to be filed by anyone who believes they are wrongfully or illegally prevented from knowing, objecting to, or obtaining the deletion or correction of their personal data recorded, which may affect their right to personal and family privacy, or their own image, honor, and reputation.

Consequently, within a criminal process or a privacy action, judges can order the removal or elimination of any content recorded or published. In this sense, even if the content is not published but is recorded, the privacy right can be asserted to obtain the elimination of the content.

Law No. 263 Law against Human Trafficking (modifies article 323 Bis of the Criminal Code)
http://www.silep.gob.bo/norma/4654/ley_actualizada

“ARTICLE 323 Bis. (CHILD PORNOGRAPHY)



- I. Anyone who procures, forces, facilitates, or induces, by any means, themselves or through a third party, another person who does not give their consent to engage in sexual acts or bodily exhibitionism for lascivious purposes with the intention of videotaping, photographing, filming, exhibiting, or describing them through printed advertisements, transmission of data files on public communication networks, computer systems, electronic systems, or similar means, shall be punished with imprisonment of ten (10) to fifteen (15) years. The same penalty shall be imposed when the perpetrator reproduces, stores, distributes, or sells pornographic material.
- II. The term of imprisonment shall be increased by one-third when:
 1. The victim is a child, minor, or person with a disability.
 2. The perpetrator is the spouse, cohabitant, father, mother, or person exercising some form of authority or legal responsibility over the victim.
 3. The perpetrator has a working relationship, blood relationship, or affinity with the victim.
 4. The victim is a pregnant woman.
 5. The perpetrator is a public servant.
 6. The perpetrator is responsible for protecting the rights and integrity of vulnerable persons.
 7. The perpetrator was part of a diplomatic delegation or mission at the time the crime was committed.
 8. The crime is committed against more than one person.
 9. The activity is habitual and for profit.
 10. The perpetrator is part of a criminal organization.
- III. Anyone who purchases, leases, or sells pornographic material displaying images of children and adolescents shall be punished with imprisonment of five (5) to eight (8) years.”

Law No. 348 to guarantee women a life without violence (9 March 2023), article 32 and 35
https://oig.cepal.org/sites/default/files/2013_bol_ley348.pdf

“ARTICLE 32. (PURPOSE)

- I. Protective measures are intended to interrupt and prevent an act of violence against women, or guarantee, if it has been consummated, that the corresponding investigation, prosecution and sanction is carried out.
- II. The protection measures are of immediate application, imposed by the authority competent to save life, physical, psychological, sexual, patrimonial, economic and labor rights of women in situations of violence and those of their dependents”

“ARTICLE 35. (PROTECTION MEASURES)

The protection measures that the competent authority may dictate are the following:
[...]



18. Provide any precautionary measure of protection for women who are in situations of violence indicated in the Code of Criminal Procedure and the Code of Civil Procedure.
19. All those that guarantee the integrity of women who are in a situation of violence.”

Law N° 1173 Law on Expedited Criminal Procedure and Strengthening Comprehensive Action Against Violence Towards Childs, Adolescents, and Women of 3 May 2019, article 14 (modifies article 389 Bis of the Criminal Procedure Code)

http://www.silep.gob.bo/norma/15672/ley_actualizada

“ARTICLE 389 BIS (SPECIAL PROTECTION MEASURES)

- I. In addition to the protection measures provided for in the Code of Girls, Boys and Adolescents, and in Law No. 348, the judge when learning of crimes provided for in the preceding Article, ex officio or at the request of a party, the victim or of his representative, without the need to become a plaintiff, may apply the following special protection measures to the accused:

For girls, boys (childs) or adolescents:

1. Leaving or vacating the home where the victim lives, regardless of the ownership of the real estate;
2. Prohibition of entry to the victim's home, even if it is the family home;
3. Prohibition of communicating directly or indirectly and by any means with the victim;
4. Prohibition of intimidating the victim, as well as any member of his or her family, by any means or through third parties;
5. Temporary suspension of the visitation, custody or cohabitation regime with the victim; measure that will be maintained until it is resolved in the corresponding jurisdiction.
6. Prohibition of interfering, in any way, in the exercise of the care, upbringing and education of the victim;
7. Immediate return of the victim's personal objects and documents;
8. Prohibition of approaching, within the radius of distance determined by the judge, the victim's place of residence, work, study, recreation or places of regular attendance;
9. Prohibition of traveling through places where the victim frequently travels;
10. Prohibition to attend or frequent places of custody, shelter, study or recreation where the victim attends;
11. Submit to reflective, educational or psychological treatment programs aimed at modifying violent and criminal behavior;
12. Provisional establishment of family assistance, when the accused person is the parent; and,
13. Provisional establishment of custody, with immediate notice to be given to the judge in matters of childhood and adolescence, and to the Ombudsman for Children and Adolescence; in the case of a crime of femicide committed by the spouse or cohabitant, provisional custody of the girl, boy or adolescent will be granted in favor of the grandparents or another close relative on the maternal line, with the support of the



Ombudsman for Children and Adolescents must immediately give notice to the judge in matters of childhood and adolescence, and order that the entire family enter the victim and witness protection system of the Public Ministry. The provisional fixation provided will be maintained until the judge for childhood and adolescence makes a ruling”

Bolivian Constitution

http://www.silep.gob.bo/norma/12928/ley_actualizada

ARTICLE130. RIGHT TO PRIVACY ACTION

- I. Any individual or collective person who believes they are wrongfully or illegally prevented from knowing, objecting to, or obtaining the deletion or correction of data recorded by any physical, electronic, magnetic, or digital means in public or private archives or databases, which may affect their fundamental right to personal or family privacy, or their own image, honor, and reputation, may file the Right to Privacy Action. [...]
- b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

The Online Platform is not specifically obligated to take active steps to remove pornography or other explicit imagery from their servers. However, in a criminal process for the crimes described above and in a privacy action, the judge can order the removal or elimination of the recorded or published content.

- c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

As mentioned in question 5 (a), in a criminal process for the crimes described above and in a privacy action, the judge can order the elimination or removal of recorded or published content. The judge can order an injunction against the Online Platform to eliminate the recorded content or to stop them from publishing the content.

- d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

Bolivian law allows the judge to establish protection measures that have the purpose to interrupt and prevent acts of violence or guarantee, if it has been consummated, that the corresponding investigation, prosecution, and sanction is carried out. Therefore, the scope of these protection measures can reach the prohibition of future actions in order to protect the integrity of the victims.

Therefore, in a criminal process for the crimes described above and in a privacy action, the judge can order that certain content cannot be published again in the future. This is an order against the perpetrator - the details of which are set out at Question 5(a).

- e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child’s image or video, either in a civil or a criminal proceeding?**



Yes, in a criminal process for the crimes described above and in a privacy action, the judge can order the removal of published content, the judge can determine economic compensation for the victim. This will be decided by a judge.

Also, in accordance with the Convention on the Rights of the Child, member countries shall take all appropriate measures to promote the physical and psychological recovery and social reintegration of all child victims of abuse. That recovery and reintegration will take place in an environment that fosters the health, self-respect and dignity of the child.

Bolivian Criminal Code

http://www.silep.gob.bo/norma/4368/ley_actualizada#448787

ARTICLE 87.- (CIVIL LIABILITY). Any person criminally responsible is also civilly responsible and is obliged to repair the material and moral damages caused by the crime.

Constitutional Procedural Code

http://www.silep.gob.bo/norma/4645/ley_actualizada

ARTICLE 39. (LIABILITY AND RECOURSE)

- I. The decision granting the action may also determine whether there are indications of civil or criminal liability, estimating in the first case the amount for compensation due to damages, and in the second, referring the matter to the Public Prosecutor's Office and the General State Prosecutor's Office, when applicable. To this effect, the court may open a period of evidence for up to ten days, starting from the notification during the same hearing.
- II. If the responsibility is attributed to a public servant, the judge or court that granted the action will order the submission of a copy of the resolution to the highest administrative authority of the entity where the public servant works, to initiate, if applicable, the disciplinary process.

Convention on the Rights of the Child

[Chapter IV. Human Rights \(un.org\)](#)

ARTICLE 39.

States Parties shall take all appropriate measures to promote the physical and psychological recovery and social reintegration of all child victims of: any form of abandonment, exploitation or abuse; torture or other forms of cruel, inhuman or degrading treatment or punishment; or armed conflicts. That recovery and reintegration will take place in an environment that fosters the health, self-respect and dignity of the child.

- f. **the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

Yes. Bolivia law establishes that the State must guarantee permanent and free comprehensive assistance and care programs for girls, boys and adolescents abused,



exploited and eroticized. In practice, the treatment and attention for victims of sexual violence is held by the Ombudsman's Office of Childhood and Adolescence (*Defensoría de la Niñez y Adolescencia*)

Law No. 548 Code of Children and Adolescent
http://www.silep.gob.bo/norma/13316/ley_actualizada

“ARTICLE 148 (RIGHT TO BE PROTECTED AND PROTECTED AGAINST SEXUAL VIOLENCE)

I. The girl, boy and adolescent has the right to be protected against any form of violation of their sexual integrity. The State at all levels must design and implement prevention and protection policies against all forms of abuse, exploitation or early sexualization of children and adolescents; as well as guarantee permanent and free programs of assistance and comprehensive care for abused, exploited and eroticized girls, boys and adolescents. [...]”

“ARTICLE 185. (DEFENDER FOR CHILDREN AND ADOLESCENCE). The Ombudsman's Office of Childhood and Adolescence is the entity dependent on municipal governments, which provides services free public psycho-socio-legal defense, to guarantee the girl, boy or adolescent the validity of their rights.”

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

There is no applicable law.

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

Bolivia lacks specific regulations governing online platforms. Consequently, there is no legal requirement or obligation for these platforms to integrate the “Safety by Design” tool into their systems.

i. If so, must these steps be taken before the launch of an Online Platform?

There is no applicable law.

ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?

There is no applicable law.

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.



There is no applicable law.

- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?**

There is no applicable law.