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## Bolivia

### Country Reports on Human Rights Practices - [2005](#)

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Bolivia is a constitutional, multiparty democracy with a population of 8.5 million. On June 9, following weeks of social protests, congress accepted the resignation of President Carlos Mesa Gisbert, who assumed the presidency in October 2003, following the resignation of the then President Gonzalo Sanchez de Lozada. The presidency passed through the constitutional line of succession (both the presidents of the Senate and the Chamber of Deputies declined the position) to Supreme Court President Eduardo Rodriguez Veltze, who became a transitional president. On December 18, in a generally free and fair process, citizens elected Evo Morales Aima as president by the largest margin in recent history. The civilian authorities generally maintained effective control of the security forces.

While the government generally respected the human rights of its citizens, there were problems in some areas. Civil unrest during the first half of the year resulted in some reported human rights violations. President Mesa's policy of not using force to maintain order resulted in fewer cases of violations committed by state actors, but the vacuum of power created other social and economic problems and ultimately led to his resignation and the transfer of power to President Rodriguez in June. The following human rights problems were reported:

- abuses by security forces, including killings, use of excessive force, extortion, and improper arrests
- mistreatment of military conscripts
- harsh prison conditions characterized by violence
- arbitrary arrest and detention, police brutality, and prolonged detention
- corruption, inefficiency, and political manipulation of the judiciary
- pervasive domestic violence and discrimination against women, abuse of children, and trafficking in persons
- discrimination against and abuse of indigenous people and blacks
- child labor and brutal working conditions in the mining industry

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Although the government or its agents did not commit any politically motivated killings, one protester was killed and dozens were injured during violent demonstrations in La Paz and Chuquisaca (see section 2.b.). Additionally, security forces killed two persons in unrelated events.

On January 28, naval officer Ruben Dario Rojas shot and killed Eusebio Negrete Rojas Pinto, a 12-year-old boy in Riberalta who he believed was a cattle thief. Rojas' family alleged excessive force due to the existence of 13 entry-wounds and further alleged that he did not receive prompt medical treatment. On July 1, authorities sentenced Dario to three years in prison.

On June 9, during the civil unrest that led to President Mesa's resignation, unknown actors killed miner Carlos Coro Mayta outside the city of Sucre. The government indemnified the family for his death, and the investigation was ongoing at year's end.

On August 4, army officer Luis Fernando Pereara Ramos, who was under the influence of alcohol, shot and killed military conscript Fredy Moises Kanqui. The case was pending in a military court at year's end, and Pereara was being held in preventative detention.

There were no developments in the investigations of the June 2004 killings of officer Saul Coronado and two peasants, Hernan Masay and Eddy Argmon, during confrontations between security forces and civilians in the town of San Pablo.

There were no new developments in the investigations of the September and October 2004 confrontations between coca growers (*cocaleros*) and security forces inside the Isiboro Secure nature reserve, which resulted in the deaths of *cocalero* Juan Colque and Genaro Canaviri.

There were no developments and none were expected in the investigation of the December 2004 killing of Medrin Colque Mollo, presumably

by police, during a confrontation between more than 100 squatters and security forces.

There were no significant developments in the public ministry investigations into the February 2003 civil unrest that left 33 people dead and some 200 injured.

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, the government did not conduct a full and fair investigation, but absolved civilians of all liability for their role in the unrest. The government notified the majority of the defendants of the charges against them and began taking evidence in the case in August, including the depositions of military officials.

On August 25, police officer Santiago Calderon Romero was killed during a land confrontation with the Landless Movement, a nongovernmental organization (NGO) in Santa Cruz.

On September 1, on the outskirts of El Alto in Viacha, Gumercindo Mamani, Damaso Condori, and Dionicio Flores were killed in a dispute between two communities over land ownership. These cases were under investigation at year's end.

In March 2004 disgruntled miner Eustaquio Picachuri, who entered congress with dynamite strapped to his body, blew himself up, killing policemen Marvel Flores and Rene Amurrio and injuring 11 bystanders. The government determined that Picachuri did not have any accomplices, so the authorities did not open a criminal investigation.

There were no significant developments and none were expected in the investigations into the numerous boobytrap and sniping incidents in the Chapare in 2003 that killed or injured security personnel eradicating illegal coca plants and the shooting death of coca grower Willy Hinojosa.

There were several deaths due to violence in prisons during the year (see section 1.c.).

In the case of the February 2004 killing of prosecutor Monica von Borries in Santa Cruz, authorities granted conditional liberty on bond to Spanish citizen Francisco Javier Villanueva in November. At least one other suspect, Brazilian citizen Ricardo Borba remained in jail. Italian Marco Marino Diodato escaped from custody and remained at large, while Brazilian suspect Sandro de Carvalho escaped from a Santa Cruz prison in September (see section 1.c.).

In the case of the June 2004 lynching of Ayo Ayo Mayor Benjamin Altamirano, authorities made several arrests and sentenced two persons associated with the killing. On December 2, police arrested the principal suspect and alleged mastermind of the crime, Cecilio Huanca, in Santa Cruz. Government officials, previously driven from the town, regained control of Ayo Ayo.

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, the Vice Ministry of Justice and its Directorate of Human Rights, and NGOs continued to press the government to expedite action in the cases.

#### 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 while the government generally respected these prohibitions, there were a number of allegations of beatings and abuse by members of the security forces. The Human Rights Ombudsman released a report on December 30 which 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 16 complaints from citizens in the Chapare during the year that security forces either had abused them or stolen their property. Cases were not formally filed with the public ministry but instead were referred for action to the police office of professional responsibility.

There also were credible allegations that military commissioned officers and noncommissioned officers beat and otherwise mistreated military conscripts.

On December 21, La Paz police officers Rene de Rio Rosales, Mario Vaca, and Edgar Choque reportedly arrested and beat Alvaro Guzman, Director of Human Rights for the Vice-Ministry of Justice, and refused to allow him access to an attorney. An investigation was pending at year's end.

The public ministry investigation continued into allegations that Santa Cruz police tortured Spanish citizen Francisco Javier Villanueva in April 2004 in connection with the February 2004 car bombing of State Prosecutor Monica Von Borries (see section 1.a.).

No significant progress was made in the 2003 case involving two coca growers injured during a protest at Cruce Vuelta Derro or in the 2003 beating cases of Gabina Contreras and her husband Crecencio Espinosa near Santa Rosa, allegedly by army soldiers. The latter case

remained under investigation at year's end.

Indigenous communities in areas with little or no central government presence imposed punishments that reportedly included the death penalty for members who violated traditional laws or rules, although the constitution prohibits the death penalty. Vigilante justice was a regular occurrence in the mostly indigenous city of El Alto, where images of would-be thieves were hung routinely in effigy near stores and markets. On July 12, crowds attempted to burn professor William Villca in Cochabamba when neighbors of the town confused him with a thief.

#### Prison and Detention Center Conditions

Prison conditions were harsh. Prisons were overcrowded and in poor condition. Overpopulated jails included: San Pedro in La Paz by 397 percent, Mocoivi by 345 percent, and the women's jail in La Paz by 300 percent. A total of 52 persons escaped from prisons during the year, with 17 recaptured. On September 22, 27 prisoners escaped from Palmasola in Santa Cruz. Guards killed 2 prisoners during the escape; 14 remained at large. 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 between prisoners and, in some cases, the involvement of prison officials in violence against prisoners were problems. In October more than 200 prisoners in the Cantumarca prison in Potosi rioted after guards beat prisoner Ever Guaman. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. The number of persons held in detention centers, intended to hold persons prior to the completion of their trials and sentencing, significantly decreased due to the new Code of Criminal Procedure (CCP) but was still a problem due to judiciary strikes and a general increase in crime.

According to the director general of the Penal System in the Ministry of Government, as of October, there were 7,310 prisoners (949 women and 6,361 men) in facilities designed to hold 4,700 prisoners.

A prisoner's wealth may determine cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Fees reportedly were paid to prior cell occupants or to prisoners who controlled cellblocks. Although the law permits children up to 6 years old to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. There were approximately 730 children living with a parent in prison, as an alternative to being left homeless. The standard prison diet was insufficient, and prisoners who could afford to do so supplemented the standard prison diet by buying food. The law provides that prisoners have access to medical assistance, but there was no adequate health care within the prisons, and it was difficult for prisoners to get permission for outside medical treatment. Of the country's 14 jails, 5 did not have doctors or provide medical assistance. Several illnesses were registered in the jails such as tuberculosis and HIV. The government was unaware of the number of ill prisoners. 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.

Several deaths due to violence in prisons occurred during the year, including the death of a child molester/rapist who was killed by his fellow inmates.

In August authorities charged and sentenced prisoners William Perez and Elito Limon to 30 years and 5 years, respectively, for their roles in the death of prisoner Mauricio "Chichuriru" Suarez in 2003.

There are separate prisons for women, except for Morros Blancos prison in Tarija, where both men and women were incarcerated. 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.

The 706 convicted juvenile (16 to 21 years old) prisoners 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.

#### 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 641 administrative sanctions during the year. Several senior police officers were fired and charged for off-duty crimes, and a number were dismissed for corruption. In April authorities charged three high-ranking police officers with assault but later released the officers on technical grounds. Prosecutors generally were reluctant to prosecute security officials for alleged offenses committed while on duty, in part because they rely 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 arrest and detention. The CCP requires an arrest warrant, and the police must inform the prosecutor of an arrest within 8 hours. The law requires that a detainee be presented before a judge within 24 hours. The CCP provides that within this 24-hour period a 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.

Many prisoners still awaited trial; the most recent government statistics revealed that approximately 5,404 were awaiting sentencing, but the courts provided release on bail for some prisoners. Judges have the authority to order preventive detention for suspects under arrest deemed to be a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's travel.

Prisoners were allowed access to a lawyer, but approximately 70 percent could not afford legal counsel, and public defenders were overburdened (see section 1.e.).

Approximately 800 police officers and prosecutors were trained in the new CCP and in safeguarding human rights during criminal investigations.

There were no reports of political detainees.

Denial of justice through prolonged detention remained a problem. Although the CCP provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing, this has not been respected in practice (see section 1.e.). If the 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 incarcerated 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 (see section 5).

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, corruption and inefficiency in the judicial system remained major problems. Poor pay and working conditions made judges and prosecutors susceptible to bribes.

The judicial system has three levels of courts: trial court, superior court, and the Supreme Court. The Supreme Court hears appeals in general, while the constitutional tribunal has original and appellate jurisdiction on constitutional matters.

The CCP provides for a system of transparent oral trials in criminal cases; requires that no pretrial detention exceed 18 months; provides for a maximum period of detention of 24 months in cases in which a sentence is being appealed; and mandates a 3-year maximum duration for a trial.

The law provides that the prosecutor is in charge of the investigative stage of a case. 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 features a five-member panel that includes three citizen members and two professional judges. During the year the Forensic Medical Institute opened, although the attorney general's office did not have the proper chemicals to begin conducting investigations.

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 the 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, and to an appeal. In practice the rights to an attorney and to a speedy trial were not protected systematically, although the CCP facilitated more efficient investigations, transparent oral trials, and credible verdicts.

The National Public Defense Service was established to provide indigent defendants with a defense attorney at public expense. However, continued budget shortages led to reducing the service's staff to 54 public defenders, 9 legal assistants, and 9 district directors. There was a particular shortage of public defenders in rural areas.

The CCP also recognizes the conflict resolution (community justice) traditions of indigenous communities, provided that the resolution does not conflict with the rights and guarantees 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. 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 either innocence or guilt. For major infractions, the case is forwarded to a military court. Authorities recognized conflicts over military and civilian jurisdiction in certain cases involving human rights. A 2004 constitutional court decision provides that military personnel should be tried in civilian courts for human rights violations. During the year the armed forces organized seven human rights seminars in different cities and worked to reform its military code and military prison system.

#### Political Prisoners

There were no reports of political prisoners.

#### 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 the Yungas. Residents in the coca growing areas generally were reluctant to file and pursue formal complaints against security forces. Those who were engaged in alternative development activities were also reluctant to pursue formal complaints against coca growers because of fear of reprisals by the coca syndicates.

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

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

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or access to the Internet.

Privately owned newspapers frequently adopted antigovernment positions. However, there were frequent allegations of bias and corruption in the press, including reports that political candidates had to pay bribes for favorable elections coverage and to avoid negative press. Some independent media practiced self-censorship or did not report on certain stories for fear of being accused of either favoring, or waging a "dirty war" against political figures. Others complained that journalists' unions protected journalists and editors with political biases who unduly influenced reporting. In September the Journalists' Association's Honor Court found major daily *El Diario* in violation of ethics rules.

State-owned and private radio and television stations generally operated freely. In contrast with 2004, there were no reported instances of journalists being threatened, injured, or held hostage by private individuals or groups critical of their reports.

On April 20, a military officer physically assaulted journalist Jose Luis Conde while he was recording the events of the 114<sup>th</sup> anniversary of the military school. The investigation was pending at year's end.

Unlike in 2004, there were no reports that police forcibly expelled reporters covering the news.

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, during the year the tribunal heard a case involving a political candidate's defamation claim against a magazine.

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.

On June 9, at least one person, miner Carlos Coro Mayta, died in Chuquisaca, and dozens of others were injured during episodes of social unrest (see section 1.a.). Some of the injuries were attributed to tear gas canisters, rubber bullets, and live ammunition used by security forces against protesters. Investigations into these incidents remained pending at year's end. Demonstrators, particularly miners, often set off small sticks of dynamite during marches, resulting in injuries, usually to the person detonating the device.

###### 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 predominates, 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.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. The ministry is not allowed to deny registration based on an organization's articles of faith, but the legal 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 was a small Jewish community. While no overt acts of societal violence were reported against the community, during the year one Jewish group continued to voice its concern over "skin head" groups who disseminated anti-Semitic hate mail on the Internet.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

#### .d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice. However, protesters blocked major highways at various times at different locations throughout the country. Blockades in La Paz, Chuquisaca, and Cochabamba by coca growers, the Movement Toward Socialism Party, miners, and social groups caused an estimated \$100 million (794 million bolivianos) of economic loss. Although the government did not revoke citizenship for political or other reasons, an estimated 792,700 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 United Nations Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government has a system to determine those in need of refugee protection or asylum. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers; however, the government had not yet adjudicated the cases of any of the 22 persons who applied for refugee status in 2004, in part because of bureaucratic delays. Five persons applied for refugee status during the year, and the government provided refugee protection in three of those cases. While the law does not mention temporary protection, the government provided similar protection to approximately 30 individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol by granting them tourist or work visas.

### 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, approximately 400 thousand citizens of voting age lacked the identity documents necessary to vote. Political parties and citizens groups ranging from far left to moderate right functioned openly. Elections for national offices and municipal governments are scheduled to be held every five years.

#### Elections and Political Participation

In national elections held on December 18, citizens elected Evo Morales Aima as president in a process generally considered free and fair, despite allegations of minor irregularities in the master voting list. Voter turnout reached a record-breaking high of 84.5 percent.

A law enacted by congress in 2004 to permit small citizen and indigenous groups that met certain criteria to participate in politics as political parties significantly impacted voter participation in the December 18 election.

Although the law requires that every third candidate appearing on a political party's slate be female, the actual number of women holding public office was 24 percent. Female politicians reported that political parties frequently adhered to the quota in submitting their candidate lists, but subsequently pressured female candidates to resign their candidacy prior to elections.

In addition every other candidate on municipal election ballots, beginning with the second candidate, must be a woman, a requirement that increased female representation to approximately 30 percent of municipal council positions. There were 28 women among the 157 deputies and senators (prior to the December 18 elections) and 3 women in President Rodriguez's 18-member cabinet. There was 1 indigenous member of the cabinet, and the number of indigenous members of the congress was estimated at 17 percent, a figure difficult to confirm because designation as indigenous is self-declared.

#### Government Corruption and Transparency

In cases involving allegations of corruption against public officials, congress must give its approval before prosecutors can institute legal

proceedings. During the year congress approved seven such cases of corruption against former governors Luis Alberto Valle, Rolando Arostegui, Gustavo Aguirre and former ministers Tonchi Marinkovic, Fernando Kieffer, Edgar Millares, and Carlos Iturralde. There also were nepotism scandals in congress and corruption cases involving senior police officials, most of whom were fired. NGOs involved in land takeovers and disputes also were suspected of illegal gain.

There was no specific 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 occasionally government security forces and ministries 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. For example, in 2003 police in El Alto arrested Colombian National Liberation Army suspect Francisco "Pacho" Cortes, who, although posing as a human rights worker, possessed narcotics, seditious material, weapons, and bomb-making equipment. On January 10, Cortes obtained provisional liberty with the help of NGOs that paid for his bail. At year's end he remained under a modified house arrest.

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, promotion, and spread of human rights, specifically to defend citizens against abuses by the government. 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.

There were no new developments in the congressional human rights committee investigation of alleged human rights abuses committed in 2003, including those in the Chapare and those related to the social unrest.

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. New offices were opened in the city of El Alto and the Yungas. These offices reported their findings to the Vice Ministry of Justice in the Ministry of the Presidency, disseminated human rights information, accepted complaints of abuses committed, 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.

##### Women

Violence against women was a pervasive and underreported problem. According to the Center for the Information and Development of the Woman (CIDEM), 70 percent of women were abused physically or psychologically. 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 family laws prohibiting mental, physical, and sexual violence provided 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.

Rape also was a serious but 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 the criminal charges. The CCP makes rape a public crime. The law, as modified during the year, criminalizes statutory rape, with penalties 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 2 to 6 years' imprisonment. Forcible rape of an adult is punished by sentences ranging from 4 to 10 years' imprisonment. Sexual crimes against minors automatically are considered public crimes in which the state presses charges.

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 (see section 5, Trafficking).

The CCP 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 the age of 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. The Vice Ministry of Women in the Ministry of Sustainable Development protects their legal rights.

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, for instance, 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 did 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 micro-business, whereas, in rural areas, the vast 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 of Bolivia Bartolina Sisa, which focuses on rural indigenous women, and CIDEM.

## Children

The government's commitment to children's rights and welfare was insufficient to improve conditions appreciably. There are seven Defender of Children and Adolescents offices to protect children's rights and interests.

Public schooling was provided up to age 17 or grade 8; the law requires all children to complete at least 5 years of primary school; primary education was free and universal. Enforcement of the education law was lax, particularly in rural areas, where more than half of the 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 the rural areas.

Medical care is free up to age five, and there was no apparent difference in such 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. Unlike in previous years, there were no reports that preference was given to boys regarding medical expenditures 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.

Physical and psychological abuse in the home was a serious problem. 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. The UN Children's Fund (UNICEF) estimated that approximately 13 thousand 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 (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

Several NGOs had active programs to combat child prostitution. The government's plan to combat child labor included a public information campaign against child prostitution and raids on brothels.

## Trafficking in Persons

Although the law prohibits trafficking in persons, there were credible reports that persons were trafficked to, from, or within the country.

The law specifically criminalizes trafficking in persons for the purpose of prostitution and provides for terms of imprisonment beginning at 4 years and ranging up to 12 years when the victim is less than 14 years of age. The government investigated 44 cases of trafficking in persons; while there were some arrests, there were no convictions.

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, are legally responsible for handling some aspect of antitrafficking efforts. In August a presidential decree gave the Ministry of the Presidency, via an inter-institutional committee, responsibility for trafficking matters.

The country is a source for men, women, and children trafficked for forced labor and sexual exploitation to Argentina, Chile, Brazil, Spain, and the United States; however, there were no reliable estimates on the extent of the trafficking. Faced with extreme poverty, many citizens were 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 harvesting sugar cane and Brazil nuts. Weak controls along its extensive five 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 were duped or later coerced into accepting jobs that turned out to be forced labor.

Some government officials reportedly took bribes to facilitate smuggling and the illegal movement of people; however, the government did not condone or facilitate trafficking and removed at least two high-level immigration officials on suspicion of corruption. It was not known whether any of those dismissed were accused of involvement with 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 18 years of age.

During the year the government established technical judicial police units specializing in trafficking in persons in La Paz, Cochabamba, and Santa Cruz and assigned investigators and prosecutors to handle trafficking-related cases. The government also promoted educational measures to address trafficking, and the Ministry of Sustainable Development and NGOs conducted informational campaigns on the rights of children and women. The government, in conjunction with UNICEF, provided free birth and identity documents to thousands of undocumented citizens to reduce their vulnerability to being trafficked. In April the municipality of La Paz opened a shelter for abused and exploited children that also provided services for young trafficking victims.

The Defenders of Children offices in municipalities, sometimes in cooperation with NGOs, managed scattered assistance programs for victims.

The NGOs *Terre des Hommes*, International Organization of Migration, and Save the Children conducted public awareness campaigns on trafficking of children. In November and December the government, with the support of the International Labor Organization (ILO) and the Organization of American States, conducted a radio and television public awareness campaign. The government also established and widely publicized a "123 hotline" for reporting trafficking in children.

#### 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.

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 Incapacitated Persons was responsible for protecting the rights of persons with disabilities.

#### National/Racial/Ethnic Minorities

There was societal discrimination against the small black minority, who 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 25 thousand blacks lived in the Yungas region of the Department of La Paz.

#### 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. Indigenous protesters were major protagonists in the events leading up to the 2003 resignation of President Sanchez de Lozada and the June resignation of President Mesa. The Agrarian Reform Law provides for indigenous communities to have legal 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.

Indigenous groups used the Popular Participation Law to form municipalities that offered them greater opportunities for self-determination. Several political parties and citizens' groups and a number of NGOs were active in promoting the rights of indigenous peoples, although progress was minimal. The CCP recognized the conflict resolution traditions of indigenous communities (see section 1.e.).

Indigenous people 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 (see sections 2.d., 3, and 4).

#### Section 6 Worker Rights

##### a. The Right of Association

While the law allows workers have 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 the 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, an estimated 70 percent of workers were employed in micro or small enterprises with fewer than 20 employees. Public sector workers also have the right to form a union. 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.

Complaints of antiunion discrimination are administered by the National Labor Court, which 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 with 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 services, including banks and public markets, are prohibited from striking; however, workers in the public sector (including teachers, transportation workers, and health care workers) frequently did strike. Public sector employees have not been penalized for strike activities in recent years. 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, contributed to the resignation of President Mesa in June.

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 (see sections 5 and 6.d.).

The ILO estimated that more than seven thousand 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. The human rights ombudsman conducted an investigation into this situation, and on November 21, released a formal proclamation urging regional and national governments to address the problem.

The ILO reported that between 26 thousand and 30 thousand 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 debt was satisfied. Similar conditions existed in the sugar harvest industry in the Santa Cruz Department. Forced labor also occurred on individual farms in remote regions (principally in the Chaco region). The government worked with the ILO to address these issues.

Trafficking of women and children was a problem (see section 5).

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a serious problem. The law prohibits all work for payment 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 (see section 6.c.).

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, some 800 thousand children and adolescents between the ages of 7 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 thousand rural migrant children 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 (see section 5).

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, in particular, 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 in sugarcane fields.

#### 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, which were not effectively enforced, establish a maximum workweek of 48 hours, limit women to a workday 1 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.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards were enforced poorly. 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 the mining sector particularly were poor. Although the State Mining Corporation has an office responsible for safety, many mines were dangerous and unhealthy. In some mines operated as cooperatives, miners earned less than \$2.75 (21 bolivianos) per 12-hour day. Miners in such cooperatives worked in dangerous, unhealthy conditions with no scheduled rest for long periods. The law does not specify when workers may remove themselves from dangerous situations.

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