

# **BOLIVIA 2017 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bolivia is a constitutional, multiparty republic with an elected president and a bicameral legislature. In 2014, in a process deemed free but whose fairness was questioned by international observers, citizens re-elected President Evo Morales Ayma, leader of the Movement Toward Socialism Party (MAS), for a third term. In 2016 the government held a referendum to allow the president to seek a fourth term in office. Citizens voted the measure down in a process that international observers deemed mostly fair and free.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included torture; harsh prison conditions; lack of judicial independence and widespread corruption in the law enforcement and judicial system, leading to denial of a fair and timely public trial; prosecutions of political opponents whom some analysts characterized as political prisoners; use of tax audits to punish press critical of the government, censorship, and physical assaults on journalists produced severe restrictions on freedom of the press; selective enforcement of regulations significantly to interfere in the exercise of freedom of assembly and association; corruption at all levels of government, with immunity from prosecution afforded senior officials; societal killings of women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, which the government investigated in some cases; trafficking in persons; mob violence couched as vigilante justice; and forced labor and child labor.

Although the government took steps in some cases to prosecute members of the security services and other government officials who committed abuses, inconsistent application of the law and a dysfunctional judiciary led to impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In 2016 police apprehended the perpetrators allegedly responsible for capturing, torturing, and killing Vice Minister of the Interior Rodolfo Illanes, after an incident in which police, utilizing lethal firearms, killed four miners during a National Federation of Mining Cooperatives-led protest in 2016. Additionally, in September of this year, the Public Ministry began an investigation against the former general commander of the police, Rino Salazar, and the former police commander for the La Paz Department, Jose Luis Aranibar, for the crimes of breach of duty and denial of assistance in connection to Illanes' death. Despite the human rights ombudsman's May report identifying seven policemen who carried and used lethal weapons against the protesters during this conflict, as of November police had not arrested anyone for the deaths of the four miners.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits all forms of torture, coercion, and physical and emotional violence, but there were credible reports that government officials employed them. The penal code carries only minimum penalties for those found guilty of torture, but no public official has ever been found guilty of violating these provisions.

In 2016 the Ministry of Justice's Service to Prevent Torture (Sepret) began operations. The government described Sepret as an autonomous unit to track and prevent instances of torture and other cruel, inhuman, and/or degrading treatment of individuals held in state-run psychiatric hospitals, public hospitals, reception centers, military barracks, police and military training centers, or specialized centers for women, children, and persons with disabilities.

Antitorture nongovernmental organizations (NGOs) called the creation of Sepret a positive development for human rights, but other observers claimed the office was ineffectual in fulfilling its duties due to a perceived lack of independence from the central government. Sepret conducted more than 50 unannounced visits to state institutions during the year, and it uncovered and denounced at least 10 active cases of torture. The director general of Sepret claimed the torture they found during their surprise visits "occurred in different environments, but fundamentally [occurred] in police work." NGOs charged that Sepret failed to denounce

consistently torture by police and military, where it occurred most frequently. NGO reports indicated that police investigations relied heavily on torture to try to procure information and extract confessions. The majority of abuses reportedly occurred while officials were transferring detainees to police facilities or while the prisoners were held in detention. According to reports from NGOs engaged with prison populations, the most common forms of torture for detainees included the use of Tasers, asphyxiation, verbal abuse, and threats of violence.

In June a La Paz municipal guard was sentenced to preventive detention on charges of sexually assaulting two trafficking victims ages 11 and 17. Although the accused denied the charges, a forensic examination revealed that the children were raped. The case was pending as of November.

The government investigated at least one allegation of torture by a government official. The Minister of Justice requested in July that the Ministry of Government and national police investigate allegations that its officers employed torture as an “investigation technique” against a rape suspect in order to extract his confession. The case was pending as of October 15.

Within the military, torture and mistreatment occurred both to punish and to intimidate trainees into submission and obedience. Military officials regularly verbally abused soldiers for minor infractions and perceived disobedience.

La Paz Departmental Human Rights Ombudsman Teresa Zubieta began an investigation in May into the suspected hazing of a 17-year-old soldier in training in the city of La Paz. The soldier suffered a fall that resulted in internal injuries that required five corrective surgeries. The investigation was pending as of October 15.

In 2016 police officers guarding prisoners in the Pando prison reportedly tortured multiple detainees in an attempt to gather information about an investigation underway at the time. As of October there was no official number of victims. Police reportedly beat the prisoners and subjected them to electric shocks and tear gassing, and men, women, and children were among the alleged victims of police violence. The Ministry of Justice and the Prosecutor’s Office were investigating the case. The Institute of Therapy and Investigation (ITEI), a credible NGO, was also conducting an independent investigation.

A study released by the human rights ombudsman found that sex workers were sometimes abused by police officials. The study highlighted that the rights of the

country's estimated 50,000 sex workers were easy to violate because there is no specific law in place to protect them, even though prostitution is legal.

The UN Subcommittee on the Prevention of Torture (SPT) visited prisons, police stations, psychiatric institutions, correctional centers for juveniles, and military bases on May 2-11 to assess the treatment of prisoners, as well as the measures taken for their protection against torture and mistreatment. The SPT also met with Sepret. The SPT's final report to the government was not made public.

On June 26, the International Day in Support of Victims of Torture, several human rights NGOs called on the government to "eradicate the practice of torture," which they said was prevalent in the country generally, and especially among police and armed forces. The NGOs called on the government to publicize the SPT report, issue reparations to past torture victims, create an independent organization to prevent and investigate instances of torture, and ensure the country was complying with international conventions and other treaties on torture.

### **Prison and Detention Center Conditions**

Prisons remained overcrowded, underfunded, and in poor physical condition. There were no significant improvements either to prison facilities or to judicial processes to reduce overcrowding.

Physical Conditions: Prisons were more than three times over capacity. According to the Ministry of Justice, as of July 25, there were 16,613 prisoners in facilities designed to hold 5,000 persons. For example, built to accommodate 70 individuals, the Montero prison held 430, including 33 women. The 430 inmates shared three bathrooms. Approximately 80 detainees slept in rotating six-hour shifts in the open-air "patio" portion of the facility. Men and women shared sleeping quarters in some facilities.

Approximately 70 percent of prisoners were being held in pretrial (preventive) detention. Many prisoners remained incarcerated beyond the maximum sentence allowed for the crime for which they had been convicted. In the Montero prison, 85 percent of the detainees had yet to be tried.

Women's prisons operated in La Paz (two), and in Trinidad and Cochabamba. Men and women shared sleeping facilities in Morros Blancos prison in Tarija, Montero Prison in Santa Cruz, Riberalta Prison in Beni, and Oruro prison in Oruro. In other facilities men and women had separate sleeping quarters but comingled

daily. Female inmates experienced sexual harassment and assault on a regular basis, mostly by other incarcerated persons, and some were forced to pay antirape extortion fees. While observers noted that violence against women reportedly was rampant, they reported a culture of silence that suppressed reporting of gender-based violence for fear of reprisal.

Although the law permits children up to the age of six to live with an incarcerated parent under “safe and regulated conditions,” children as old as 12 resided in detention centers with incarcerated parents, despite unsafe conditions, often because the parents lacked viable alternative living arrangements due to poverty or family constraints. According to the UN Office on Drugs and Crimes (UNODC), approximately 600 children were living in prison with their mothers; an independent news source indicated that at least 1000 children were living with one or both of their parents in prison.

A 2014 law lowered the juvenile detention age from 16 to 14 and requires juvenile offenders be housed in facilities separate from the general prison population in order to facilitate rehabilitation. Children under age 14 years are exempt from criminal liability but may be subject to civil liability. Adult inmates and police reportedly abused juvenile prisoners. Rehabilitation programs for juveniles or other prisoners remained scarce.

Violence was ubiquitous due to inadequate internal security. Abuses included systematic intimidation, psychological mistreatment, extortion, torture, and threats of death. There were reports of rape and sexual assault. Corruption exacerbated these problems and hindered their exposure and resolution. Prisoner-on-prisoner violence was endemic. In 2016, after fellow inmates killed Jose Luis Choque, being held in pretrial detention in La Paz for allegedly beating his daughter to death, another inmate was found strangled to death in the same facility.

The state budget allocated eight bolivianos (\$1.17) per day per prisoner for meals. Prisoners with independent means could purchase a transfer to the rehabilitation center, a newly built detention facility with better living conditions. One doctor attended to the prisoners twice a month. Although medical services were free, the facility rarely had medications on hand. Skin disease and tuberculosis were widespread due to the cramped sleeping quarters and lack of medicine to manage contagion. Incarcerated women lacked access to obstetric services. In April the Special Force to Fight Against Crime reported the death of an inmate due to complications related to peritonitis, highlighting shortcomings in inmate medical care.

Corruption was persistent. A prisoner's wealth often determined his or her physical security, cell size, visiting privileges, ability to attend court hearings, day-pass eligibility, and place and length of confinement. Inmates and NGOs both alleged there were an insufficient number of police officers to escort inmates to their hearings, and prison directors often refused to intervene, exacerbating delays. Police sometimes demanded bribes in exchange for granting inmates the right to attend their own hearings.

Administration: According to UNODC, prisoners could submit complaints to a commission of district judges for investigation, but due to fear of retaliation by prison authorities, inmates frequently did not bother to file complaints.

Independent Monitoring: The government generally permitted prison visits by independent nongovernmental observers such as the International Committee of the Red Cross, local NGOs, judges, religious authorities, legislators, and media.

Improvements: In April UNODC released a statement stating the agency trained 283 penitentiary officials in workshops on international standards for treatment of prisoners held in eight cities in 2016 and 2017. Training included special instruction on the "specific needs" of female inmates and inmates who were considered particularly vulnerable.

#### **d. Arbitrary Arrest or Detention**

The constitution and/or law prohibit(s) arbitrary arrest and detention and provide(s) for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

#### **Role of the Police and Security Apparatus**

The national police, under the Ministry of Government's authority, have primary responsibility for law enforcement and the maintenance of order within the country, but military forces that report to the Ministry of Defense may be called to help in critical situations. Migration officials report to the Ministry of Government, and police and military share responsibilities for border enforcement.

The law to investigate and punish internal police abuse and corruption remained suspended and unenforced as a result of national police strikes in 2012, when the government agreed to revise it. There was no progress in negotiations between the

Ministry of Government and the National Police Association on this problem. Congress did not act on the Constitutional Court's 2012 ruling to adjust the military criminal code and the military code of criminal procedure to stipulate that human rights violations be judged by the ordinary justice system, in compliance with the constitution. Inconsistent application of the laws and a dysfunctional judiciary further exacerbated the impunity of security forces in committing abuses.

In March five female police officers in the city of Potosi filed a formal complaint of "psychological abuse and extreme work pressure" by the local representative of the Special Force to Fight Against Violence (FELCV). The women made the complaint under the condition of anonymity, for fear of reprisal. The local human rights ombudsman began an investigation the same month.

### **Arrest Procedures and Treatment of Detainees**

The law requires that police obtain an arrest warrant from a prosecutor and that a judge substantiate the warrant within eight hours of an arrest. Police did not strictly adhere to these time restrictions, except in cases in which the government specifically ordered adherence. The law also mandates that a detainee appear before a judge within 24 hours (except under a declared state of siege, during which a detainee may be held for 48 hours) at which time the judge must determine the appropriateness of continued pretrial detention or release on bail. The judge is to order the detainee's release if the prosecutor fails to show sufficient grounds for arrest. The government allows suspects to select their own lawyers and provides a lawyer from the Public Defender's Office if the suspect requests one. The public defenders were generally overburdened and limited in their ability to provide adequate, timely legal assistance. While bail is permitted, most detainees were placed in pretrial detention or could not afford to post bail. Several legal experts noted that pretrial detention was the rule rather than the exception.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention. On July 1, seven persons were convicted in connection with the case of Gabriela Zapata, allegedly arrested in February 2016 without an official warrant or court order. Three of them accepted plea bargains for abbreviated sentences, and four were found guilty. Zapata, however, was not sentenced. On July 15, the prosecutor in Zapata's case dropped four charges against her, citing lack of evidence. On July 19, the public attorney rejected Zapata's request for a plea bargain, citing sufficient evidence to convict. On July 27, the prosecutor refined the charges to laundering of illicit profits, misrepresentation, use of falsified documents, misuse of goods and public services, and conspiracy. Zapata's case continued as of October 15.

Pretrial Detention: The law affords judges the authority to order pretrial detention if there is a high probability that a suspect committed a crime, if evidence exists that the accused seeks to obstruct the investigation process, or if a suspect is considered a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements.

The law states that no one shall be detained for more than 18 months without formal charges. If after 18 months the prosecutor does not present formal charges and conclude the investigatory phase, the detainee may request release by a judge. The judge must order the detainee's release, but the charges against the detainee are not dropped. By law the investigatory phase and trial phase of a case cannot exceed 36 months combined. The law allows a trial extension if the delays in the process are due to the defense. In these circumstances, pretrial detention may exceed the 36-month limit without violating the law.

Despite the legal limits on pretrial detention, denial of justice due to prolonged pretrial detention remained a problem. Complex legal procedures, large numbers of detainees, judicial inefficiency, executive interference, corruption, a shortage of public defenders, and inadequate case-tracking mechanisms all contributed to trial delays that lengthened pretrial detention and kept many suspects detained beyond the legal limits for the completion of a trial or the presentation of formal charges. Many defense attorneys intentionally did not attend hearings in order to delay trial proceedings and ultimately to avoid a final sentencing. According to the Ministry of Justice, as of July 25, 11,585 of 16,613 detainees (approximately 70 percent) were being held under preventive detention.

#### **e. Denial of a Fair Public Trial**

The law provides for an independent judiciary, but the judiciary was overburdened, vulnerable to undue influence by the executive and legislative branches, and plagued with allegations of corruption. Authorities generally respected court orders but on several occasions levied charges against judges to pressure them to change their verdicts. Judges and prosecutors sometimes practiced self-censorship when issuing rulings to avoid becoming the target of verbal and legal harassment by the government.

Observers criticized the presidential administration's use of the judiciary to silence political opponents and the government's disregard of due process guarantees. On June 1, Gualberto Cusi, a Constitutional Court judge, was sentenced to permanent

dismissal from office for the crimes of “resolutions contrary to the Magna Carta,” and “malfeasance.” In 2013 he publicly denounced President Morales’ intention to run for a then unconstitutional third term. Cusi also criticized the Morales administration for frequently interfering with the normal functioning of the judiciary. In 2014 Cusi and two other judges suspended the Plurinational Notary Law because the law permitted the executive branch, instead of the judiciary, to select notaries. The MAS-dominated Legislative Assembly suspended Cusi and the two other judges for this ruling, and impeachment proceedings against Cusi and his colleagues began in 2014. They were charged with “ruling contrary to the constitution and its laws, malfeasance, and failure to complete duties of a public servant.”

Cusi stated that his dismissal was politically motivated. On July 5, he appealed his sentence, but the president of the Justice Commission rejected his appeal, claiming his allegations of political interference lacked merit.

On March 10, a four-judge Sentencing Tribunal declared Ernesto Fernandez, the former prefect (governor) of Pando, guilty of ordering the deaths of 13 progovernment peasant farmers, and of the assault of 30 others, during the 2008 “Porvenir Massacre.” Upon Fernandez’s 2008 arrest, he was transferred to La Paz and held in pretrial detention until 2013--two years longer than the constitutionally allowable pretrial detention period. In February 2013 Fernandez was released to house arrest due to his poor medical condition.

On March 16, former prefect of Beni Ernesto Suarez was ordered into pretrial detention pending trial on charges of money laundering. The court’s rationale for taking Suarez into custody was that he had failed to provide the court an accurate home address. The court ruling against Suarez reignited civil society claims that the Morales administration used the judicial system against critics to weaken political adversaries and maintain power.

Fernandez and Suarez were among eight high-profile political opposition figures who had multiple legal cases pending.

The judiciary faced a myriad of administrative and budgetary challenges. The judicial budget of \$120 million constituted less than 1 percent of the national budget (\$33.81 billion). NGOs asserted this amount was insufficient to guarantee equal and efficient justice and that underfunding overburdened public prosecutors and led to serious judicial backlogs. The small budget and inadequate salaries made justice officials vulnerable to bribery and corruption, according to credible

sources, including legal experts. According to the president of the Tribunal Department of La Paz, in 2016, due to limited resources and personnel, judges were able to adjudicate only 324,500 of 677,500 cases set for consideration, or 47 percent of their caseload. Citing different figures, the president of the Magistrate Council announced in August that the judicial branch required a larger budget to enable it to adjudicate the “more than 700,000” pending judicial cases in the country’s nine departments.

Inadequate personnel and resources hindered judicial efficiency at the local level, although there were improvements. In May the municipality of La Asunta in the La Paz Department received its first prosecutor and forensic specialist in its almost 30 years as a municipality, but it had to pay his salary using municipal funds due to limited federal resources. The municipality already had a judge, but without a prosecutor, pending criminal cases languished for years.

### **Trial Procedures**

The constitution and law provide for the right to be informed of charges promptly and in detail and for a fair and public trial without undue delay. Defendants are entitled to presumption of innocence and trial by jury. They have the right to avoid self-incrimination and to consult an attorney of their choice, receive adequate time and facilities to prepare a defense and confront adverse witnesses, present witnesses and evidence, and file an appeal. Defendants who cannot afford an attorney have the right to a public defender or private attorney at public expense.

Corruption, influence by other branches of government, insufficient judicial coverage, and a lack of adequate resources devoted to the judiciary undermined these constitutional rights. Free translation and interpretation services are required by law. Officials complied with this law only when there was sufficient budget and personnel.

### **Political Prisoners and Detainees**

The government sometimes used the judicial system for political purposes, taking legal action against several opposition members and critics of the government, although analysts disputed whether there were any political prisoners.

Criminal proceedings remained pending against 16 former government officials, which the Attorney General’s Office began in 2016. Media reported 40 open cases targeting the mayor of La Paz, Luis Revilla; 30 cases against Jose Maria Leyes, the

mayor of Cochabamba; 30 against Ernesto Suarez, the former prefect of Beni; and multiple cases against the governor of Santa Cruz, Ruben Costas; the governor of La Paz, Feliz Patzi; the mayor of El Alto, Soledad Chapeton; former president Jorge Tuto Quiroga; and the leader of the Democratic Unity opposition party, Samuel Doria Medina.

### **Civil Judicial Procedures and Remedies**

The law permits individuals and organizations to seek criminal remedies for human rights violations through domestic courts. At the conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. The human rights ombudsman can issue administrative resolutions on specific human rights cases. The ombudsman's resolutions are nonbinding, and the government is not obligated to accept his or her recommendations.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

There were credible reports that the ruling MAS party required government officials to profess party membership to obtain/retain employment and/or access other government services.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

While the constitution provides for freedom of expression, including of the press, the government frequently carried out reprisals against media outlets that expressed dissenting opinions. Government actions to curb criticism created a climate of hostility towards independent journalists and media and resulted in self-censorship of many news sources. Some media sources reported the government pressured and intimidated them to report favorably about its policies, particularly by withholding of government advertising and imposing steep taxes.

Freedom of Expression: The government continued to denounce press critics and independent media sources. The National Association of Bolivia Press (ANP)

Monitoring Unit of Freedom of Expression registered 59 verbal and physical aggressions towards reporters and photographers in 2016.

On April 28, in its annual report, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights enumerated several limitations the government placed on the media, including the use by some government officials of the term “the cartel of lies” (“cartel de la mentira”) to discredit independent journalists and news outlets; the situation of journalists who were forced to leave the country in 2016; pressure against notable journalists who criticized the government; and discriminatory use of state advertising, among others.

In January the former presidency minister and current ambassador to Cuba, Juan Ramon Quintana, denounced an “international cartel of lies,” which he claimed operated in the country. According to Quintana, international news sources, including the British publication *The Daily Mirror* and Chilean news sources, were guilty of trying to “damage the president and the government’s image” through their reporting.

According to the international NGO Freedom House, freedom of press declined during the year. The report cited the government’s threats of legal action, the “cartel of lies” campaign against independent media, and the fact that two journalists, Carlos Valverde and Wilson Garcia, fled the country to avoid government reprisal. In June, Reporters without Borders began a signature collection campaign to pressure the government to restore the fundamental rights of Garcia, former executive director of the print and digital newspaper *Sol de Pando*, and allow him to return to the country without fear of reprisal from the government.

Press and Media Freedom: According to the Inter American Press Association, Bolivia is one of a number of countries whose government regularly attempts to disqualify the independent press by accusing it of acting as “political opposition,” and a “bearer of false news” responsible for generating social tension. According to Supreme Decree 181, the government is responsible for providing goods and services to all media outlets in a nondiscriminatory manner. There were many credible reports that the government chose not to purchase state advertisements in media outlets they designated as adversarial to the government.

Some media outlets alleged the government pressured news organizations to report favorably about government policies and retaliated against news organizations that

did not comply. The National Press Association and several journalists alleged the government's retaliatory tactics included withdrawing all of its advertisements, thus denying a significant source of revenue, and launching excessive tax audits, which forced companies to spend unreasonable time and resources to defend themselves. On May 3, the ANP expressed its concern that the government continued to attack independent news outlets and "economically suffocate" media entities that did not cater to the government.

Despite official denials, financial actions on the part of the government appeared to support the claim that the government was trying to control the media narrative. In 2016 the government increased media investment by 22 percent over the previous 12 months. Further, the Ministry of Communication received a 367 million boliviano (\$54 million) budget allocation for 2016, an increase of 260 million bolivianos (\$38 million) compared with 2015. Finally, the government invested in the creation of the new General Directorate of Social Networks, an entity dedicated specifically to placing government-friendly messages in social media outlets and engaging in online harassment of social media users who criticize the government on their personal pages.

Violence and Harassment: On October 20, members of the Police Operations Tactical Unit assaulted two journalists who were interviewing protesters in Plaza Murillo, a main gathering square in La Paz. According to a complaint the Federation of Press Workers filed with the police commander, the attacks violated legally guaranteed freedoms of assembly and press and resulted in injuries to the journalists.

Censorship or Content Restrictions: The government censored journalists, and journalists practiced self-censorship due to fear of losing their jobs, fear of prosecution, and fear of losing access to government sources. According to a 2014 study published by the University of Texas' Knight Center for Journalism in the Americas and the Unite Foundation, 54 percent of journalists reported being censored, and 83 percent stated they knew of colleagues who had been censored. Of those responding, 59 percent admitted to self-censorship. Approximately 28 percent of journalists were censored for topics that could have caused conflict with the government, 26 percent for reasons that could have affected the interests of advertisers, and 26 percent for reasons that could have exposed journalists to lawsuits.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government systematically monitored private online communications without appropriate legal authority.

Government employees faced reprisal for expressing support for initiatives, ideas, and events critical of the MAS administration online and on social media. Reprisals included termination of employment.

According to the International Telecommunication Union, 40 percent of the population had internet access in 2016.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events, although political considerations allegedly influenced academic appointments.

### **b. Freedoms of Peaceful Assembly and Association**

Although the constitution provides for the freedoms of peaceful assembly and association, civil society groups, especially, but not limited to, those critical of the government, faced harassment from government officials.

### **Freedom of Peaceful Assembly**

While the law requires a permit for most demonstrations, the government rarely enforced the provisions, and most protesters demonstrated without obtaining permits. Most demonstrations were peaceful, but occasionally demonstrators carried weapons, including clubs, machetes, firearms, firecrackers, and dynamite. Security forces at times dispersed protest groups carrying weapons or threatening government and private facilities.

Former human rights ombudsman Rolando Villena accused the government and the current ombudsman David Tezanos of violating the constitution by impeding doctors' right to organize. The minister of health responded to the doctors' 24-hour work stoppage on April 20 by instructing hospitals and insurance companies to document the names of doctors who went on strike and deduct from their pay an amount corresponding to the time they were absent. The minister of labor announced a day after the strike that any further similar actions would be illegal due to the doctors' "noncompliance with the necessary steps to hold a strike."

On May 11, the government issued Supreme Decree 3174, which eliminates the 30 boliviano (\$4.38) fee associated with the medical certificate patients need to excuse their absences from work due to illness. While the government justified this action by stating that it would “further the goal of providing quality medical care to all Bolivians,” the president of the Medical Association claimed it was “punishment” for the April 20 strike and the association’s general opposition to the government. On May 17, doctors in the public and private medical sectors went on a 48-hour strike to protest Decree 3174 and the Law of Free Association.

On May 18, the human rights ombudsman introduced a “Popular Action” in the La Paz Departmental Justice Tribunal, arguing the actions of the doctors violated the human rights of their patients. In response, the Medical Association announced a plan to conduct a 72-hour strike. On May 29, the tribunal ruled that the doctors were prohibited from suspending health services to carry out this strike, leading the doctors’ to suspend the strike.

### **Freedom of Association**

The constitution provides for freedom of association, but the government did not respect this right. NGOs continued to be targets of government officials, including the president, vice president, and government ministers, if they operated in a manner perceived as adversarial to the government. Some NGOs alleged that government registration mechanisms were purposefully stringent in order to deter an active civil society.

#### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In-country Movement: The law prohibits travel on election days and on census days and restricts foreign and domestic travel for up to three months as a penalty for persons who do not vote.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees through the National Commission on Refugees. The country has a legal structure and framework to accommodate those seeking refuge and has a registry of refugees and stateless persons.

Employment: Refugees have the right to work once authorities grant their residency status but not while waiting on pending applications.

Durable Solutions: By law refugees have a path to naturalization, and the government assumes 90 percent of the fees associated with this process. As of June the government had granted citizenship to 10 refugees.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: On December 3, the government held judicial elections for the Supreme Justice Tribunal (TSJ), the Plurinational Constitutional Tribunal (TCP), the Magistrate Council, and the Agroenvironment Tribunal. These elections were the second held under the 2009 constitution, and for the second time, more than 60 percent of voters cast “nulo” (spoiled) or “blanco” (blank) ballots, suggesting a rejection of the judicial election process and President Morales’ attempt to seek another term in 2019. Although all reports suggest election day proceeded without incident, the period preceding the elections was not without controversy. For example, the government originally scheduled the elections for October 22 but was forced to reschedule amid pressure from political opposition and civil society organizations when the selection process for potential judges failed to reach the constitutionally mandated parity levels for female and indigenous representation among candidates. Additionally, critics and legal experts speculated that despite

government assurances of a transparent and apolitical election process, the December judicial elections would ultimately support the political goals of the ruling MAS party. These claims intensified on August 31 after the MAS-controlled Legislative Assembly finalized its list of 96 judicial nominees. Seventy-six percent of the nominees on the list had previously worked for the ruling MAS party, according to opposition sources.

At the request of the government, a nine-member team of Organization of American States (OAS) observers monitored the judicial elections. The OAS released a public statement saying that election day proceeded without incident, highlighting that “the popular will was expressed freely and peacefully.”

February 21 marked the one-year anniversary of the failed constitutional referendum to allow President Morales and Vice President Garcia Linera to run for a fourth consecutive term of office. The government and its allies officially declared the anniversary the “Day of the Lie” and organized countrywide protests to decry the referendum results as illegitimate, and to support President Morales’ then-unconstitutional re-election plans in line with the unanimous vote of a 2016 party congress endorsing his nomination.

On September 18, MAS submitted a petition to the Constitutional Tribunal that argued term limits in the 2009 Constitution violated Morales’ fundamental right as a citizen to participate in electoral politics. On November 28, the Tribunal, citing the “preferential application” of the Inter-American Convention on Human Rights over the country’s 2009 Constitution as well as language in its Electoral Law establishing term limits as unconstitutional, eliminated mandatory term limits for all elected positions, including the presidency and vice presidency. The decision, which paves the way for President Morales to run as the MAS candidate for president in the upcoming 2019 election and beyond, was condemned by opposition leaders, the Bolivian Roman Catholic Church and numerous other social organizations as politically influenced and a threat to democracy.

Participation of Women and Minorities: There are no laws limiting participation of women and/or members of minorities in the political process, and they did participate. Further, the law mandates gender parity in the candidate selection process at all levels of government.

While women had a fair amount of representation on the national level, they remained significantly underrepresented in municipal executive positions. Women participating in politics sometimes faced violence and harassment. In June

Chamber of Deputies President Gabriela Montano asserted that female political leadership was on the rise “at all levels” and throughout the country, and that in the private sector, there were more women in decision-making positions than ever before. She added that the Law against Harassment and Political Violence had not been fully implemented because of administrative delays but stated that political harassment against female leaders was no longer common.

Women’s rights activists and other credible sources stated that women in positions of leadership continued to face discrimination from their male counterparts. On May 5, a councilwoman from the city of Cochabamba was reportedly physically beaten and threatened with sexual assault by council president Ignacio Mendoza Poma and municipal official Eugenia Romero. Mendoza was suspended from his position pending investigation. According to a report from the Association of Female Mayors and Councilwomen of Bolivia (Acobol), 20 councilors reported suffering from political harassment and acts of violence by their colleagues between January and May. Acobol and other reputable sources further reported that aggression against female leaders often was in the form of intentional exclusion from meetings and events as well as forced resignations so male surrogates could make decisions.

The United Nations warned in April of “stagnation” of women “with decision-making power” in public office. According to UN reports, the number of female ministers decreased from 27.3 percent in 2016 to 20 percent in 2017.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. In 2016 during the “compulsory registration of state processes,” state prosecutor Hector Arce stated that corruption was one of the three elements conspiring “against a rational, coherent public administration.” According to a Public Ministry report, 87 prosecutors were dismissed from duty between December 2015 and January 2017 on charges of corruption and delay of justice.

Corruption: Neighborhood activists of the altiplano town of Achacachi staged protests and blockades of a major tourist and commercial route between August 22 and September 17 over corruption allegations against its mayor, Edgar Ramos (MAS), and his alleged refusal to report publicly on the town’s 2016 expenditures, as required by law. The Federation of Neighborhood Organizations of Achacachi

(FEJUVE-Achacachi), reportedly angered by Ramos' lack of transparency, took to the streets, throwing stones and dynamite against the mayor's office and home. FEJUVE demanded Ramos's resignation and an investigation into his alleged corruption. Ramos refused to resign. Government officials largely repeated that the only acceptable mechanism to remove him from office was a recall referendum, which would not be possible until early 2018.

Police corruption remained a significant problem, partially due to low salaries and lack of training. The Ministry of Anticorruption and Transparency and the Prosecutor's Office are responsible for combating corruption, but most corrupt officials operated with impunity.

Cases involving allegations of corruption against the president and vice president require congressional approval before prosecutors may initiate legal proceedings, and congress rarely allowed cases against progovernment public officials to proceed. The government ignored court rulings that found unconstitutional the awarding of immunity for corruption charges.

Financial Disclosure: The law requires public officials to report potential personal and financial conflicts of interest and to declare their income and assets. The law mandates that elected and appointed officials disclose their financial information to the auditor general, but their declarations are not available to the public. According to the law, noncompliance results in internal sanctions, including dismissal. The auditor general must refer cases involving criminal activity to the Attorney General's Office. There were no reports during the year on the financial disclosures of officials or investigations of those disclosures.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. NGOs and human rights groups working on problems deemed sensitive by the government were subject to verbal attacks and criticism by the president, vice president, and government ministers.

The United Nations or Other International Bodies: On May 4, Foreign Minister Fernando Huanacuni confirmed the government would not renew its Memorandum of Understanding with the UN Office of the High Commissioner for Human Rights (OHCHR), in effect since 2007. As a result, the office was to cease operations on

December 31. Human rights advocates, including three former human rights ombudsmen, publicly lamented the action, commenting that OHCHR's departure would remove an important oversight mechanism protecting democratic values.

Members of the European Parliament's Human Rights Subcommittee visited the country on April 18-20 to meet with more than 20 national and international NGOs as well as government officials to solicit information about the operating environment for civil society. According to the head of delegation, Christian dan Preda, the NGO representatives denounced the government's treatment of civil society groups. Dan Preda stated that "NGOs are very concerned about how the government is behaving" and added that NGOs had practiced self-censorship as a result.

Government Human Rights Bodies: The constitution establishes a Human Rights Ombudsman subject to confirmation by both houses of the Legislative Assembly to serve a six-year term. The ombudsman is charged with overseeing the defense and promotion of human rights, specifically defending citizens against government abuses. The constitution also affords the ombudsman the right to propose new legislation and recommend modifications to existing laws and government policies. Departmental human rights ombudsmen in each of the country's nine departments report directly to the national ombudsman. The national ombudsman operated with adequate resources. Both houses of congress have human rights committees that propose laws and policies to promote and protect human rights. Congressional deputies and senators sit on the committees for one-year terms.

Civil society groups and several political figures contended the human rights ombudsman lacked independence from the central government, in part because the MAS supermajority in congress allowed for his confirmation without meaningful debate. The Permanent Assembly of Human Rights (APDH), an NGO, stated that the ombudsman's office was "captured" by the government with the appointment of MAS insider David Alonso Tezanos in 2016. According to APDH, Tezanos and his office presented a "systematic persecution of and interference to the work of human rights defenders." In June, after Tezanos introduced his "Popular Action" motion (see section 2. b.), striking doctors and union leaders called for his resignation for allegedly "abandoning the principles of the human rights defender."

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law establishes penalties of imprisonment for 15 to 20 years for the rape of an adult (man or woman). Domestic abuse resulting in injury is punishable by three to six years' imprisonment, and the penalty for serious physical or psychological harm is a five- to 12-year prison sentence. Despite these legal provisions, conviction rates were low.

In 2013 the government passed the Law Guaranteeing Women a Life Free from Violence, but a lack of resources and training on the law and slow judicial processes continued to prohibit the law's full implementation, according to the United Nations Entity on Gender Equality and the Empowerment of Women (UN Women) and human rights groups. Domestic violence was endemic.

The law criminalizes femicide, the killing of a woman based on her identity as a woman, with 30 years in prison. Activists said that corruption, lack of adequate crime scene investigation, and a dysfunctional judiciary hampered convictions for femicide. According to the state attorney general, there were 73 cases of femicide between January 1 and September 30.

Women's rights organizations reported that police units assigned to the FELCV did not have sufficient resources and that frontline officers lacked proper training about their investigatory responsibilities under the law. Women's organizations also reported the law's stringent penalties discouraged some women from reporting domestic abuse by their spouses, in part because of economic dependence.

The law calls for the construction of women's shelters in each of the country's nine departments. The municipalities of La Paz and Santa Cruz both had temporary shelters for victims of violence and their children.

Sexual Harassment: The law considers sexual harassment a civil offense. There were no comprehensive reports on the extent of sexual harassment, but observers generally acknowledged it was widespread.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law provides for the same legal status and rights for women as for men, but women generally did not enjoy a social status equal to that of men. While the minimum wage law treats men and women equally, women generally earned less than men for equal work.

The rate of female participation in government was high, but there were reports that female policymakers faced discrimination, violence, and harassment.

## **Children**

Birth Registration: Citizenship is derived both through birth within the country's territory (unless the parents have diplomatic status) and from parents. The 2015 civil registry--the most recent available--indicated that 56 percent of citizens were registered within one year of their birth and 97 percent by age 12.

Child Abuse: Rape of a child younger than 14 carries a penalty of 20 to 25 years' imprisonment. The penalty for consensual sex with an adolescent 14 to 18 years old is two to six years' imprisonment. The Attorney General's Office reported at least 34 cases of infanticide between January and November 2016. The penal code defines infanticide as the killing of a child younger than 13 years old. (For additional information, see UNICEF's *Multiple Indicator Cluster Survey* at [data.unicef.org](http://data.unicef.org).)

Early and Forced Marriage: The minimum age for marriage is 14 for girls and 16 for boys. Minors' parents or guardians must approve marriages between adolescents under 18.

Sexual Exploitation of Children: Commercial sexual exploitation of children is punishable with 15- to 20-year prison sentences but remained a serious problem. The law also prohibits child pornography, punishable with 10- to 15-year sentences.

Displaced Children: UNICEF reported in 2015 that 20,000 to 32,000 minors lived in shelters after their parents abandoned them.

Institutionalized Children: Child advocacy organizations reported that many government-run shelters housed both child-abuse victims and juvenile delinquents. There were reports of abuse and negligence in some shelters. The La Paz Department Social Work Service confirmed that, of the region's 380 shelters,

including centers for abuse victims, orphans, and students, only 30 had government accreditation for meeting minimal standards.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The Jewish population numbered fewer than 500. Jewish leaders reported the public often conflated Jews with Israelis.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law requires access for wheelchair users to all public and private buildings, duty-free import of orthopedic devices, and a 50 percent reduction in public transportation fares for persons with disabilities. The constitution and law also require communication outlets and government agencies to offer services and publications in sign language and braille. The government did not effectively enforce these provisions.

A national law to protect the rights of persons with disabilities exists, but it lacked full implementation and budgetary support.

Architectural and infrastructure barriers prohibited ease of movement in La Paz and other urban areas for individuals with physical disabilities.

On August 11, the Legislative Assembly approved a law that provides 250 bolivianos (\$37) per month to those who have "serious and severe" disabilities. The law requires both public and private institutions to employ a certain percentage of workers with disabilities. Municipalities that cannot find work for these individuals must pay them the bonus as an alternate form of compensation.

## **National/Racial/Ethnic Minorities**

The 2012 census established the existence of 23,300 Afro-Bolivians. Afro-Bolivians in rural areas experienced the same type of problems and discrimination as indigenous persons who lived in these areas. Afro-Bolivian community leaders reported that employment discrimination was common and that public officials, particularly the police, discriminated in the provision of services. Afro-Bolivians also reported the widespread use of discriminatory language. The government made little effort to address such discrimination.

## **Indigenous People**

In the 2012 census, approximately 41 percent of the population over the age of 15 identified themselves as indigenous, primarily from the Quechua and Aymara communities. The government facilitated major advances in the inclusion of indigenous peoples in governmental posts and in society writ large. In 2016 the government carried out programs to increase access to potable water and sanitation in rural areas where indigenous persons predominated.

Indigenous communities were well represented in government and politics, but they continued to bear a disproportionate share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas.

Indigenous lands were not fully demarcated, and land reform remained a central political problem. Historically, some indigenous persons shared lands collectively under the “ayllu” system, which did not receive legal recognition during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of indigenous lands were not completed.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution and the law prohibit discrimination based on sexual orientation and gender identity. The human rights ombudsman reported in May that the government registered 64 killings of LGBTI individuals in the last 10 years. The government investigated 14 cases, but the courts had not sentenced anyone for these crimes.“

A 2016 gender identity law allows members of the transgender community to change their name, sexual identification, and picture on all legal identity cards and birth certificates. Following the promulgation of the law, more than 140 persons officially changed the identity documents to reflect their gender.” On June 27, the Supreme Electoral Tribunal expanded the law by granting transsexual and transgender persons the right to marry legally. On November 9, however, the Constitutional Tribunal ruled a portion of the 2016 law unconstitutional, specifically the article that allows transgender individuals to “exercise all fundamental, political, labor, civil, economic and social rights.” On November 24, the court stated that the Legislative Assembly must specifically address the issue of marriage and adoption for transgender individuals.

According to the LGBTI activist community, “biological women” often failed to include transsexual women in advocacy efforts when fighting for greater rights for women in society.

According to activist sources in the LGBTI community, violence against transgender persons decreased due in part to better community awareness of LGBTI issues. For example, the Santa Cruz police commander regularly received updates from LGBTI activists about the violence and social problems the community faced. Moreover, the commander allowed transgender individuals that were incarcerated to be held in areas in accordance to their chosen sex. Police continued to be a threat to transgender individuals engaged in sex work.

LGBTI persons faced discrimination in the work place, at school, and when seeking to access government services, especially in the area of health care. Transgender individuals remained particularly vulnerable to abuse and violence. The Bolivian Coalition of LGBT Collectives reported in 2016 that 72 percent of transgender individuals abandoned their secondary school studies due to intense discrimination. Transgender activists said a majority of the transgender community was forced to seek employment in the commercial sex sector because of discrimination in the job market and unwillingness on the behalf of employers to accept their credentials.

Elderly LGBTI persons faced high rates of discrimination when attempting to access health-care services, and there were no legal mechanisms in place to transfer power of attorney to a same-sex partner.

### **HIV and AIDS Social Stigma**

Although the law prohibits discrimination against persons with HIV/AIDS, pervasive discrimination persisted. Ministry of Health authorities reported that discrimination against persons with HIV/AIDS was most severe in indigenous communities, where the government was also least successful in diagnosing cases.

Activists reported discrimination forced HIV-positive persons to seek medical attention outside the country.

### **Other Societal Violence or Discrimination**

Mob violence in lieu of justice was a consequence of limited police resources and an inefficient judicial system. Supporters of mob violence in lieu of justice claimed limited policing and lack of faith in the justice system properly to punish criminals justified their actions. Although official statistics did not exist, media reports suggested mob violence in lieu of justice led to 30-40 deaths each year. The government took no formal action to combat acts of mob violence couched as vigilante justice.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, provides for the freedom of association, the right to organize and bargain collectively, and the right to strike. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. The constitution provides for protection of general and solidarity strikes and for the right of any working individual to join a union.

Workers may form a union in any private company of 20 or more employees, but the law requires that at least 50 percent of the workforce be in favor. The law requires that trade unions register as legal entities and obtain prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the government to dissolve unions by administrative fiat. The law also requires that members of union executive boards be Bolivian by birth. The labor code prohibits most public employees from forming unions, but some public-sector workers (including teachers, transportation workers, and health-care workers) were legally unionized and actively participated as members of the Bolivian Workers' Center without penalty. The government

enforced applicable laws, but the enforcement process was often slow due to bureaucratic inefficiency and lack of funds.

The National Labor Court handles complaints of antiunion discrimination, but rulings took a year or more to be issued. The court ruled in favor of discharged workers in some cases and required their reinstatement. Union leaders stated that problems often were resolved or no longer relevant by the time the court ruled. Government remedies and penalties--including fines and threats of prosecutorial action for businesses that violate labor laws--were often ineffective and insufficient to deter violations for this reason.

The lack of financial and human resources for labor courts and the lengthy time to resolve cases and complaints limited freedom of association. Moreover, the 20-worker threshold for forming a union proved an onerous restriction, since an estimated 72 percent of enterprises had fewer than 20 employees.

Labor inspectors may attend union meetings and monitor union activities. Collective bargaining and voluntary direct negotiations between employers and workers without government participation was common. Most collective bargaining agreements were restricted to addressing wages.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, yet they remained serious problems. Labor exploitation, forced labor, and other forms of servitude are punishable with 10 to 15 years' imprisonment for exploitation of adults, and 15 to 20 years' imprisonment for exploitation of children.

There was a lack of enforcement of the law banning forced labor. Ministry of Labor officials noted that inadequate resources prevented more-thorough enforcement and restricted the ability of authorities to provide services to victims of forced labor. The ministry held various workshops to educate vulnerable workers of their rights, levied penalties against offending employers, and referred cases of suspected forced labor and human smuggling to the Ministry of Justice for prosecution. Penalties against employers found violating forced labor laws were insufficient to deter violations, in part because they were generally not enforced.

Men, women, and children were victims of forced labor in domestic service, mining, ranching, and agriculture as well as sex trafficking.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The 2014 Child and Adolescent Code permits children as young as age 10 to work legally in certain situations, in violation of the International Labor Organization's Convention No.138 on the minimum age for work. While the law states that the minimum age for work is 14, it also authorizes the Municipal Offices of the Child and Adolescent Advocate to permit children as young as age 10 to work if they choose to do so voluntarily and work independently or with the family. Children must also obtain permission from their parents. Children as young as 12 may work for third-party employers provided they obtain the same permissions. Ministry of Labor inspectors are responsible for identifying situations of forced child labor. When inspectors suspect such situations, they refer the cases to the Municipal Offices of the Child and Adolescent Advocate for further investigation in coordination with the Prosecutor's Office. The law states that work should not interfere with a child's right to education and should not be dangerous or unhealthy. Dangerous and unhealthy work includes work in sugar cane and Brazil nut harvesting, mining, brick making, hospital cleaning, selling alcoholic beverages, and working after 10 p.m., among other conditions. The Municipal Offices of the Child and Adolescent Advocate must answer a request for an underage work permit within 72 hours. The Ministry of Labor is responsible for authorizing work activity for adolescents over age 14 who work for a third-party employer. Municipal governments, through their respective Offices of the Child and Adolescent Advocates, are responsible for enforcing child labor laws, including laws pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. The Ministry of Labor is responsible for identifying such cases through inspections and referring them to the Offices of the Child and Adolescent Advocates.

The Ministry of Labor received funds to conduct a national survey on child labor in 2016. Although the ministry indicated the study was conducted, results were not published.

Preliminary government estimates indicated that 740,000 children were employed, with 60 percent engaged in "familial work," either in family businesses or alongside their parents, in often hazardous conditions.

Labor Ministry officials stated that inspectors conducted investigations throughout the year. The Directorate General of Labor, Occupational Safety, and Health and Fundamental Rights Unit of the ministry conducted 213 child labor inspections in 2016. Ministry officials did not have statistics on the number of children they had removed from hazardous situations.

Although authorities did not effectively enforce the laws due to a lack of resources, ministry officials stated in 2016 they had made progress on preventing child labor abuses via the new labor law. According to ministry officials, the 2014 Child and Adolescent Code allows officials to have a more accurate count of the number of working underage children. Before the law's implementation, these children would hide from inspectors and observers, distorting the figures. Now that the law protects their employment, they were able to present themselves to inspectors, according to government officials.

The Ministry of Labor dedicated 12 inspectors to investigate child labor and report instances of forced labor and trafficking in persons. The ministry attempted to conduct a masters-level training program for general labor inspectors, which would provide them with the resources and knowledge necessary to detect violations. Seventy-five inspectors enrolled in training courses, but bureaucratic obstacles prohibited all but two individuals from completing the final certification.

In 2016 the ministry collaborated with the Inter-American Development Bank to implement a program that identifies and employs unemployed parents who have children in the work force. A ministry official stated that while there were varying reasons why children as young as 10 chose to work, one main reason was because their parents could not find steady employment. This program intended to secure jobs for underemployed parents on the condition that their children stop working. The ministry also provided the parents' salaries for the first three months in order not to burden the businesses that provided employment. According to ministry officials, the project failed because the parents often lacked the qualifications for many of the jobs the government tried to secure for them.

Despite government efforts, child labor remained a serious problem. Government officials admitted that instances of child labor violations occurred throughout the country, especially in the mining sector. Officials acknowledged that adolescents ages 15-17 were working in the mining sector unregulated, because it was hard for inspectors to detect these individuals in the mines since they conducted inspections only in the formal sector.

Authorities did not provide information on the penalties for violation of child labor laws or the effectiveness of such penalties, nor did courts prosecute individuals for violations of child labor law during the year, although ministry inspectors referred cases for prosecution.

Among the worst forms of child labor, children worked in the sugarcane harvest, the Brazil nut harvest, brick production, hospital cleaning, domestic labor, transportation, agriculture, and vending at night. Children were also subjected to commercial sexual exploitation. A 2013 study estimated 3,000 to 4,000 children and adolescents worked in the Brazil nut harvest in Beni Department; indigenous groups confirmed a majority of these children were indigenous. Researchers also found that some children worked in Brazil nut processing factories, including at night.

There were reports that children were victims of forced labor in mining, agriculture, and as domestic servants. The media reported that minors under age 14 worked in brick manufacturing in El Alto and Oruro, and their parents sometimes contracted them to customers who needed help transporting the bricks.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination with respect to employment and occupation on the basis of race, sex, gender, disability, religion, political opinion, national origin or citizenship, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. Despite these legal protections, discrimination with respect to employment and occupation occurred. Civil society leaders reported credible instances of employment discrimination against indigenous peoples, women, Afro-Bolivians, and members of the LGBTI community. Employers charged with discriminatory practices must offer affected employees restitution.

According to the INE, 96 of 100 persons living in urban areas and 99 of 100 persons living in rural areas were engaged in economic activities, and 57.9 percent of mothers in the country were employed. According to the UN Office on Women, men earned between 1.5 and four times more than women for the same work. Sixty percent of women worked in the informal sector and thus were not protected by formal-sector labor laws, which afford maternity benefits, breast-feeding hours,

permission to work fewer hours, and more holidays than their male counterparts. Critics contended these laws encouraged companies to hire more men than women.

The former human rights ombudsman for the Santa Cruz Department reported many women were fired due to their pregnancies, in violation of labor law.

#### **e. Acceptable Conditions of Work**

The monthly minimum wage was 2,000 bolivianos (\$292), an increase of 10.8 percent from 2016. An estimated 45 percent of the population lived below the poverty line. The government's official estimate of the median poverty income level was 733 bolivianos (\$107) per month as of 2013. Labor laws establish a maximum workweek of 48 hours and limit the workday to eight hours for men. The laws also set a 40-hour workweek for women, prohibit women from working at night, mandate rest periods, and require premium pay for work beyond a standard workweek. The law stipulates a minimum of 15 days of annual leave. The Ministry of Labor sets occupational health and safety standards and monitors compliance. The law mandates that the standards apply uniformly to all industries and sectors. The government did not effectively enforce these laws.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for the protection of workers' health and safety, but the relevant standards were poorly enforced. The 97 inspectors, a figure unchanged from 2016, were inadequate in number to provide effective workplace inspection. The law provides for penalties for noncompliance, but enforcement was not effective, and the fines of 1,000 to 10,000 bolivianos (\$146 to \$1,460) were insufficient to deter violations. A national tripartite committee of business, labor, and government representatives is responsible for monitoring and improving occupational safety and health standards and enforcement. The Ministry of Labor maintained offices for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions, but it was unclear whether the offices were effective in regulating working conditions.

The law prohibits firing employees for removing themselves from work conditions they deem hazardous and provides for the Ministry of Labor to mandate they be rehired following an inspection.

While the government did not keep official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. Labor experts estimated five individuals who worked in construction in La

Paz died each year; most were employed by small businesses. There were no significant government efforts to improve occupational safety and health conditions. Working conditions in cooperative-operated mines remained poor. Miners worked with no scheduled rest for long periods in dangerous, unhealthy conditions.

During the year UN Women reported that six of every 10 women were engaged in informal economic activity and on average earned 19 percent less than their male counterparts. Those working part-time and hourly jobs did not have these protections. Many companies and businesses hired on an hourly or part-time basis.

According to labor-law experts, the informal sector comprised approximately 65-75 percent of the economy. They claimed that labor regulations meant to protect employees actually promoted the large informal sector because said regulations reportedly result in employers not hiring full time employees due to the higher costs they entail. Those working part-time and hourly jobs did not have these protections. Many companies and businesses hired on an hourly or part-time basis.

According to news sources and despite a law dictating terms between employers and employees, many employers of hired domestic help often did not enter into formal or legal contracts with their employees due to fears of “domestic abuse.” Such abuse included the fear that domestic employees could use these documents against employers to demand unjustifiably high payments or pursue legal action against employers.

The Bolivian Center for Documentation and Information and the NGO CoperAccion organized a conference in July to discuss the growing role of Chinese companies, which had expanded their presence in the mining, hydrocarbon, and infrastructure sectors over the last 10 years. According to the director of CoperAccion, Julia Cuadros, a lack of respect for labor laws accompanied this expansion. Cuadros stated that the government had “opened doors wide open for the presence of Chinese companies without demanding the fulfillment of regulations related to human rights or environmental protection.” The conference leaders also noted that Chinese companies imported their own workers and typically followed Chinese labor laws, which are less stringent than Bolivian labor laws; the government reportedly permitted flexibility in compliance with the national law.

Opposition politician Janine Anez made similar denunciations in July, stating that the Chinese companies constructing the Rurrenabaque-Riberalta highway were

“mistreating their workers and violating labor standards.” MAS official Edgar Montano denied the companies violated official domestic labor standards.