



Bolivia

Country Reports on Human Rights Practices - [2007](#)

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Bolivia is a constitutional, multiparty democracy with a population of 9 million. In December 2005 in a generally free and fair process, citizens elected Evo Morales Ayma, leader of the Movement toward Socialism (MAS) party, as president. The civilian authorities generally maintained effective control of the security forces.

The mandate for the Constituent Assembly (CA) elected in July 2006 to rewrite the country's constitution was extended from August 6 to December 14. An inability to work out a compromise between the MAS and opposition parties led to severe and occasionally deadly clashes between their respective supporters. On December 9, when the CA reconvened in Oruro, the MAS and representatives from allied political parties approved a new draft constitution. Some opposition delegates boycotted the session, while others claimed they were prevented from attending it. The government announced it would hold a referendum for citizens to approve the draft constitution in 2008.

While the government generally respected the human rights of its citizens, there were problems in some areas. The most significant human rights problems were abuses by security forces, including several deaths; harsh prison conditions; arbitrary arrest and detention; threats to civil liberties, including the right to a fair and public trial, and press freedom; corruption and a lack of transparency in government; discrimination based on gender and ethnicity; trafficking in persons; child labor; and brutal working conditions in the mining sector.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings during the year, but security forces apparently killed five persons in separate incidents. One person was killed during demonstrations in Villamontes, Tarija Department; another in Arani, Cochabamba Department; and three persons in Sucre, Chuquisaca Department. In addition in January three persons were killed during violent demonstrations in Cochabamba (see section 2.b.).

On April 17, in Villamontes security forces allegedly shot Herman Ruiz in the thigh, and he later died from his wound. Ruiz was part of a group of protesters who attempted to take over a natural gas plant as part of a demonstration over a provincial border dispute. Both the central government and the prefecture government failed to resolve the dispute, which eventually led to the Villamontes residents taking over the gas field. A civilian investigation was underway, although the military investigated the case as well, a move that some nongovernmental organizations (NGOs) rejected as counterproductive. Changes in the case prosecutor slowed the civilian investigation.

On September 28, security forces allegedly killed 21-year-old student Osmar Flores Torres in Arani. Flores was taking part in a demonstration that authorities claimed threatened to shut off a natural gas pipeline. Police and military forces stated they were carrying nonlethal weapons. Nonetheless, the official ballistics report indicated that military-type weapons killed Flores and that several soldiers may have fired during the incident. Military and civilian authorities conducted separate investigations. Despite assurances by senior military officials that they would not interfere in the civilian investigation, NGOs expressed concern about the military's investigation. Prosecutors stated that the military did not cooperate with the civilian investigation and may have tampered with evidence.

On November 23-25, police forces allegedly killed Gonzalo Duran Carazani, Juan Carlos Serrudo, and Jose Luis Cardozo during the violence in Sucre. Duran and Cardozo died of bullet wounds, Serrudo from a tear gas canister fired at close range into his chest. Several hundred residents sustained serious injuries. Initial clashes between the police, who were protecting the military facility where the MAS leadership had moved the CA, and Sucre residents, who were protesting the MAS refusal to consider their demands to restore Sucre to full capital status, turned into open conflict throughout the city following the death of Gonzalo Duran. Some city residents then occupied, looted, and burned police facilities and attacked police officers. On November 24, the police announced that one of their officers was lynched and killed, but later the officer

turned up alive in Potosi. The police fled Sucre November 25 for three days, arguing they could not protect their own personnel.

A number of factors hampered initial investigations into the November 23-25 events, including the serious distrust between the police and civil society in Sucre. Although senior government officials denied that police officers carried deadly weapons, video footage from the events clearly showed some officers possessed lethal arms. Ballistics reports indicated Duran and Cardozo died from 5.56 caliber bullets, but the police and military denied using this type of weapon during the November 23-25 events.

There were no developments in the June 2006 shooting death of Santiago Orocondo Arevilla during a conflict with security forces or in the July 2006 death of naval officer Wilder Rene Blanco Mendoza. Both cases remained under investigation at year's end.

There were few developments in the September 2006 case in which approximately 200 armed coca growers ambushed 50 to 60 security force members who had entered Carrasco national park, resulting in the death of coca growers Ramber Guzman Zambrana and Celestino Ricaldis. Neither the coca growers nor the security forces filed charges or other claims. The case remained in a preliminary investigative phase, and at least five different prosecutors had been assigned to the district handling the case.

The military convicted and sentenced Luis Fernando Pereira Ramos to eight years in prison for the 2005 death of military conscript Fredy Moises Kanqui.

There were no new developments in the 2005 cases of police officer Santiago Calderon Romero, killed during a confrontation in Santa Cruz, or Gumercindo Mamani, Damaso Condori, and Dionicio Flores, killed on the outskirts of El Alto in Viacha in a dispute between two communities over land ownership.

Vigilante violence and deaths due to lynching remained a problem. The government news agency reported 11 deaths by lynching in the city of El Alto alone. Frequently those lynched only committed petty crimes or no crimes whatsoever, such as Luis David Choque Quisbert and Moises Cachi Tenorio--two students, mistaken for delinquents, who were beaten, tortured, and lynched in June in the outskirts of Cochabamba. Communities in areas with little or no government presence imposed punishments that reportedly included capital punishment for members who violated traditional laws or rules (also known as community justice). Most scholars and proponents of community justice argued that the death penalty is not a recognized tradition in any of the country's 36 indigenous groups. Nonetheless, in locations where lynching was common, a minority of residents attempted to justify the practice by asserting that it was part of their tradition, while most cited lack of access to justice through the legal system, which was indeed a problem. The Inter-American Commission on Human Rights (IACHR) in a June report noted that only 180 of the 327 municipalities had a judge, only 76 had a prosecutor, and only 11 had a public defender.

There was little progress in the case of the 2004 lynching of Ayo Ayo Mayor Benjamin Altamirano. Courts convicted and sentenced to prison five of the 25 persons charged in the case, but in February the defense argued that the judge handling the trial of the remaining defendants should recuse herself.

With respect to the government's case against former president Gonzalo Sanchez de Lozada and his cabinet for the approximately 59 deaths and more than 400 persons injured in the October 2003 civil unrest, in February the Supreme Court declared the former president and former ministers Carlos Sanchez Berzain and Jorge Berindoague in contempt of court and issued an arrest warrant. In September prosecutors formally filed an extradition request with the Supreme Court, which was pending at year's end.

The government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths resulted in a perception of impunity. The congressional human rights committee, the ombudsman's office, citizens' groups, and NGOs continued to press the government to expedite action in a number of cases under investigation or within the court system.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them. There were a number of allegations of vigilante violence that resulted in extrajudicial abuses against persons. Although there were no specific reports of beatings and abuse by members of security forces, the human rights ombudsman's 2006 annual report stated that of all government institutions, police were the most frequent violators of human rights.

The Chimore Center for Justice and Human Rights (CCJHR), which was converted into an Integrated Justice Center, received 15 complaints of security force abuse during the year from citizens in the Chapare region. The center investigated 12 of the complaints and determined that nine were not human rights abuses. Cases were not formally filed with the Public Ministry but instead were referred for action to the police Office of Professional Responsibility.

There were no new developments in the 2005 beating of Alvaro Guzman, the then director of human rights for the Ministry of Justice, by La Paz police officers Rene de Rio Rosales, Mario Vaca, and Edgar Choque.

Prison and Detention Center Conditions

Prison conditions were harsh. Prisons were overcrowded and in poor condition. At year's end there were approximately 7,000 (6,000 male and 1,000 female) inmates in facilities designed to hold 4,700 prisoners. Overpopulated jails included San Pedro in La Paz by 500 percent; Mocoivi, Beni Department, by 345 percent; and the women's jail in La Paz by 300 percent. With the exception of the maximum-security prison of Chonchocoro in El Alto, government authorities effectively controlled only the outer security perimeter of each prison. Inside prison walls, prisoners usually maintained control, and criminal gangs operated from their cells without hindrance.

Violence among prisoners, and in some cases the involvement of prison officials in violence against prisoners, were problems.

On December 24, unknown assailants killed Ronald Alcaraz in El Abra prison in Cochabamba.

Following the November 23-25 violence in Sucre, nearly 90 prisoners escaped from the San Roque prison. Many prisoners with short sentences returned to prison, but as many as 30 with long sentences remained at large at year's end. Sucre residents argued that police were complicit in the escape; the police stated they indeed assisted prisoners to leave San Roque because residents had set fire to the prison.

Corruption was a problem among low-ranking and poorly paid guards and prison wardens. The number of persons held in detention centers remained a problem, due to judiciary strikes and a general increase in crime.

Prisoners were not separated by classification of crime or status. A prisoner's wealth often determined cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Inmates reportedly paid fees to prior cell occupants or to prisoners who controlled cellblocks. Although the law permits children up to six years old to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. Between 1,400 and 1,500 children lived with a parent in prison, as an alternative to being left homeless. According to the municipal government, approximately 300 children and 100 women lived in La Paz's San Pedro Prison as dependents of male prisoners.

The standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food.

The law provides that prisoners have access to medical care, but care was inadequate, and it was difficult for prisoners to get permission for outside medical treatment. NGOs and prisoners reported tuberculosis and HIV/AIDS in the jails. However, affluent prisoners could obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Inmates who could pay had access to drugs and alcohol, and sometimes they used children to traffic drugs inside the prison.

There were separate prisons for women, except for Morros Blancos Prison in Tarija, where men and women shared facilities. Conditions for female inmates were similar to those for men; however, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

More than 700 convicted juveniles (16 to 21 years old) were not segregated from adult prisoners in jails, and adult inmates sometimes abused them. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. Pretrial detainees were held with convicted prisoners.

The government permitted prison visits by independent human rights observers, judges, and media representatives, and such visits took place during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions in practice.

Role of the Police and Security Apparatus

The National Police have primary responsibility for internal security, but military forces may be called upon for help in critical situations, which occurred during the year. The National Police disciplined its officers when appropriate, issuing 1,779 administrative sanctions during the year. Prosecutors generally were reluctant to prosecute security officials for alleged offenses committed while on duty, in part because they relied on the Judicial Technical Police to investigate their own officers.

Arrest and Detention

Arrests were carried out openly, but there were credible reports of arbitrary arrests and detentions.

The law requires an arrest warrant, and the police must inform the prosecutor of an arrest within eight hours. The law requires that a detainee see a judge within 24 hours, during which time the judge must determine the appropriateness of continued pretrial detention or release on bail and must order the detainee's release if the prosecutor fails to show sufficient grounds for arrest. Credible reports indicated that in some cases detainees were held for more than 24 hours without court approval.

More than 70 percent of inmates awaited sentencing, but the courts provided release on bail for some prisoners. Judges have the authority to order preventive detention for suspects deemed to be a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements.

Detainees generally had prompt access to their families and were allowed access to lawyers, but approximately 70 percent could not afford legal counsel, and public defenders were overburdened.

During the year the government trained 300 police officers in human rights, and 850 officers received both human rights training and instruction in legal procedure.

Denial of justice through prolonged detention remained a problem. Although the law establishes that a case's investigatory phase cannot exceed a maximum of 18 months and that the trial phase cannot exceed three years, some suspects were held in preventive detention longer than the legal limits. If the investigatory process is not completed in 18 months, the detainee may request release by a judge; however, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures kept some persons jailed for more than 18 months before trial.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses, or for their protection, on the orders of a social worker. There is no judicial review of such orders.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary was the target of government moves to undermine its independence; some members were corrupt, and others were subjected to threats.

On May 17, the Constitutional Tribunal, which serves as an independent body separate from the judicial branch and whose sole function is to rule on constitutional matters, issued a statement warning that "democracy, the rule of law, and the country's institutions were under grave threat," which referred to President Morales's stated desire to impeach four of the tribunal's five magistrates. Citing disagreement with the tribunal's decision to limit the terms of his interim judicial appointees, the president urged members of his MAS party in the lower house of congress to pass impeachment charges. He also made a series of public declarations against the magistrates, calling them corrupt and out of line with the government's program for change. Once charged by the lower house, the four magistrates were suspended, leaving the tribunal without the necessary three-person quorum to function. The opposition-controlled Senate eventually ruled in favor of the magistrates. However, the lower house began considering additional impeachment charges, and on October 26, citing the government's "permanent aggression" against the court, two magistrates resigned from the court. On December 13, a third magistrate resigned, citing health reasons, which again left the court without the necessary three-person quorum. Thus at year's end there was no body to rule on constitutional matters and petitions from individuals who alleged government violations of their civil rights.

A 2005 Anti-Corruption Network household survey reported that more than 25 percent of transactions with low-level courts required some form of bribe.

On April 27, demanding that the Constitutional Tribunal not overturn the president's supreme decree nationalizing the Posokoni mine, state-paid miners marched on and later attacked the tribunal's building with dynamite. Two police officers responsible for the tribunal's security were injured in the attacks. Presidential delegate Jose Lambertin participated among the marchers.

The judicial system has three levels of courts: trial courts, superior courts, and the Supreme Court. The Supreme Court

hears appeals in general. The Constitutional Tribunal is an independent institution and has original and appellate jurisdiction on constitutional matters.

Superior court review is restricted to a review of the application of the law. Supreme Court review is restricted to cases involving exceptional circumstances. During superior court and Supreme Court reviews, the courts may confirm, reduce, increase, or annul sentences or provide alternatives not contemplated by lower courts.

Trial Procedures

Defendants have constitutional rights to a presumption of innocence, to a speedy trial, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, to an appeal, and to confront legal charges with government prosecutors before a formal court process is initiated. In practice the rights to an attorney and to a speedy trial were not protected systematically, although the Criminal Procedures Code (CCP) facilitated more efficient investigations, transparent oral trials, and credible verdicts. There was a significant shortage of public defenders in rural areas; the IACHR reported that only 3 percent of municipalities had a public defender.

The law provides for a system of transparent oral trials in criminal cases, requires that no pretrial detention exceed 18 months without charges, provides for a maximum period of detention of 24 months in cases in which a sentence is being appealed, and mandates a three-year maximum duration for a trial. The law provides that the prosecutor is in charge of the investigative stage of a case and must give suspects an opportunity to confront charges before a trial formally begins.

The prosecutor instructs the police regarding witness statements and evidence necessary to prosecute. Counternarcotics prosecutors lead the investigation of narcotics cases. The prosecutor pursues misdemeanor cases (with possible sentences of less than four years) before a judge of instruction and felony cases (with possible sentences of more than four years) before sentencing courts, both of which feature a five-member panel that includes three citizens and two judges.

The law also recognizes the conflict resolution (community justice) traditions of indigenous communities, provided that the resolution does not conflict with the rights and provisions established under the constitution.

The military justice system generally was susceptible to senior-level influence and tended to avoid rulings that would embarrass the military; the Fredy Moises Kanqui case (see section 1.a.) was an exception to this tendency. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report. The results are forwarded to a judicial advisor, usually at the division level, who then recommends a finding of innocence or guilt. For major infractions, the case is forwarded to a military court, except that military personnel are supposed to be tried in civilian courts for human rights violations.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. The law provides for criminal remedies for human rights violations, and at conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. Administratively, the ombudsman for human rights can issue resolutions on specific human rights cases, which the government may enforce.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law prohibits such actions, and while the government generally respected these prohibitions, there were credible allegations of security forces making unauthorized entries into private homes in the Chapare and Yungas regions. Residents in the coca growing areas generally were reluctant to file and pursue formal complaints against security forces. Those engaged in alternative development activities were also reluctant to pursue formal complaints against radical coca growers who forced them to grow coca or suffer reprisals. Radical coca growers attacked and tortured Yungas farmer Anacleto Arana and his wife in December 2006, destroying his home and expelling him from his land. Arana's attackers claimed they were exercising "community justice," arguing Arana had violated community rules by setting fire to his land. Arana argued the attacks were politically motivated. The Ministry of Justice issued a report recognizing the validity of Arana's case, yet little action was taken, due to threats by the radicals against prosecutors and police investigators pursuing the case.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press. Although the government generally respected these rights in practice, it publicly criticized the press.

The number of media outlets, including printed press, television, and radio, was extensive, and a healthy airing of various viewpoints, many expressing opposition to the government, continued. Journalists were poorly trained, and it was common for them to combine news with editorial opinion. The level of antipress rhetoric by the government and expressions of concern about press freedom by the media and others remained high. On June 20, President Morales issued a supreme decree to expand telecommunications technology to underserved rural areas, but it also restricts partisan messages of any kind by community stations not affiliated with the government. The NGO Reporters without Borders (RSF) sent the president an open letter criticizing the decree stating "such unequal treatment before the law is astonishing."

Government criticism of the press increased in frequency and tone after President Morales took office. The president continued to call "certain media outlets" his "principal enemy," and in March the Inter-American Press Association (IAPA) stated "it is undeniable that a climate of fear has been installed following the president's surreptitious appeals to masses of sympathizers to intimidate journalists and media outlets, as well as opposition congresspersons or members of the Constituent Assembly."

State-owned and private radio and television stations generally operated freely. However, there were reports that journalists attempting to film or report events, particularly those involving social movements, were threatened or injured by private individuals or nongovernmental groups critical of their reporting. Progovernment groups generally attacked private media outlets and their reporters, while antigovernment groups focused their attacks on government controlled media.

On January 8, police and progovernment protesters injured eight journalists from separate media organizations in the city of Cochabamba. On January 10, an RSF press release said "the violence in Cochabamba is the latest example of a growing wave of attacks on the Bolivian media--both state and privately owned--as the country plunges deeper into an institutional crisis that began in the last quarter of 2006."

On September 8, supporters of the opposition-led Santa Cruz departmental government attacked Channel 7 (the central government-owned channel). Channel 7 journalists suffered verbal and physical harassment on several other occasions as well. On October 18 and 19, police and soldiers injured six journalists during the administration's attempt to take over Santa Cruz's Viru Viru airport.

On November 23-25, clashes between the police and Sucre city residents, who were protesting the MAS party's convening of the Constituent Assembly in a military installation near Sucre, spilled over into attacks on the press. Police attacked local and international press correspondents, while protesters attacked a Catholic radio station they believed was transmitting progovernment (and pro-MAS) messages.

Critics of the government claimed that the Morales administration used its advertising budget to control media outlets that report negatively on the government. They also asserted that the government arbitrarily conducted financial audits of journalists and media owners. On December 7, IAPA issued a statement protesting the government's announced tax audit of news media stating that the "action could be interpreted as a reprisal meant to silence press criticism in the country's current tense political climate."

The law provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from one month to two years. Insults directed against the president, vice president, or a minister increase the sentence by one-half. Journalists accused of violating the constitution or citizens' rights are referred to the 40-person Press Tribunal, an independent body authorized to evaluate journalists' practices. Although cases rarely were brought before the tribunal, it heard one case in 2005 involving a political candidate's defamation claim against a magazine.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. Government discussions about standardizing the curriculum in private and religious schools continued to meet with extensive public criticism. The government prohibited the importation of pornographic books, magazines, and artwork.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of peaceful assembly, and the authorities generally respected this right in practice. While the law requires a permit for most demonstrations, security forces rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blockading major thoroughfares and highways. While most demonstrations were peaceful, occasionally demonstrators carried weapons, including clubs, machetes, firearms, and dynamite. Security forces (police and on occasion the military) were called upon to break up protest groups carrying weapons or threatening government and private facilities (mainly natural gas supply lines).

High-level officials occasionally encouraged (or failed to adequately discourage) their supporters from behaving violently. During the week of January 8-12, the central government and the Cochabamba prefecture government failed to restrain their backers. Progovernment supporters marched on Cochabamba city calling for the prefect's ouster, angry over the prefect's December 2006 call for a new referendum on departmental autonomy, which voters had rejected earlier that year. The then minister of government reportedly called away the police protecting the prefecture, which allowed progovernment supporters to attack and burn the prefecture building as well as loot nearby businesses, setting off a week of violence. Three persons died in the conflicts.

On October 5, the prosecutor charged several high-level officials who played decisive roles on both sides of the conflict. Former minister of government Alicia Munoz faced charges of negligence and failing to provide emergency assistance. Minister of Justice Celima Torrico and MAS senators Leonilda Zurita and Omar Fernandez were accused of sedition, arson, destruction of state property, and other charges. Prefect Manfred Reyes Villa faced charges for promoting resolutions against the constitution. Opposition deputy Arturo Murillo also faced charges of sedition. Most of the accused enjoy some form of immunity from prosecution due to their positions, and at year's end Congress had not decided whether their immunity could be waived.

Freedom of Association

The law provides for freedom of association, and the authorities generally respected this right in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. Roman Catholicism was predominant, and the constitution recognizes it as the official religion. The Roman Catholic Church received support from the government (approximately 300 priests received small stipends) and exercised a limited degree of political influence through the Catholic Bishops' Conference. Beginning in 2006 the government began to stress a revival of indigenous beliefs and rituals, and government officials attended both Catholic and indigenous religious ceremonies in the course of their official functions. Government officials on occasion criticized the Catholic Church.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. There were 622 recognized religious groups on the registry. The ministry is not allowed to deny registration based on an organization's articles of faith, but the process can be time-consuming and expensive, leading some groups to forgo registration and operate informally without certain tax and customs benefits. Most registered religious groups were identified as Protestant or evangelical.

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups during the year. There was a small Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, protesters blocked major highways at various times at different locations throughout the country. Blockades in La Paz, Chuquisaca, and Cochabamba by both pro- and antigovernment groups caused economic losses.

Although the government did not revoke citizenship for political or other reasons, several hundred thousand citizens lacked basic identity documents, which prevented them from obtaining international travel documents and other government services.

The law prohibits the forced exile of citizens, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. However, the June IACHR report noted three problems in the refugee and asylum system: lack of due process; difficulties in obtaining identification documents; and inadequate protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution.

On January 9, the government deported Cuban citizen Amauri Samartino to Colombia, arguing he violated a supreme decree that stipulates that foreigners must not participate in political activity. Originally the government had ordered Samartino to be deported to Cuba, but Samartino protested because of his fear of persecution in that country. On February 2, the Constitutional Tribunal ruled that the government had no legal basis to deport Amauri Samartino, stating that the supreme decree the government used to deport him had been ruled unconstitutional in 2001.

The IACHR report noted a series of irregularities committed by the government's National Refugee Commission, including membership inconsistent with its governing rules, summary decisions, and problems notifying applicants of its decisions. The government cooperated with the Pastoral de Movilidad Humana, which is the local representative of the Office of the UN High Commissioner for Refugees (UNHCR), and other humanitarian organizations in assisting refugees and asylum seekers. During the year 157 persons applied for refugee status, and the government provided refugee protection in approximately 15 percent of those cases.

There remained concerns that the refugee system had become politicized. Peru requested extradition of Peruvian national Walter Chavez on terrorism charges. Chavez, who was granted refugee status in the 1990s, resigned as a political advisor to President Morales earlier during the year. Both the opposition and government appeared to weigh in on the Chavez case for their own political reasons. The Supreme Court had not ruled on the extradition request by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. However, many citizens of voting age lacked the identity documents necessary to vote, although the National Electoral Court reported that it registered 35,000 new voters and corrected registration errors for another 80,000. The government also pursued an identification card effort, with Venezuelan assistance, with the stated goal of improving citizens' access to identification documents. Political parties and citizens' groups ranging from far left to moderate right functioned openly. Elections for national offices and municipal governments are scheduled every five years.

La Paz daily newspapers reported that there were approximately 50 cases of political violence throughout the year, including several attacks on elected representatives. On September 10, radical pro-MAS groups allegedly attacked Sucre Mayor Aydee Nava's home; opposition CA delegate Ruben Darío Cuellar claimed his home was fired upon on October 19. Radical anti-MAS elements were alleged to have attacked the property of MAS elected officials and others sympathetic to the MAS, including alternate Senator Abraham Cuellar from Pando on November 28, and Chuquisaca Prefect (Governor) David Sanchez on November 24. Investigations continued at year's end, but the facts in these and similar cases were contested and politicized.

Elections and Political Participation

The July 2006 national elections for the Constituent Assembly were generally considered free and fair. In the 2005 national elections, citizens elected Evo Morales Ayma as president in a process generally considered free and fair, despite allegations of minor irregularities in the master voting list.

The CA, elected to rewrite the country's constitution, failed to agree on proposals to change the executive, legislative, and judicial branches, the devolution of state power to departments and indigenous groups, and the return to Sucre as the seat of government, and the assembly's mandate was extended from August 6 to December 14.

Supporters of the MAS and opposition parties on several occasions blocked elected political representatives they opposed from participating in democratic forums. Sucre residents, arguing that an August 15 CA resolution that removed consideration of their demands for the return of Sucre to full capital status was illegal (as it did not garner the requisite two-thirds majority), began blocking mostly MAS delegates from entering the building where the CA met. On several occasions pro-Sucre protesters assaulted CA delegates. On November 23, citing its inability to convene in Sucre, the MAS leadership moved the CA to a military school three miles away. That facility was protected by military troops, the police, and MAS supporters. Many MAS supporters--including members of the militant Pochos Rojos group--publicly stated they would defend the CA from opposition interference. Clashes between police and pro-Sucre protesters eventually led to three deaths and hundreds injured. Some in the opposition chose not to attend the session for fear of attacks, while others chose to boycott the session, arguing that it was illegal. The session adjourned on November 24, but clashes between police and residents continued until November 25.

On November 27, representatives of opposition parties claimed that MAS supporters encircled the Congress building in La Paz to block them from entering. The MAS, pulling together a quorum in the usually opposition-controlled Senate by obtaining the votes of two opposition alternate senators, passed legislation that the opposition clearly opposed.

On December 8, shortly after midnight the MAS leadership called a session of the CA for 7 p.m. that evening in Oruro. The opposition, citing a rule that requires 24-hour advance notice prior to the convening of a session, argued that not all of its delegates could make it to the session in time. Some but not all opposition parties and delegates chose to boycott the session. The MAS argued that the opposition could have attended the sessions, and indeed some members manage to do so, although at great risk to themselves, since pro-MAS groups had surrounded the building in Oruro where the session was held. Despite the boycott, the MAS and representatives from allied political parties approved a new draft constitution. The government announced it would hold a referendum for citizens to approve the draft constitution in 2008.

Although the law requires that every third candidate appearing on a political party's slate be female, women held only 24 percent of public offices. Female politicians reported that political parties frequently adhered to the quota in submitting their candidate lists but subsequently pressured female candidates to withdraw their candidacy prior to the election.

Likewise, every other candidate on municipal election ballots must be a woman, a requirement that increased female representation to approximately 30 percent of municipal council positions. There were 23 women among the congress's 157 deputies and senators and four women in the 18-member cabinet. An indigenous woman presided over the Constituent Assembly. Approximately one-half of the cabinet members considered themselves indigenous, and the number of indigenous members of the congress was estimated at 17 percent, a figure difficult to confirm because designation as indigenous was self-declared.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a serious problem. The government-prepared National Corruption Index reported that 13 of every 100 public service transactions involved the payment of a bribe, costing the country approximately \$115 million (905 million bolivianos) annually. According to this index, corruption disproportionately affected lower-income persons, and the national police, customs, and justice system were rated the most corrupt.

Cases involving allegations of corruption against public officials require congressional approval before prosecutors can institute legal proceedings. In September La Paz daily newspaper *La Prensa* reported that 20 current or former high-ranking officials from the Morales administration allegedly committed acts of corruption, but none had been prosecuted. According to the vice minister for transparency, the government agency responsible for combating corruption, prosecutors failed to pursue the cases in a timely fashion. In March a scandal occurred about high-level MAS officials taking bribes for government jobs. The party expelled some officials, but critics asserted that the most egregious offenders were not sanctioned. In late December Police Commander Miguel Vasquez announced the discovery of a network of approximately 70 police officers who were taking bribes for identification documents and driver licenses.

There are a host of separate, but noncomprehensive, laws that require public officials to report potential personal and financial conflicts of interest. The laws are function-specific, meaning that officials in one ministry may not be subject to the same disclosure rules that apply to employees of another ministry.

There was no information available on laws providing access to government information or whether the government provided such access in practice.

Section 4 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. Government officials generally were cooperative and responsive to their views; however, NGOs and the ombudsman complained that government security forces and ministries occasionally refused to cooperate with their investigations. Security forces continued to provide credible evidence that radical groups used some NGOs as a cover for subversive activities.

The human rights ombudsman is a position with a five-year term established in the constitution. Congress chooses the ombudsman, who is charged with providing oversight for the defense and promotion of human rights, specifically to defend citizens against government abuses. The ombudsman operated without party influence and with adequate resources from the government and foreign NGOs. Indigenous persons filed most of the complaints received by the ombudsman. The ombudsman issues annual reports, and the government usually accepts his recommendations.

The newly established chapter of the Human Rights Foundation in Santa Cruz alleged that the central government

harassed its members shortly after the NGO began operation.

The CCJHR continued to be active in the Chapare region and moved to expand its role as an "Integrated Justice Center" to include conflict resolution. It has six offices in El Alto. These offices reported their findings to the Ministry of Justice in the Ministry of the Presidency, disseminated human rights information, accepted complaints of abuse, kept records, and referred complaints to the public ministry. The CCJHR also housed a medical forensic expert and an investigative staff to review complaints. The majority of cases received during the year related to interfamilial violence against women and children.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race, gender, language, or social status, there was significant discrimination against women, indigenous people, and the small black minority. The human rights ombudsman reported that "persons with HIV/AIDS, indigenous persons, peasant farmers, and homosexuals, in this order, were the most discriminated against within society."

Women

Rape was a serious and underreported problem. The law defines two types of criminal cases. In private criminal matters, the victim brings the case against the defendant; in public criminal matters, a state prosecutor files criminal charges. The CCP makes rape a public crime. The law criminalizes statutory rape, with prison terms of 10 to 20 years for the rape of a child under the age of 14. In cases involving consensual sex with an adolescent of 14 to 18 years of age, the penalty is two to six years' imprisonment. Forcible rape of an adult is punished by sentences ranging from four to 10 years' imprisonment. Sexual crimes against minors automatically are considered public crimes in which the state presses charges. Spousal rape is not a crime.

Violence against women was also a pervasive and underreported problem. According to the NGO Center for the Information and Development of Women (CIDEM), 70 percent of women suffered some form of abuse. CIDEM noted that the statistics "did not reflect the full magnitude of the problem of violence against women" and that "a great number of women" did not report the aggression they faced on a daily basis. The most exhaustive national survey on domestic violence conducted by the National Statistical Institute in 2003 showed 64 percent of women were the target of some form of emotional, physical, or sexual abuse from their partner.

Family laws prohibiting mental, physical, and sexual violence provide for fines or up to four days in jail, unless the case becomes a public crime subject to the Penal Code; however, these laws were enforced irregularly. The government took few meaningful or concrete steps to combat domestic violence. In 2006 the police Family Protection Brigade attended to 8,954 cases, compared with approximately 5,200 in 2005, and 3,640 were cases of repeat offenders. However, the police brigade lacked financial support, structural support, and personnel to follow up and pursue all reported cases. Most cases of domestic violence went unreported.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor.

The law considers sexual harassment a civil crime. There were no statistics on the incidence of sexual harassment, but it generally was acknowledged to be widespread.

Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services to women of reproductive age and to children under age five.

Women were entitled to the same legal rights as men; however, many women were unaware of their legal rights, although the government sponsored seminars to educate them. Women generally did not enjoy a social status equal to that of men. Traditional prejudices and social conditions remained obstacles to advancement. In rural areas, traditional practices restricting land inheritance for women remained a problem. The minimum wage law treats men and women equally; however, women generally earned less than men for equal work. Women sometimes complained that employers were reluctant to hire them because of the additional costs (mainly maternal) in a woman's benefits package. The gender gap in hiring appeared widest in the higher education brackets. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and microbusiness, whereas in rural areas the majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the informal economy.

Leading women's rights groups included the Campesinas de Bolivia Bartolina Sisa, which focused on rural indigenous women; CIDEM; and Gregoria Apaza.

Children

The government's commitment to children's rights and welfare was insufficient to improve conditions appreciably.

Public schooling was provided up to age 17 or eighth grade. The law requires all children to complete at least five years of primary school, and primary education was free and universal. Enforcement of the education law was lax, particularly in rural areas, where more than half of primary schools offered only three of eight grades. An estimated 50 percent of children completed primary school, and an estimated 26 percent graduated from high school. There were no significant gender differences in access to basic education, although girls continued to drop out at a higher rate than boys, particularly in rural areas.

Medical care is free up to age five, and there was no apparent difference in access based on gender. Pilot centers offered subsidized health care to children over the age of five, although clinics often were not available in rural areas. Many children, particularly from rural areas, lacked birth certificates and the identity documents necessary to secure social benefits and protection. The government, with help from foreign governments and NGOs, made some progress providing these documents free of charge.

Corporal punishment and verbal abuse were common in schools. Children from 11 to 16 years of age may be detained indefinitely in children's centers for suspected offenses or for their own protection on the orders of a social worker. In 2005 the UN Children's Fund (UNICEF) estimated that approximately 13,000 children lived in institutions where their basic rights were not respected. There also were many children living on the streets of major cities.

Child prostitution was a problem, particularly in urban areas and in the Chapare region. There were reports of children trafficked for forced labor to neighboring countries. According to Pastoral de Movilidad Humana, the local representative of UNHCR, each month between nine and 11 children in the southern part of the country disappeared and were presumed victims of trafficking. Several NGOs had active programs to combat child prostitution.

There were 260 Defender of Children and Adolescents offices to protect children's rights and interests nationwide. The government's plan to combat child labor included a public information campaign against child prostitution and raids on brothels.

Trafficking in Persons

The law prohibits trafficking in persons and specifically criminalizes trafficking in persons for the purpose of prostitution. However, there were credible reports that persons were trafficked to, from, or within the country.

The country was a source for men, women, and children trafficked for forced labor and sexual exploitation to Argentina, Chile, Brazil, Spain, and the United States. Faced with extreme poverty, many citizens became economic migrants, and some were victimized by traffickers as they moved from rural areas to cities and then abroad. Women and children, particularly from indigenous ethnic groups in the Altiplano region, were at greater risk of being trafficked. Children were trafficked within the country to work in prostitution, mines, domestic servitude, and agriculture, particularly on sugarcane and Brazil nut plantations. Weak controls along its extensive borders made the country an easy transit point for illegal migrants, some of whom may have been trafficked. Commercial sexual exploitation of children also remained a problem.

While there were reports that some adolescents were sold into forced labor, it appeared that most victims initially were willing economic migrants who later were trafficked by being duped or coerced into conditions of forced labor. The Bolivian Embassy in Buenos Aires stated that it received at least one claim per day of a Bolivian child being exploited in Argentina.

The law criminalizes trafficking for the purpose of prostitution and provides for a prison term of four years, which may be increased to 12 years when the victim is less than 14 years of age. The government investigated approximately 100 cases of trafficking in persons; while there were some arrests, there were only two reported convictions--one on slavery charges in Cochabamba, and another in La Paz.

The Ministry of Justice, via an interinstitutional committee, has responsibility for combating trafficking. The Ministry of Government, including the National Police and the Immigration Service, the Ministries of Foreign Affairs, Labor, and Sustainable Development, as well as prefectures and municipalities, have secondary responsibility. The Human Rights Ombudsman's Office nonetheless noted that the government had little presence at the borders to control trafficking, and that unauthorized entities and agents issued permission documents for minors to travel abroad.

Some government officials reportedly took bribes to facilitate smuggling and the illegal movement of persons; however, the government did not condone or facilitate trafficking. In 2006 the government opened an investigation of 18 public employees, including four members of congress, suspected of official involvement in human trafficking. The government also took measures, such as instituting a system of checks and balances at official border crossings and airports, to reduce corruption among judicial officials responsible for authorizing unaccompanied travel abroad of those under age 18. Nonetheless, the International Organization for Migration (IOM), the Pastoral de Movilidad, the human rights ombudsman, and several news outlets all reported a steady flow of children crossing into Argentina, Peru, and Brazil illegally.

Investigative news reports described lawyers at border crossings with Argentina, who charged \$15 (120 bolivianos) to file the necessary paperwork for judges to approve the often illegal movement of minors across the border.

The Defender of Children's offices in municipalities, sometimes in cooperation with NGOs, managed scattered assistance programs for victims. The La Paz department prefecture opened a shelter for victims of sexual exploitation in June 2006. The La Paz city government operated an emergency shelter for abused and exploited children that provided emergency services for up to three days for trafficking victims.

The IOM and the NGO Save the Children conducted public awareness campaigns on trafficking of children.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and identifies the rights and benefits afforded them. A 1997 decree clarifies these rights and establishes how public and private institutions should integrate persons with disabilities. There was no official discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. However, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society. The Law on Disabilities requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. In March the Confederation of Handicapped People and the Ministry of Justice signed an agreement that stipulates that the government will give each confederation member approximately \$375 (3,000 bolivianos) per year.

The electoral law requires accommodation for blind voters; however, in general there were no special services or infrastructure to accommodate persons with disabilities. A 2003 presidential decree requiring that 4 percent of the government's new hires be persons with disabilities had not been strictly enforced by year's end.

The National Committee for Handicapped Persons was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The human rights ombudsman reported that approximately 70 percent of the population considered racism a problem. There was societal and systemic discrimination against the small black minority, which generally remained at the low end of the socioeconomic scale and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 35,000 blacks lived in the Yungas region of La Paz Department.

Indigenous People

In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua and Aymara groups. The IACHR reported that approximately 70 percent of these indigenous persons lived in poverty or extreme poverty, with little access to education or to minimal services to support human health, such as clean drinking water and sanitation systems.

Indigenous protesters were major protagonists in the events leading up to the election of the country's first indigenous president, Evo Morales. The Agrarian Reform Law provides for indigenous communities to have title to their communal lands and for individual farmers to have title to the land they work. Indigenous people protested the government's failure to provide them with title to all of their claimed territories; they also objected to outside exploitation of their resources. Indigenous peasants illegally occupied several private properties belonging mostly to former government officials, often with the backing of the Landless Movement.

On November 7, President Morales signed a law incorporating the text of the UN Declaration on Indigenous Rights into the country's framework of law, but it was unclear what practical effects this would have on the situation of indigenous persons. The UN declaration also was included in the text of the new draft constitution that faces a public referendum in 2008.

Indigenous groups used the Popular Participation Law to form municipalities that offered them greater opportunities for self-determination. Several political parties, citizens' groups, and NGOs were active in promoting the rights of indigenous persons, although progress was minimal. Indigenous persons continued to be underrepresented in government and politics, and indigenous groups bore a disproportionate share of poverty and unemployment. In addition government educational and health services were not available to many indigenous groups living in remote areas.

Other Societal Abuses and Discrimination

According to the human rights ombudsman, persons with HIV/AIDS were the group facing the most discrimination in the country. However, the courts have on occasion attempted to block government discrimination against HIV-positive

persons. On July 25, the La Paz Superior Court ruled that naval cadet Richard Condori Martínez should be reinstated, after Condori Martínez argued his HIV status was the reason the naval academy had expelled him. The navy asserted that it was Condori Martínez's many health-related absences.

Section 6 Worker Rights

a. The Right of Association

While the law allows workers to form and join trade unions, in practice this right was limited due to inefficient labor courts and inadequate government regulation. Approximately 25 percent of workers in the formal economy, which employed approximately 30 percent of all workers, belonged to unions.

Workers may form a union in any private company of 20 or more employees; however, the minimum requirement of 20 workers proved a heavy restriction, as an estimated 70 percent of enterprises had fewer than 20 employees.

Public sector workers also have the right to form unions. 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 central government had close ties with certain umbrella labor organizations such as the Central Workers Union of Bolivia (COB) and the Confederation of Farm Workers. The government appeared to exert pressure on some of these organizations' national leadership and local chapters and funded parallel chapters in areas where the government had less influence. The state-run oil and gas company YPFB recently reassigned one of its employees, Maximo Oswaldo Torrico Montano, from Santa Cruz to Uyuni. Torrico, an elected leader of the Santa Cruz COB chapter, alleged that his reassignment was due to his outspokenness against central government policies.

The law prohibits antiunion discrimination and requires reinstatement of employees illegally fired for engaging in union activity. The National Labor Court handles complaints of antiunion discrimination, but it can take a year or more to rule due to a significant backlog of cases. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders stated that problems often were moot by the time the court ruled.

b. The Right to Organize and Bargain Collectively

The law provides workers the right to organize and bargain collectively; however, collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the government, was limited. Most collective bargaining agreements were restricted to wages.

The law provides most workers with the right to strike but first requires unions to revert to government mediation; the law requires the same of employers before they initiate a lockout.

Public service employees, including those in banks and public markets, are prohibited from striking; despite this, workers in the public sector (including teachers, transportation workers, and health care workers) frequently went on strike. Public sector employees had not been penalized for strike activities in recent years. However, in August the government docked teachers' salaries after they went on strike protesting the government's proposed education reform law. Solidarity strikes are illegal, but the government neither prosecuted nor imposed penalties in such cases.

There were numerous strikes organized by a variety of different sectors during the year. Massive strikes and blockades, which included labor movement participation, frequently prevented travel along major routes that connected the largest cities.

There are no special laws or exemptions from regular labor laws in the seven special duty-free zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers continued, as did some alleged individual cases of household workers effectively held captive by their employers.

The International Labor Organization (ILO) estimated that more than 7,000 Guaranis lived in a type of indentured servitude in extremely remote parts of Chuquisaca. The families worked land owned by landlords in exchange for housing and food but were not paid the minimum wage. As a result they incurred large debts to their landlords and were not permitted to leave the property without satisfying their debt. These families lived in very poor conditions, without water, electricity, medical care, or schools. On November 28, the government issued a decree that when implemented would distribute

approximately 450,000 acres of land in Chuquisaca to up to 500 Guarani families.

In 2005 the ILO reported that between 26,000 and 30,000 persons, mostly of indigenous origin, were victims of forced labor, harvesting Brazil nuts in Beni Department. The work was seasonal, lasting approximately three months per year. During that time landlords sold basic foodstuffs to workers at inflated prices; workers subsequently incurred large debts and were not permitted to leave the property until the debts were satisfied. Similar conditions existed in the sugar industry in Santa Cruz Department.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a serious problem. The law prohibits all paid work by children under the age of 14; however, in practice the Ministry of Labor generally did not enforce child labor laws, including those 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 law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for 12- to 14-year-olds under various formal but poorly enforced restrictions, which have been criticized by the ILO and were considered by some to be tantamount to bondage.

The Ministry of Labor is responsible for enforcing child labor provisions but did not enforce them throughout the country.

According to government and UNICEF statistics, approximately 800,000 children and adolescents between the ages of seven and 19 were engaged in some type of work, which represented an estimated 32 percent of this age group. Although the law prohibits persons under 18 years of age from work in the sugarcane fields, approximately 10,000 rural migrant children (7,000 of whom were under the age of 14) worked in this activity. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses but, when employed, often worked the same hours as adults. Children also worked in mines and other dangerous occupations in the informal sector. Narcotics traffickers used children to transport drugs. Child prostitution remained a problem. According to an April report by the human rights ombudsman, 3,000 children lived in the streets, many of whom were exploited sexually. The report stated that more than 100,000 children worked eight to 12 hours a day. The IOM estimated that 2,000 girls worked, or were forced to work, as prostitutes.

The traditional practice of criadito service persisted in some parts of the country. Criaditos are indigenous children of both sexes, usually 10- to 12-year-olds, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. Such work is illegal, and there were no controls over the benefits to, or treatment of, such children.

The government devoted minimal resources to investigating child labor cases, but NGOs and international organizations such as UNICEF supplemented the government's efforts.

The government continued its efforts to eliminate child labor in its worst forms, working with NGOs to discourage the use of child labor in the mining and sugar sectors by participating in internationally funded programs to provide educational alternatives to children who otherwise would work in mines or sugarcane fields. Nonetheless, according to the human rights ombudsman, 3,800 children worked in mining.

e. Acceptable Conditions of Work

The government established the minimum wage for the public and private sectors by supreme decree following traditional negotiation with the Central Bolivian Workers Union. The national minimum wage was \$55 (436 bolivianos) per month and did not provide a decent standard of living for a worker and family. Most formal sector workers earned more, although many informal sector workers earned less. While the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. The minimum wage did not cover the large number of workers in the informal sector.

Labor laws establish a maximum workweek of 48 hours, limit women to a workday one hour shorter than that of men, prohibit women from working at night, mandate rest periods, and require premium pay for work above a standard workweek. In practice the government did not effectively enforce these laws.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards were enforced poorly. There were fewer than 30 inspectors throughout the entire country. While the government did not maintain official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. A national tripartite committee of business, labor, and government representatives was responsible for monitoring and improving occupational safety and health standards. The Ministry of Labor maintained a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in cooperative-operated mines remained poor. Miners continued to work with no scheduled rest for

long periods in dangerous, unhealthy conditions and earned relatively little for their efforts; some earned less than \$2.75 (21 bolivianos) per 12-hour day. Conditions changed little in the past decades, as independent miners' cooperatives lacked the financial and technical resources needed to improve mine infrastructure. The law provides workers the right to remove themselves from dangerous situations without fear of losing their jobs.

