

# **BOLIVIA 2015 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bolivia is a constitutional, multiparty republic with an elected president and a bicameral legislature. On October 12, 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. Civilian authorities maintained effective control over the security forces.

The most serious human rights problems included widespread corruption and inefficiency in the country's law enforcement and judicial system, leading to arbitrary arrest or detention, denial of a fair and timely public trial, and harsh prison conditions. Government officials actively promoted restrictions on freedom of press and association and used legal mechanisms to limit political opposition.

Additional human rights problems included abuse by police and military officials, lack of government transparency, violence against women, trafficking in persons, vigilante justice, poor labor conditions, and child labor. Societal discrimination continued against women; members of racial and ethnic minority groups; individuals with disabilities; indigenous persons; lesbian, gay, bisexual, and transgender, and intersex (LGBTI) persons; and those with HIV/AIDS.

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

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

While there were no reports that the government or its agents committed arbitrary or unlawful killings, several cases of arbitrary or unlawful deprivation of life remained unresolved. The trial of the former mayor of POCOATA (department of Potosi), Teodoro Rueda Vasquez, accused of raping and killing Lucia Chucamani in 2013, proceeded to the oral arguments phase in June but had not resulted in a sentence as of October. Rueda was released from pretrial detention in January and remained free as of December. There were no advancements in the 2013 case of army Colonel Jose Antonio Campero, accused of ordering two army cadets, Luis

Steer and Alan Alvarez, to wade into a river to save his vehicle from a flood. Both cadets drowned. Campero continued to serve as a military judge.

In April, Marcelo Soza, the chief prosecutor of the alleged terrorism case against 39 former civic and political leaders of Santa Cruz, stated in a newspaper interview that firearms located at the scene of a deadly 2009 police operation at Hotel Las Americas in Santa Cruz were linked to the military and carried the seal of the Armed Forces Corporation for National Development, thereby implying they had been planted by government actors. In a letter explaining his decision to seek asylum in Brazil in 2014, Soza claimed the Hotel Las Americas operation (the incident at the center of the terrorism trial) was premeditated by government officials and that the deceased, Eduardo Rozsa, Michael Dwyer, and Arpad Magyarosi, were killed extrajudicially. The government questioned Soza's credibility and claimed he was implicated in the extortion of trial defendants.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and laws prohibit such practices, but there were credible reports government officials employed them. Although no laws specifically prohibit torture, it is more generally covered under penal code provisions on respecting the right to physical integrity.

On June 29, Human Rights Ombudsman Rolando Villena reported that his office received and processed 2,557 cases of "violations of the right to physical integrity" in 2014, a 100 percent increase from 2013. Of those cases, 1,142 involved women and 601 involved children. Villena stated military and police forces committed the most abuses. A conglomerate of credible nongovernmental organizations (NGOs) announced on June 26 that torture and abuse, including electric shock, asphyxiation, and beatings at the hands of police and judicial authorities, served as a "cost-effective method of forcing a confession" and a method used to "teach criminals a lesson."

On May 28, Jorge Valda, the lawyer of Peruvian businessman Mario Belaunde, alleged that police tortured him in an attempt to force him to reveal the whereabouts of his then fugitive client. In June Valda entered into a plea bargain

regarding the aiding and abetting of his client's escape but maintained that he reserved the right to pursue the government for torture. As of December Valda had not pressed charges.

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

Prison conditions were harsh and life threatening due to gross overcrowding, lack of internal control, and poor sanitary conditions.

Physical Conditions: Prisons and detention centers were overcrowded and underfunded. Pretrial detainees were held with convicted prisoners in all major facilities. On June 12, Director of the Penitentiary System Jorge Lopez Arenas reported that the total number of inmates nearly doubled from 7,200 in 2011 to 13,793, or 269 percent of the system's designed capacity of 5,126 inmates. In remarks to the press, Lopez estimated use was approximately 150 percent of capacity. The NGO Pastoral Penitentiary estimated that overcrowding was nearer 350 percent. Some rural facilities reportedly held as many as 90 inmates in cells designed for 10. In Riberalta jail in Pando Department, prisoners hung appliances, pots, and pans in the prison's kitchen area on the walls at night to make sleeping space for inmates. In Montero Prison in Santa Cruz, prisoners placed beds on cinder blocks and rented the space under the beds to the poorest of inmates who lacked sleeping space.

On June 17, Director Lopez reported that from January to May, 1,122 prisoners in La Paz, Santa Cruz, and Cochabamba were subject to abbreviated trials under pre-existing pardon decrees. He did not indicate how many inmates were released because of the trials. On July 7, the Legislative Assembly passed a law providing for additional pardons to reduce overcrowding further. The law is to be valid for one year and provides special release for pregnant women in their third trimester and inmates with significant disabilities. Crimes such as murder, femicide, aggravated robbery, and kidnapping were excluded. Judges and prosecutors initiated trial proceedings within prisons to speed the process. NGOs expressed concern that the expedited processes encouraged innocent detainees to profess false guilt in order to enter into an abbreviated trial and secure release.

Due to a lack of internal policing, violence and riots among prisoners remained a problem. In January a man convicted in 2007 of murdering his first wife allegedly strangled to death his second wife of five years inside La Paz's San Pedro Prison. Eight inmates were injured during a fire in August at Santa Cruz's largest prison, Palmasola, demonstrating a continued trend of dangerous internal prison

conditions. In 2013, 36 persons died in the same prison due to a fire started during a riot.

There were two women's prisons located in La Paz, one in Trinidad, and one in San Sebastian, Cochabamba. In Morros Blancos Prison in Tarija, Montero Prison in Santa Cruz, Riberalta Prison in Beni, and Oruro Prison in Oruro, men and women shared sleeping facilities. In other facilities, men and women maintained separate sleeping quarters, but the populations comingled daily. Female inmates were sexually harassed on a regular basis, and some were reportedly forced to pay antirape extortion fees.

In 2014 Vice President Alvaro Garcia Linera signed into law a new child and adolescent code that lowered the juvenile detention age from 16 to 14 and required juvenile offenders be housed in facilities separate from the general prison population in order to facilitate rehabilitation. Any adolescent under 14 years of age is exempt from criminal liability but may be subject to civil liability. At year's end, however, no new juvenile facilities were built, and no budget had been devoted to implement the new legal requirements. As a result, hundreds of juveniles between the ages of 14 and 18 were intermingled with adult prisoners in jails due to a lack of sufficient juvenile-specific facilities. Adult inmates and police reportedly abused juvenile prisoners. Rehabilitation programs for juveniles or other prisoners remained scarce.

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, and conditions were regularly unsafe. The problem persisted despite a 2013 governmental plan to remove children from prisons. Pastoral Penitentiary reported in May that 912 children between the ages of seven and 12 lived with a parent in penitentiaries; Penitentiary System statistics from 2014 indicated another 1,200 children from infants to six-year olds lived with a parent in prison.

Due to persistent corruption, 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. In San Pedro Prison, officials demanded bribes of 686 to 6,860 bolivianos (\$100 to \$1,000) from inmates before assigning them to cells, leaving at least 180 inmates to sleep in hallways and open-air spaces. In Cochabamba's El Abra Prison, inmates allegedly extorted from other inmates up to 48,000 bolivianos (\$7,000) to protect them against being beaten, killed, and sexually assaulted. Inmates alleged there were an

insufficient number of police officers to escort inmates to their judicial hearings, and credible NGOs reported that prison directors often refused to help facilitate the transfer of inmates to hearings, further delaying cases. Inmates also claimed police demanded bribes in exchange for allowing them to attend hearings.

Services to sustain basic needs were inadequate. Prisoners had access to potable water, but the standard prison diet was insufficient. Prisoners who could afford it supplemented rations by buying food. Following protests among prisoners, the government raised the daily allocation for a prisoner's diet to the equivalent of eight bolivianos (\$1.17) and 3.40 bolivianos (\$0.50) for the diet of underage children living with their inmate parents. Although the law provides that prisoners have access to medical care, care was inadequate, and it was difficult for prisoners to obtain permission for outside medical treatment. Prisoners with chronic health conditions such as HIV and tuberculosis often went untreated. Prisoners lived, in some cases with their children, in overcrowded cells lacking ventilation. Hundreds of inmates protested and launched hunger strikes at various facilities throughout the year to demand better conditions.

Administration: Recordkeeping on prisoners was inadequate. Poor records and lack of adequate legal counsel led to cases in which prisoners remained incarcerated beyond the maximum sentence allowed for the crime for which they had been convicted. Alternatives to sentencing for nonviolent offenders were not used. Prisoners could submit complaints periodically to a commission of district judges for investigation, but due to fear of retaliation by prison authorities, inmates frequently did not submit complaints of abuses.

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, legislative representatives, and media representatives, and such visits took place during the year. On July 10, Pope Francis visited Santa Cruz's Palmasola Prison. Civil society observers alleged that prison authorities covered up abuses and poor conditions in advance of and during the visit. They also alleged pardon laws were used liberally to reduce the prison's population in advance of the papal visit and that innocent inmates may have pled guilty to secure release.

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

The law prohibits arbitrary arrest and detention, but in at least one case security forces seized and held a member of the political opposition under legally questionable circumstances.

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

The national police have primary responsibility for law enforcement and the maintenance of order within the country, but military forces 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 police report to the Ministry of Government, and the military forces report to the Ministry of Defense. 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 the code. 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.

### **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; these regulations were generally followed in practice. 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 shall 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. Approximately 70 percent of detainees could not afford legal counsel, and the public defenders assigned to their cases were overburdened and limited in their ability to provide adequate, timely legal assistance. While bail is permitted, most detainees are placed in pretrial detention and/or cannot afford to post bail.

Arbitrary Arrest: Fernando Vargas, former Green Party presidential candidate and former president of the Isiboro Secure National Park and Indigenous Territory (the TIPNIS), was detained by police in Trinidad, Beni, for two hours on August 5 without a court order. Vargas intended to protest the government's treatment of indigenous peoples as a participant in the civic parade hosted by President Evo Morales in honor of the country's 190th Independence Day. Police jailed Vargas for the duration of the parade and released him following its conclusion.

Pretrial Detention: On October 6, Penitentiary Director Lopez reported that the application of new and existing pardon decrees during the year had reduced the percentage of prisoners in pretrial detention from 84 to 72 percent during the year. 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 these guarantees, denial of justice due to prolonged pretrial detention remained a problem. In March the local Office of the UN High Commissioner for Human Rights reported approximately 78 percent of cases initiated during 2014 continued to the next year without conclusion. Credible NGOs reported that many inmates were in pretrial detention for longer than the period under which they would have been incarcerated if they were found guilty of the charges against them. These inmates remained imprisoned due to the inability to obtain legal support to complete the paperwork that would free them from prison.

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. The law does not proscribe penalties for such actions.

In 2013 Construir Foundation reported prosecutors and judges relied heavily on pretrial detention, thereby contributing to prison overcrowding and judicial backlog. The report found that prosecutors sought pretrial detention for suspects in 77 percent of cases and that judges ordered pretrial detention in 73 percent of cases in which it was requested (54 percent of all cases). In Santa Cruz, which had the country's largest prison population, judges ordered pretrial detention of suspects in 86 percent of all cases.

Felipe Moza, accused of sabotaging a gas pipeline in Villamontes, Tarija, in 2008, remained under house arrest without sentence. On September 30, his case was suspended for the 114th time in six years. Moza had been imprisoned or under house arrest for more years than the penalty that he would have incurred had he been convicted for the crime for which he was accused.

Former governor of Pando Leopoldo Fernandez, on trial for assault and homicide linked to the death of 11 protesters in Pando Department in 2008, remained under house arrest without sentence. In 2011 his detention period exceeded the three-year limit on detention without a conviction. On July 25, Jorge Borobobo Vaca; Norah Montero, widow of Bernardino Racua (a protester killed in Porvenir, Pando Department) and Carlin Haensel Inuma, representatives of the victims of the 2008 incident, decided to abandon the case and withdraw their testimonies against Fernandez. Nevertheless, Fernandez's trial continued as of December.

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

The law provides for an independent judiciary, but the judiciary was corrupt, overburdened, and subject to undue influence by the executive and legislative branches. Authorities generally respected court orders but on several occasions levied charges against judges to pressure them to change their verdicts. Judicial experts reported judges and prosecutors practiced self-censorship when emitting rulings to avoid becoming the target of government attacks.

On November 26, police detained La Paz anticorruption judge Marcelo Barrientos after a woman released a video of Barrientos asking her to pay 102,900 bolivianos (\$15,000) for a favorable ruling in the case of her son, who had been detained on charges of rape. Police also detained a second judge from the same tribunal, Jorge



Viscarra, and a tribunal secretary, Micaela Ali, who appeared as accomplices in the video.

The judicial budget constituted approximately 0.5 percent of the national budget, which NGOs asserted was insufficient and contributed to an overburdening of public prosecutors and led to serious judicial backlogs. A December 2014 Construir Foundation report found that the procedural load of the country's 69 courtrooms increased by 42 percent from 2011 to 2013. In Santa Cruz, the department with the highest caseload, the number of new cases rose from 48,729 to 69,709; the number of courtrooms for the department rose from 14 to 16. In the Specialized Division for Violent Crime of the La Paz Department Prosecutor's Office, 11 prosecutors handled an average of 7,500 cases a year.

Accusations of executive and legislative interference in judicial affairs continued. Constitutional Court judges Rosario Chanez, Ligia Velasquez, and Gualberto Cusi remained suspended or removed from their positions after the Senate accused and subsequently convicted them in 2014 of supporting resolutions in contradiction to the constitution and dereliction of duty. These charges were the result of their January 2014 decision to rule parts of the public notary law unconstitutional--a ruling that government officials in the executive and legislative branches did not accept. On October 23, Chanez, Velasquez, and Cusi brought their case before the Inter-American Commission on Human Rights, signaling that their trial before the Senate served as an example of the lack of judicial independence.

On August 19, Constitutional Court judge Ivan Lima resigned his seat in protest because the law that allows the legislature to try judicial authorities does not provide for a right to appeal.

### **Trial Procedures**

The constitution and law provide for the right to be informed of charges promptly and in detail and for a fair, public trial without undue delay. Defendants are entitled to presumption of innocence and trial by jury. They have the right to avoid self-incrimination, consult an attorney of their choice, receive adequate time and facilities to prepare a defense and confront adverse witnesses, present witnesses and evidence, access government-held 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 rights. In March the local Office of the UN High Commissioner for Human Rights reported that only 41 percent of municipalities had a prosecutor and 47 percent of municipalities a judge, and that there were only 69 public defenders to cover all urban areas and 15 prosecutors to cover rural areas.

### **Political Prisoners and Detainees**

While there were no reports of political prisoners or detainees, opposition members alleged that charges against some elected officials were politically motivated and that the pardon order did not extend to a number of inmates held under politically questionable charges.

### **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 ombudsman for human rights 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 Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but there was at least one case in which the government failed to respect these prohibitions. Government authorities installed cameras in the home of General Gary Prado Salmon, implicated in the alleged terrorism case against 39 former civic and political leaders of Santa Cruz, without Prado's permission. Prado, who was in poor health and could not leave his bed, was forced to accept the cameras based on a disputed court order that said they were necessary to ensure he could continue to testify in his case.

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. In April, Chapare coca growers who distanced themselves from the local MAS party were stripped of their land and expelled from the area.

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

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, but the government did not respect these rights. Some media outlets reported the government pressured them to report favorably about its policies, particularly through the use of arbitrary tax audits or the withholding of government advertising. Members of the press also alleged government officials verbally harassed individual journalists and intimidated media outlets perceived to be critical of the government. The government censored journalists, and journalists therefore practiced self-censorship.

Freedom of Speech and Expression: On April 27, Vice Minister of Decolonization Felix Cardenas threatened to charge Erbol radio journalist Amalia Pando with violating the “law against racism” for a comment an interviewee made from Spain on her live radio show. Pando argued she should not be prosecuted for the comments of an interviewee. On August 27, Pando resigned from Erbol, stating that in defending herself against the vice minister’s allegations, she had made the government uncomfortable. She argued the government then cut off Erbol from all state advertising, thereby putting the station on the verge of financial collapse. The only way for the medium to stay open, she claimed, would be for her to resign.

In October the Attorney General’s Office initiated an investigation against opposition congresswoman Norma Pierola for discrimination and racism under the Law Against Racism and All Forms of Discrimination for refusing to shake President Morales’ hand when she was sworn in as a member of congress in January. As of December authorities had not initiated a trial.

Press and Media Freedoms: Some media outlets alleged the government pressured news organizations to report favorably about government policies and retaliated against news organizations that did not comply. Journalists alleged the government’s retaliatory tactics included withdrawing all of its advertisements, thus denying a significant source of revenue, and launching stringent tax audits, which forced companies to spend time and resources to defend themselves. In March, Sucre daily newspaper *Correo del Sur* was arbitrarily fined 795,800 bolivianos (\$116,000) for decades-old social obligations that the newspaper had already paid. In September the National Journalism Association (ANP) issued a report condemning the National Tax Service for what it alleged were arbitrary audits directed at a majority of the country’s independent media outlets. On August 10, Vice-President Garcia Linera stated that the government did not assign

publicity to some media outlets because they “lie and participate in party politics,” adding, “That is why the government will not provide resources for them.”

The Bolivian Broadcasting Association continued to express concern about the 2011 telecommunications law that mandates the redistribution of broadcasting licenses and provides the government with a 33 percent share of the licenses. The association asserted the law would restrict freedom of expression and stated it could lose 450 broadcasters to the government when their licenses expire in 2017.

Violence and Harassment: There were reports of violence and harassment against members of the press corps, especially those who reported on events perceived as critical of or inconvenient for the government. The ANP reported that from January to August, employees of the media sector were subject to physical aggression on 12 occasions and verbal threats on 12 occasions. The ANP reported another six cases of censorship and three cases of judicial harassment.

Police arbitrarily detained at least three journalists during the year. On March 9, police arrested journalist Carlos Quisbert for reporting on the death of a baby in a state orphanage. Quisbert was released after 60 hours of detention. Authorities justified his arrest under Law 004 Marcelo Quiroga Santa Cruz, a regulation that can only be applied to public functionaries for cases of corruption or dereliction of duty. On July 24, police detained journalist Juan Carlos Paco Veramendi as he reported on a conflict between the government and the Civic Committee of Potosi. He was released after five days and several administrative obstacles. On September 4, journalist Esteban Farfan Romero was arrested in the city of Yacuiba, Tarija Department, after demanding the capture and trial of the authors of an attack against journalist Fernando Vidal in 2012. Farfan was released a day after his arrest.

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. Nevertheless, in April the general manager of the state-owned telecommunications company ENTEL stated, “A strong and organized society must be ruled...People can make use of the internet as they are doing but not in a wrong way, and that wrong way must be ruled.” In September, MAS congressman and vice president of the Lower House Victor Borda declared there was a need for a law to control content on Facebook in an effort to “combat crime.”

In August 2014 the Telecommunications and Transportation Authority reported 4.1 million internet users in the country and approximately 38 percent of the population connected to mobile and fixed internet connections. The three main reasons for low penetration were economic barriers, speed deficiencies, and poor access to broadband, which limited access beyond urban areas. The number of smartphone users, however, rose from 459,000 in 2013 to 1.2 million in 2014.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events, although political considerations allegedly influenced academic appointments, and government entities promoted a culture of self-censorship.

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

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

## **Freedom of 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.

Conflicts between opposing student groups at the University Mayor San Simon in Cochabamba resulted in dozens injured and dozens detained by police over the course of several weeks in late July. On July 31, in a violent conflict between student protesters and police, student Jhon Copaga was struck in the head with a tear gas canister fired by the police. He remained in a comatose state as of November, when he was transferred to Argentina for specialized medical care. Doctors reported that he suffered irreversible brain damage. On August 15, authorities detained police Corporal Jhonny Salazar Gonzales in connection with the incident. Salazar admitted to firing the canister and said he did so following the orders of his departmental police commander, Colonel Luis Aguilar, and subcommander, Colonel Marco Montesinos. Police alleged force was necessary to subdue the violent protests. No charges had been filed against Salazar, Aguilar, or Montesinos as of December.

Authorities continued to investigate the 2011 case in which police forces in Yucumo, Beni, used tear gas and other methods to disband a peaceful march by indigenous leaders protesting the construction of a highway through their land (the TIPNIS). On April 7, prosecutors issued a stay of proceedings against former vice minister of the interior Marco Farfan, former general commander of police Victor Maldonado, and several other police officials. Prosecutors excluded President Morales, Vice President Garcia Linera, and former minister of government and current ambassador to the UN Sacha Llorenti from the case in 2012, although a judge nullified the decision to exclude Llorenti in 2014. Former ministry of government lawyer Boris Villegas, who was detained on charges of extortion, told prosecutors in 2013 that Llorenti ordered police to intervene in the march. As of October authorities had neither detained suspects nor initiated a trial. Human Rights Ombudsman Villena stated that the additional exclusions further contributed to impunity.

### **Freedom of Association**

The constitution provides for freedom of association, but the government did not respect this right. The president, vice president, and government ministers repeatedly attacked the work of NGOs and social organizations not allied with the government. Some NGOs alleged that government registration mechanisms were purposefully stringent in order to deter an active civil society.

On August 10, Vice President Garcia Linera told journalists the government would expel NGOs who receive international financing and “get involved in politics.”

Garcia Linera specifically named four NGOs that he claimed were “spreading lies to defend foreign interests”: the Center for Bolivian Documentation and Information, the Center of Studies for Labor and Agrarian Development, Millennium Foundation, and Earth Foundation. All four had publicly expressed their disapproval of government plans to explore for hydrocarbons in protected areas. Minister of Autonomies Hugo Siles threatened to rescind their legal permission to operate in the country.

On August 20, President Morales reminded an audience of the expulsion of a foreign assistance entity and threatened: “Those who conspire [against the Bolivian government] will have problems.” That same week social organizations allied with MAS said they would review the work of NGOs in their respective departments and expel any NGO that did not work in line with the government’s national project. Garcia Linera further declared that the country, as an economic success story, no longer needed the help of NGOs. Former minister of government Hugo Moldiz also accused the National Endowment for Democracy of conspiracy. On September 6, the Ministry of Autonomies published a list of 38 NGOs, foundations, and nonprofit organizations that the government had declared “irregular” for allegedly being out-of-date in terms of their governmental registration requirements.

On October 9, MAS congressman and vice president of the Chamber of Deputies Victor Borda presented a draft law designed to strengthen the government’s control of NGOs that work in the country (see section 5).

### **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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The law prohibits travel 24 hours before elections and on census days and restricts foreign and domestic travel for up to three months as a penalty for persons who do not vote.

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.

Exile: UNHCR reported that as of January 2013 there were 618 Bolivian refugees living in self-exile abroad and 156 Bolivians in the process of seeking asylum.

On August 17, Brazilian authorities granted former National Convergence Party Senator Roger Pinto permanent asylum status in Brazil. Pinto fled to Brazil in 2013 after the government accused him of 21 criminal charges and convicted him on one. The former governor of Tarija, Mario Cossio, remained in Paraguay after being granted asylum in 2011. The government accused Cossio of corruption and mismanagement, and his trial in absentia entered its seventh year without sentence.

### **Protection of Refugees**

UNHCR reported that 33 individuals from Colombia, Lesotho, Nigeria, and Cameroon sought refugee status in the country as of October. The National Commission on Refugees reached a decision on 31 of the cases, and two additional cases remained pending. Three individuals were granted asylum and 28 individuals were denied. According to media reports, more than 800 refugees from more than 20 countries resided in the country. Most were Peruvian or Colombian and lived in La Paz, Cochabamba, and Santa Cruz. The government did not provide temporary protection or resettlement services to these persons.

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. In September, Vice President Garcia Linera declared the country would not accept Syrian refugees because, in his words, “The situation in Syria was created by the United States and European nations, and they should accept responsibility.”

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

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



The constitution and law provide citizens the ability to choose their government in free, fair, and periodic elections based on universal and equal suffrage, and citizens exercised this ability.

### **Elections and Political Participation**

Recent Elections: Monitoring groups from the Organization of American States (OAS) and the European Union considered the 2014 national presidential and legislative elections peaceful and free, although questions were raised about fairness. In a statement to the press in October 2014, the chief of the OAS Electoral Observer Mission, applauded high levels of voter participation, highlighted the peaceful nature of the process, and noted there were “sufficient guarantees for the voters”; however, he also expressed concern about the slow pace of the vote count and noted the low presence of officials of the Supreme Electoral Tribunal (TSE) at the polls on election day. He did not explicitly certify the election as free and fair. Members of the opposition raised concerns about the ability of the TSE to serve as a neutral arbiter of the election and complained the TSE ruled in favor of the ruling party and against opposition interests when applying sanctions for violations of electoral law.

In regional elections held in March, opposition parties again expressed concern about arbitrary decisions made by national and regional electoral authorities. In Beni Department, the TSE disqualified opposition Democratic Unity candidate for governor Ernesto Suarez and 228 of his party’s candidates in a decision that international observers and Human Rights Ombudsman Villena questioned. In Cochabamba, the TSE prohibited MAS dissident Rebecca Delgado from running based on an election regulation it did not apply equally to a different candidate of the ruling party. In Chuquisaca Department the regional electoral tribunal rejected the votes of a minor candidate, an action not permitted by electoral law, thereby permitting the MAS candidate to gain a slight lead over his competitor and avoid a runoff election. On October 20, the TSE suspended five Chuquisaca Departmental Electoral Tribunal representatives from their positions due to the decision, but the winning candidate remained in his position as governor.

Political Parties and Political Participation: There are no overtly undue restrictions on political parties, but opposition political leaders alleged government charges against elected officials and opposition political leaders were often politically motivated. Media and opposition politicians reported that most major opposition leaders--to include former president Jorge “Tuto” Quiroga, former presidential candidate Samuel Doria Medina, former vice presidential candidate Tomasa Yarhui,

Mayor of La Paz Luis Revilla, Mayor of El Alto Soledad Chapeton, ex-governor of Beni Ernesto Saurez, and Governor of Santa Cruz Ruben Costas--each had numerous active charges pending against them, although none were detained or sentenced during the year. Opposition politicians alleged that these charges were politically motivated and were designed to serve as a legal and financial distraction to weaken the political opposition. Opposition leaders further alleged that charges against them had not been applied equally and that the judiciary had opened cases for alleged corruption and dereliction of duty only against politicians who did not form part of (or who had broken with) the ruling MAS party.

Furthermore, opposition parties accused MAS of exercising undue media influence, using government resources for campaign purposes, and interfering with the right to publicize views during the year's regional election campaign. Active criticism of civil society and independent groups by government actors further contributed to a disadvantageous environment for political opposition.

These practices allowed the government to dominate media coverage and the ruling party to broadcast electoral propaganda beyond the strict limits set for opposition parties by the TSE. On June 16, the Ministry of Communication reported that it had spent 391 million bolivianos (\$57 million) of its 1.13 billion boliviano (\$165 million) annual budget as of the end of May. Opposition politicians and independent journalists complained that much of that budget was spent on pro-MAS propaganda for the March regional elections.

Participation of Women and Minorities: The law mandates gender parity in the candidate selection process at all levels of government. Women participating in politics sometimes faced violence and harassment. In some cases winning female candidates reported threats of violence in order to force their resignation so a male alternative candidate could assume the position. From January to September 2014, the Association of Female Mayors and Councilwomen of Bolivia (ACOBOL) registered 47 cases of political harassment against women. The public prosecutor accepted few cases of harassment, and none resulted in penal sanctions.

Following elections in October 2014, women made up 42 percent of the Senate and 50 percent of the Chamber of Deputies. Women held six of the 20 cabinet positions. Two of seven Constitutional Court magistrates were women, and three magistrates identified as indigenous. Women accounted for 33 percent of the Supreme Court and 43 percent of the National Land Dispute Court. Women remained significantly underrepresented in municipal executive positions; for

example, only 8.5 percent of mayors were women following the March regional elections.

A 2014 ACOBOL poll of 296 city councilwomen revealed 59 percent of those polled had suffered some type of violence or political harassment in their municipality, and 39 percent did not complete their term due to the severity of the threats and hostility they received. On May 25, Palca municipality councilwoman Julia Quispe told the press that allies of Palca Mayor Rene Vitaliano Aruquipa sent her death threats and harassed her until she resigned after she publicly criticized Aruquipa for acts of corruption committed over a five-year period.

#### **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. There were numerous reports of government corruption during the year.

Corruption: According to Transparency International's 2013 *Global Corruption Barometer*, 86 percent of citizens believed the police were corrupt or extremely corrupt, and 76 percent labeled the country's judiciary as corrupt or extremely corrupt. A 2014 study by InSight Crime "affirmed that elements of the police work with drug traffickers, while criminal defense attorneys claimed judges and prosecutors charge between 137,200 and 343,000 bolivianos (\$20,000 and \$50,000) to let alleged criminals off."

In February a comptroller audit of the government-run Indigenous Fund revealed that as overseer of the fund, former minister of rural development Nemesia Achacollo helped divert more than 68.3 million bolivianos (\$9.95 million) from the Indigenous Fund. Between 2010 and 2013, these diverted funds reportedly went to the private bank accounts of 148 individuals associated with eight different social organizations that made up the government's ruling coalition. Although the Indigenous Fund was intended to support projects in favor of rural development that would aid indigenous peoples, another 210 million bolivianos (\$30.6 million) reportedly went toward political campaigning purposes. The comptroller uncovered at least 153 instances of ghost projects used to justify the corruption and at least 713 projects that received funds but were never completed. The total cost associated with ghost and uncompleted projects was estimated at 102 million bolivianos (\$15 million). Achacollo resigned from her position on August 31. On September 30, President Morales defended Achacollo, saying that it was

impossible to believe that she could be involved in acts of corruption. According to media reports, Minister of the Presidency Juan Ramon Quintana knew of irregularities in the fund since at least February 2014, and several leaders of social organizations publicly stated that President Morales knew of the issue but urged silence to keep unity within the social movements. Four former and current leaders of social organizations have been preventatively jailed, and two senators have been put under house arrest, as of December. Attorney General Ramiro Guerrero had announced on December 8 that Achacollo would be called before the court, but as of December 29 she had not been called and no charges had been filed against her.

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. In January then transparency minister Nardi Suxo identified 20 prosecutors, 18 judges, and 12 police officials who worked on corruption and drug trafficking cases and had suspicious asset declarations.

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 pro-government public officials to proceed. The government ignored court rulings that found that the awarding of immunity for corruption charges is unconstitutional.

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.

In one case under investigation, a police colonel amassed close to 995,000 bolivianos (\$145,000) in assets in the span of 10 years on a salary of approximately 2,740 bolivianos (\$400) a month. The official reported the purchase of five properties on his declaration of assets, while omitting the purchase of two more.

Public Access to Information: The constitution provides for the right to access, interpret, analyze, and communicate information freely in an individual or collective manner. Nevertheless, no law implements this right.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, NGOs and human rights groups working on issues deemed sensitive by the government were subject to verbal attacks and criticism by the president, vice president, and government ministers throughout the year. On September 17, Vice Minister of Justice Diego Jimenez declared, “Universal rights were [an idea] imposed by imperialist countries.”

Government Human Rights Bodies: The constitution establishes a human rights ombudsman with a six-year term. Confirmation to the position of ombudsman requires a two-thirds majority vote of approval from both houses of the national assembly. 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. There are also human rights ombudsmen to oversee each of the country’s nine departments. They report directly to the national ombudsman. The Ombudsman’s Office operated with adequate resources from the government and foreign NGOs, although future funding remained in question. Ombudsman Villena had previously requested that the government increase its budgetary contribution to the institution, noting in 2013 that 40 percent of funding came from the government and the remaining 60 percent from international organizations.

Senior government officials sought to undermine Ombudsman Villena’s credibility. On October 15, Minister of the Presidency Juan Ramon Quintana called Ombudsman Villena a “demagogue,” a “neoliberal,” an “advisor of the right,” and a “charlatan” after Villena expressed disagreement with government exploration for natural resources in protected areas.

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.

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

The constitution and the law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, and HIV-positive status or other communicable diseases, but the government did not effectively enforce these provisions to protect all populations.

## Women

Rape and Domestic Violence: Rape and domestic violence remained serious and underreported problems. The law establishes penalties of imprisonment for 15 to 20 years for the rape of an adult. 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. Women's rights organizations reported that police units assigned to the Special Force for the Fight Against Violence 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, including because of economic dependence. The law calls for the construction of women's shelters in each of the country's nine departments, but none existed at the departmental level by year's end. A UN Population Fund study released in November revealed that in rural areas, cases of rape and sexual assault frequently did not enter into a formal judicial process for resolution, and courts instead handled them by fining the perpetrator 500 bolivianos (\$73) or by subjecting the perpetrator to 20 lashes.

Rape and sexual violence continued to be serious and widespread problems. A study by the NGO Women's Coordinator found that of the cases of sexual violence reported through the legal system, 58 percent involved the rape of an adult and 10 percent the rape of a minor. The Center for Sexual Education and Research reported rapists accounted for the second-largest number of 1,700 inmates surveyed, although most rapists never received a sentence and likely remained in pretrial detention. Some cases of sexual violence resulted in deaths. The law criminalizes femicide, the killing of a woman based on her identity as a woman, with 30 years in jail. Activists said that corruption, lack of adequate crime scene investigation, and a dysfunctional judiciary hampered convictions for femicide. The Center for Women's Information and Development (CIDEM) reported intimate partners killed 90 women in incidents of violence from January to October. According to the Office of the Human Rights Ombudsman, twenty

femicide cases during the year resulted in sentences of 30 years, the maximum allowable.

Domestic violence remained a serious problem. A study by Women's Coordinator found that 91 percent of those affected by such violence were women and girls. According to CIDEM, 70 percent of women suffered physical, sexual, or psychological abuse during their lifetime. The NGO Community of Human Rights reported in October that the Attorney General's Office had registered 32,999 cases of domestic violence against women. Psychosocial services remained scarce.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence. Many women, however, especially those in rural areas, faced barriers to accessing reproductive health services, in particular due to poverty. According to the joint World Health Organization, UN, and World Bank's *Trends in Maternal Mortality* study for 1990 to 2013, the maternal mortality rate was 200 per 100,000 live births. Major factors influencing the high maternal mortality rate included poor sanitation and lack of access to proper health facilities. While skilled health personnel attended 73 percent of live births, some women mistrusted giving birth in state health facilities. A 2012 study conducted by the National Roundtable for Maternity and Birth Insurance reported that 37 percent of maternal deaths occurred in institutional health-care facilities.

Poverty, discrimination, and lack of access to sexual education led to low rates of contraceptive use. The NGO Marie Stopes International Bolivia reported that 65 percent of women did not use birth control, primarily due to a lack of information about options and family planning. Access to birth control and education about reproductive rights was more limited in rural areas, where the fertility rate was nearly twice as high as in urban areas.

According to Amnesty International's July briefing to the UN Committee on the Elimination of Discrimination against Women, in 2014 the government received modern contraceptives valued at 1.4 million bolivianos (\$204,000) from the UN Population Fund. Because of administrative difficulties and ineffective organization and coordination between authorities at the national, departmental,

and municipal levels, however, many of these supplies did not reach public hospitals throughout the country, and many expired before they could be used.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, labor, property, nationality, and inheritance laws, but women generally did not enjoy a social status equal to that of men. Traditional prejudices and social conditions remained obstacles to advancement. While the minimum wage law treats men and women equally, women generally earned less than men for equal work. In 2013 the National Statistics Institute reported that the average salary for women was approximately half the average salary for men and that the wage disparity was greater in urban areas than in rural communities. Women reported employers were sometimes reluctant to hire them due to the additional costs, such as expenses related to maternity leave, in a woman's benefits package (see section 7.d.). The gender gap in hiring appeared widest for positions requiring higher education. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and microbusinesses, whereas in rural areas the majority of economically active women worked in agriculture. Some young girls left school early to work at home or in the informal economy. The 2012 census showed that the overall literacy gap between men and women fell to 4.9 percent from 12.4 percent in 2001 and was virtually nonexistent among individuals between the ages of 15 and 25.

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 civil registry reported that 56 percent of Bolivians were registered within one year of their birth and 97 percent by the age of 12.

Child Abuse: Domestic violence against children and school bullying continued at high rates. The NGO Fundacion Paz y Esperanza reported 70 percent of children suffered physical or psychological mistreatment in their homes, schools, or places of work. Education Minister Roberto Aguilar estimated 10 percent of children were victims of sexual aggression.



The law proscribes penalties of 20 to 25 years' imprisonment for rape of a child under the age of 14. The penalty for consensual sex with an adolescent 14 to 18 years old is two to six years' imprisonment. The Human Rights Ombudsman's Office reported 182 cases of sexual abuse of children from January to July. Only 0.5 percent of child sexual abuse cases ended in a sentence for the perpetrator.

Government authorities took action to reduce violence and harassment in public schools, but abuse remained a significant problem. A Ministry of Education resolution mandates that school administrators implement policies to prevent violence and discrimination in public schools. World Vision Bolivia reported 40 percent of children in schools were victims of bullying and 60 percent of students were victims of violence and mistreatment at the hands of teachers.

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. According to media reports, from January to June, police investigated 229 cases of commercial sexual exploitation of children. The law also prohibits child pornography, punishable with 10- to 15-year sentences.

Displaced Children: The UN Children's Fund reported 20,000 to 32,000 minors lived in shelters after their parents abandoned them. According to official statistics, approximately 4,000 of these abandoned children lived on the streets of major cities, 2,000 of them in La Paz.

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 school students, only 30 had received government accreditation for meeting minimal standards.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/enlegal/compliance.html](http://travel.state.gov/content/childabduction/enlegal/compliance.html) and country-

specific information see the Department of State's report at [travel.state.gov/content/childabduction/en/country/bolivia.html](http://travel.state.gov/content/childabduction/en/country/bolivia.html).

### **Anti-Semitism**

The Jewish population numbered fewer than 500. Social bias against Israeli citizens remained prevalent. Jewish leaders reported the public often conflated Jews with Israelis and that during the year at least one opinion columnist invoked the Holocaust in criticizing Israel, suggesting that had some Jewish children not been saved during the Holocaust, then their descendants would not be alive today and therefore “able to oppress the Palestinians.”

### **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 in employment, education, air travel and other transportation, access to health care, and the provision of other government services. 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. Activists expressed concerns about the inadequacy of services and opportunities for persons with disabilities in the areas of employment, education, transportation, health care, justice, and recreation. They called for greater investment in the area of medical prevention. In the March regional elections, voters with disabilities were in some instances unable to vote due to inadequate facilities for wheelchairs or other physical barriers. In addition, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society and restricting their right to participate in civic affairs. Civil society contacts reported patterns of abuse in educational and mental health facilities.

A national law to protect disabilities rights exists, but it lacked full implementation and budget support. In addition, the law is more than 50 years old, and many of its protections and requirements are outdated. The law prescribes an annual payment of 4,000 bolivianos (\$583) to persons with disabilities, but activists reported this payment insufficient under current cost-of-living standards. Furthermore, most persons with disabilities were not able to access it. An individual must be deemed “less than 50 percent functional” to be eligible for the payment and must complete a burdensome and costly administrative process that was prohibitive for most applicants. Activists reported a minority of persons with disabilities benefit from the payment.

The National Committee for Persons with Disabilities, directed by the Ministry of Health, is responsible for protecting the rights of persons with disabilities.

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

Afro-Bolivian community leaders reported that employment discrimination remained common (see section 7.d.) 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.

An order from the National Committee against Racism and all Forms of Discrimination called on folkloric dance associations to eliminate black-face practices from their dance routines. A small number of dancers in black face continued to participate in national parades such as Gran Poder held during June in La Paz, mocking African heritage through their displays and facilitating the continuation of detrimental stereotypes against Afro-Bolivians.

### **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. The government also carried out programs to increase access to potable water and sanitation in rural areas where indigenous people predominated, although large corruption scandals in the government-run Indigenous Fund inhibited these programs.

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. On several occasions, government-affiliated actors promoted divisions within indigenous organizations to ensure the organizations remained allied with government interests.

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.

On August 17, after the government omitted a mandatory consultation process at the Tacovo Mora Indigenous Reserve in Tarija Department, the reserve’s indigenous Guarani people blocked roads to prevent oil exploration in their lands. Police forces subsequently repressed Guarani marchers and used tear gas on demonstrators to prevent their march. Police beat dozens of protesters and detained 26 indigenous persons, including two children. On October 16, police officers used tear gas on approximately 300 indigenous protesters who blocked the La Paz-Oruro highway at Caracollo to demand a demarcation of indigenous lands on the border of both departments.

### **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. Nevertheless, societal discrimination against LGBTI persons was common, and government action to counter it was limited. Citizens are allowed to change their name and gender on their official identification cards, although the process was subject to significant delay and discrimination at the hands of judicial authorities. Credible LGBTI organizations reported that only seven persons had been able to complete the change since 2007. No hate crime laws aid in the prosecution of bias-motivated crimes against members of the LGBTI community. On August 18, President Evo Morales stated in a press conference, “I do not understand how women can marry women and men can marry men.” On November 16, the president stated that he hoped his health minister “is not a lesbian,” although the Ministry of Communication later issued an official apology on his behalf.

In March 2014 the Bolivian Coalition of LGBT Organizations (COALIBOL) announced the killings of 55 members of the LGBTI community between 2003 and 2013. A study presented by the NGO Hivos and COALIBOL in January 2014 found that 93 percent of surveyed LGBTI individuals had been the subject of discrimination from a police officer, prosecutor, or judge. The study also noted that of those surveyed, 82 percent knew of at least one person whom police had arbitrarily detained due to sexual orientation or gender identity. In the educational field, 70 percent of survey participants had been the subject of discrimination from teachers and 30 percent from fellow students. Since promulgation of the Law Against Racism and All Forms of Discrimination in 2010, the armed forces have prohibited ejection from the military because of sexual orientation. Nevertheless, reports of abuse within and expulsion from the armed services continued.

LGBTI persons faced discrimination in the work place, at school, and when seeking to access government services, especially in the area of health care. The transgender community remained particularly vulnerable to abuse and violence. COALIBOL reported 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. There were no developments in the 2012 killing of transgender activist Luisa Duran, who was found dead in Santa Cruz with 52 stab wounds.

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 least successful in diagnosing cases. In 2012, the last available data, the Ministry of Health reported that of the persons with HIV/AIDS surveyed, 32 percent suffered insults or verbal abuse, 20 percent were threatened, and 22 percent were victims of violent aggression. The study also noted that 20 percent of those surveyed reported discrimination in government service provision at hospitals and schools and that many persons with HIV/AIDS did not report acts of discrimination due to fear. Activists reported discrimination

forced HIV-positive persons to seek medical attention outside the country. Those without the means to travel lived without treatment.

Former health minister Juan Carlos served as director of the Central Hospital of Santa Cruz, a facility of the National Health Service, despite publicly revealing the name of an HIV-positive individual in 2014.

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

Vigilante justice remained a serious and growing problem, especially in rural communities and in La Paz's sister city of El Alto. While no mob violence resulted in deaths during the year, mobs attempted on multiple occasions to hang their victims, set them on fire, or bury them alive.

Mob violence seriously injured several persons during the year. In many cases, mobs attacked the victims for alleged crimes, and in some instances police refused to intervene due to lack of capacity and fear of becoming victims themselves. On September 11, residents of the Villa Cooperativa neighborhood of El Alto misidentified 70-year-old Wilfredo Ona as a suspected thief, beat him, set him on fire, and left him for dead. Police later arrived and took the man to the hospital. He survived but with severe burns covering much of his body. Police stated they believed the man to be innocent.

In some cases community mobs subjected victims to cruel punishment. On October 12, residents of Palca, La Paz Department, accused six individuals of armed robbery of a local family. Community members seized the accused, blindfolded them, set their cars on fire, and suspended them by their feet from trees. Police arrived hours later to arrest the suspects. Community members denied involvement in the incident and swore to a pact of silence.

As of October courts had issued neither charges nor sentences for participation in acts of mob violence. Community silence pacts in which perpetrators of the vigilante crimes collectively agreed not to cooperate with investigators furthered impunity. Most participants in acts of vigilante justice cited the broken nature of the traditional justice system as the principal motivator to pursue justice by other means.

## **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 law does not require government approval for strikes and allows peaceful strikers to occupy business or government offices. The constitution provides for protection of general and solidarity strikes, and 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 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 it was slow to do so. Resources for inspections were inadequate. Penalties for violations included fines. The National Labor Court handles complaints of antiunion discrimination, but rulings took a year or more. The court ruled in favor of discharged workers in some cases and required their reinstatement. Union leaders stated that problems often had been resolved or were no longer relevant by the time the court ruled. Government remedies and penalties were often ineffective and insufficient to deter violations for this reason.

The government and its lack of resources for labor courts 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 limited. Most collective bargaining agreements were restricted to addressing wages.

Violence during labor demonstrations continued to be a serious problem. A conflict between miners and police on October 28 resulted in three dead and a

dozen injured. Despite President Morales' 2012 executive order outlawing the use of dynamite during public protests, including labor protests, the practice continued.

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

The law prohibits all forms of forced or compulsory labor, yet it remained a serious problem. Men, women, and children were victims of forced labor in domestic service, mining, ranching, and agriculture (see section 7.c.).

In some cases the government did not effectively enforce the law banning forced labor. Ministry of Labor officials noted the lack of resources prevented more thorough enforcement and restricted the ability of authorities to provide services to victims of forced labor. 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. These penalties were insufficient to deter violations, in particular because they were generally not enforced.

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**

In 2014 Vice President Garcia Linera signed a new child and adolescent code that permits children as young as age 10 to work legally in certain situations. The law states that the minimum working age is 14 but authorizes the Municipal Child and Adolescent Office to permit children as young as age 10 to work if the child chooses to do so voluntarily and he or she works independently or with the family. The child must also obtain permission from his or her parents. Children as young as age 12 can work for outside employers provided they obtain the same permissions. 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 Child and Adolescent Office 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 14 years of age who work for a third-party employer. The code establishes that the Ministry of Justice, rather than the Ministry of Labor, is 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.

Authorities did not effectively enforce the laws. Resources were sufficient neither to prevent child labor nor to implement the newly proposed registration requirements for workers under the age of 14. 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. Eight inspectors in the Ministry of Labor were dedicated to detecting child labor, and during the first six months of the year, they conducted approximately 300 inspections. Government authorities could not verify the number of minors they removed from such labor. In March and June, the government did not accept recommendations made by International Labor Organization committees to revise its code and eliminate the provisions that allow children between the ages of 10 and 14 to work. Ministry of Labor officials stated that the recommendations were “outdated and did not reflect the daily reality of Bolivia.”

Child labor remained a serious problem. According to a 2008 International Labor Organization report, the most recent nationwide survey available, 849,000 children, approximately 28 percent of children between the ages of five and 17, worked at least one hour a week. Of the working children, 397,000 worked in urban areas and 452,000 in rural communities. Approximately 491,000 of the working children were between the ages of five and 13, of whom 89 percent worked in dangerous sectors or conditions. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in agriculture.

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 (see section 6, Children). 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. Approximately 99 percent of children who worked in the sugarcane harvest in Tarija did not attend school during the harvest, but they may have returned to school upon return to their communities in the remaining months of the year.

There were reports that children were victims of forced labor in mining, agriculture, and as domestic servants. Media reported that minors under 14 worked in brick manufacturing in El Alto and Oruro, and their parents sometimes contracted them to customers who needed help transporting the bricks. In 2014 the Potosi Department human rights ombudsman reported 387 children and adolescents worked with their families in the mines of Cerro Rico.

The Bolivian Institute for International Trade, with support from the government, worked with the sugar association to eliminate child labor throughout the sugar production chain. The institute created a triple seal to certify that companies were free of child labor, forced labor, and discrimination. Up to 500 sugar producers continued to participate in the program by ensuring their fields were free of child laborers, and one sugar-processing plant obtained the triple seal certification certifying its final product as child labor free in 2014.

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 or Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, 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, Afro-Bolivians, and members of the LGBTI community (see section 6).

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

The government raised the minimum monthly wage by 8.5 percent, from 1,440 to 1,656 bolivianos (\$210 to \$240) for the public and private sectors. The government's official estimate of the moderate 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 above 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 78 inspectors 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.

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. There were no significant government efforts to improve safety conditions. Working conditions in cooperative-operated mines remained poor. Miners worked with no scheduled rest for long periods in dangerous, unhealthy conditions. There were no known protections for workers to remove themselves from situations that endangered their health or safety without jeopardizing their employment.