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U.S. Department of State

Bolivia Country Report on Human Rights Practices for 1996

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BOLIVIA

A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches with an attorney general independent of all three. The judiciary, while independent, is corrupt and inefficient. The executive and legislative branches share these defects to some extent. Constitutional amendments to reform the political and judicial systems that were approved in August 1994 were partially implemented by the end of 1996.

The National Police have primary responsibility for internal security, although the army, navy, and air force can be called upon for help in critical situations. A special antinarcotics force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities maintain effective control of the security forces, but some members of these forces committed human rights abuses.

Although rich in minerals and hydrocarbons, Bolivia has an annual per capita gross domestic product of about \$1,000. Principal exports are minerals, natural gas, and other raw materials; traditional agriculture dominates the domestic economy. Poverty is endemic. Many citizens lack such basic services as water, electricity, sewers, and primary health care. The centralized economy has long depended heavily on foreign aid. To promote development and a transition to a market economy, the Government is carrying out a program of privatization, deficit reduction, to strengthen the banking system, and encourage increased exports and foreign investment.

The Government generally respected the human rights of its citizens; however, legal and institutional deficiencies prevented their full protection. The Government continued its initiatives to improve this situation, but implementation was slow. The most pervasive human rights abuse continued to be prolonged incarceration of detainees due to antiquated procedures, inefficiency, and corruption in the judicial system.

There were credible reports of abuses by police, including excessive force, petty theft, extortion, and improper arrests. Prison guards beat prisoners. Human rights groups criticized the FELCN and the UMOPAR for abuses, particularly against coca growers and peasants in the Chapare region. Although the authorities disciplined or brought charges against 40 members of these units, in general police remained reluctant to prosecute their own colleagues for offenses. Investigations of alleged official abuses were slow. Other problems include harsh prison conditions, violence and discrimination against women, discrimination against and abuse of indigenous people, abuse of children, and inhuman working conditions in the mining industry. Controversy continued as to whether certain actions, such as temporary detentions taken to implement a state of siege

in April 1995, were unconstitutional and violated human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings. However, there were two instances in which security forces killed protesters while trying to control demonstrations.

Two deaths resulted from confrontations between demonstrators and security authorities in connection with teachers' union protests. On March 25 a police antiriot shotgun pellet evidently killed Rosendo Chino Olori, a market porter, in central La Paz. Chino was an innocent passerby caught up in a battle between teachers' union demonstrators armed with slings and dynamite, and police using tear gas and rubber shotgun pellets. Demonstrators at first prevented police from reaching Chino's body, claiming that he was a murdered fellow teacher. They roughed up a television camera crew at the scene. Police initially asserted that Chino died because the teachers did not allow him to receive medical assistance. However, a televised autopsy confirmed what closeup news photos of the corpse had suggested, i.e., that Chino's chest wound was massive and that no treatment could have saved him. A pathologist displayed on camera what appeared to be a large plastic pellet he removed from Chino's body and stated that it had been fired at close range causing nearly instantaneous death. The authorities did not deny that a police weapon killed Chino, although they said they had not authorized government forces to fire. The Government closed its investigation after failing to determine which policeman fired the shot.

Wilber Ferreira Cespedes, age 15, was killed in Cobija, Pando department, on May 23. The death occurred when demonstrators stoned the department administrative offices where officials were signing an agreement to end a 2-month teachers strike. A shotgun projectile fired by a police official guarding the building struck Ferreira. One pathologist identified it as a lead pellet, and another as a rubber pellet. An investigation was still in progress at year's end.

The final results of these investigations, and of the investigations into the five law enforcement-related deaths in the Chapare in 1995, have not been released. No action is known to have been taken against any official involved. The police officer accused in 1994 of murdering coca worker Felipe Perez Ortiz,

who escaped from custody in September of that year, has not been recaptured. The investigation continued in the case of five police officials arrested at the end of 1994 and charged with culpable negligence in the death of a prisoner, and the five officers remained free pending its completion. The Government's failure to complete effective investigations and publish the findings within a reasonable time amounts to impunity despite contrary government policies.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Government honors the constitutional prohibition against torture. However, there were reports that police used undue force in detaining farm workers during antinarcotics operations. Although many such allegations clearly were politically motivated exaggerations, the similarity and volume of such claims suggest that they had some basis in truth. However, no security personnel were charged or tried. In July the National Police announced activation of a special Police Control Corps to monitor police behavior and to discipline officials who commit abuses. Beginning with an 18-member unit in La Paz, the Government plans to extend the corps throughout the country.

The authorities disciplined or held for prosecution 40 members of the FELCN and the UMOPAR for offenses including corruption, extortion, and attempted rape. The three policemen accused of raping a juvenile prisoner in 1995 were discharged and in jail awaiting trial at year's end. In general, however, the police were reluctant to prosecute their own colleagues for offenses. Congress has yet to take action on the 1995 report of its Human Rights Committee resurrecting allegations that police officials had in past years tortured captured terrorists and recommending that criminal proceedings be opened against a number of named officers.

There were credible reports that guards beat some prisoners for attempting to escape from custody. The authorities suspended some prison personnel pending investigation.

Prison conditions are harsh. Prisons are overcrowded, and conditions can be life threatening for inmates without money. Ability to pay can determine cell size, visiting privileges, day-pass eligibility, and place or even length of confinement. Cell prices range from \$20 to \$5,000, paid to prior occupants or to prisoners who control cell blocks. In the poorest parts of La Paz' San Pedro prison, for example, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Children up to 6 years old may live with an incarcerated parent; an estimated 400 children do so. The authorities worked to get such children out of prisons, but many have nowhere else to go. The standard prison diet, according to a 1995 study, can cause anemia. Drugs and alcohol are readily available for those who can pay. There is no adequate health care within the prisons, and it is very difficult for prisoners to get permission for medical treatment outside. Affluent prisoners, however, can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons.

Convicted juvenile prisoners are not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners are scarce to nonexistent. The Government has acknowledged these problems but does not have sufficient resources to correct them quickly.

The Government permits prison visits by human rights monitors and news media representatives.

The incidence of violence was far lower in the Chapare coca growing region than in 1995, as more growers agreed to have their crops eradicated in exchange for compensation. However, there were credible reports that coca growers unions used physical coercion and intimidation to prevent farm workers from cooperating with the Government in coca eradication. Indigenous groups complained that armed coca growers invade their lands by force and coerce or bribe their members to cultivate illegal coca.

Indigenous communities in areas with little or no central government presence impose corporal punishment such as whipping on members who violate traditional laws or rules, although such punishment is forbidden by the Constitution.

d. Arbitrary Arrest, Detention, or Exile

Arrests are carried out openly. The law requires a valid warrant, which a court must confirm within 48 hours. However, there were credible reports that these legal safeguards were violated in some cases.

Denial of justice through prolonged detention remains the most pervasive human rights problem. Judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures keep persons incarcerated for months, or even years, before trial. A survey in September of the largest prison, San Pedro, revealed that about 80 percent of the inmates still were awaiting either trial or sentence. The Constitution provides for judicial determination of the legality of detention. Prisoners are released if a judge rules detention illegal, but the process can take months. Prisoners may see a lawyer, but approximately 70 percent cannot afford legal counsel, and public defenders are overburdened. Bail exists, except in some drug cases, and is generally granted.

The Government continues to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and taking measures to correct other deficiencies as they come to light. The Personal Recognizance Law promulgated in February permits pretrial release on personal recognizance for those unable to post bond, and provisional liberty for those declared innocent but awaiting review or appeal, or those already imprisoned longer than the maximum sentence for their alleged offense. The new law also shortens the permissible time for various stages of the penal process, including preventive detention. The authorities freed more than 1,000 prisoners provisionally or permanently under this law in its first 7 months. When it became known that hundreds of cases were suffering long delays because the defendants could not pay postage costs to transfer their files between judicial offices, a Supreme Decree eliminated that obligation.

The Public Defender program, still being expanded with a current total of 16 offices nationwide, has in its first 3 years of existence freed nearly 18,000 persons who probably would have remained imprisoned for lack of legal defense. From its establishment in October 1994 until September 1996, the Public Defender's office in the coca-growing Chapare region--where most allegations of official abuse arise--represented persons in 2,141 cases, obtaining liberty for the defendants in 1,502 of them. The office is taking an active approach by distributing concise information about human rights to the populace and seeking to be involved in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. A new program of mobile public defenders who can reach out to the more remote parts of the area has proven effective, and is being extended to other isolated regions of the country.

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

The Government does not use forced exile as a punishment.

e. Denial of Fair Public Trial

The judiciary is independent, but corruption and intimidation in the judicial system remain major problems. Poor pay and working conditions help make judges and prosecutors susceptible to bribes. Five Supreme Court ministers face investigations and possible corruption charges. Several lower court judges, as well as some prosecutors, were the subjects of similar allegations during the year, resulting in some firings and pending legal actions.

The judicial system has four levels: Investigative, trial, and superior courts, with the Supreme Court at the apex. In mid-1995, the Congress approved five new justices to complete the Supreme Court bench, ending a period of 18 months in which the court was not fully staffed or fully functional. The justices admit, however, that it is still difficult to assemble the quorum needed for decisions, and rulings are unduly delayed.

Police present the case of an arrested person to a prosecutor. If the prosecutor decides to prosecute, the case is then submitted to an investigative court which decides whether there is sufficient evidence to issue an indictment; if so, the case goes to a trial court. The trial court's decision may be appealed to superior court and, eventually, to the Supreme Court. Bail is usually available. Cases of persons arrested under the counternarcotics law go directly from a special prosecutor to the trial court. There is no bail in narcotics cases. The trial court's decision must be reviewed by the district superior court, which may confirm, lower, raise, or annul the sentence, or impose a sentence where there was none before. Both the district prosecutor and the defense attorney may make recommendations and comments at this stage. Superior court decisions in narcotics cases must be reviewed by the Supreme Court whose decision is final. Under the Personal Recognizance Law, persons who are absolved or found innocent in either of the two first instances may then be granted provisional liberty while they await the mandatory higher reviews.

The authorities generally respect the constitutional guarantee of the right to a fair public trial. However, the maximum time periods permitted by law for different stages of the judicial process frequently are exceeded. Defendants have the right to an attorney, to confront witnesses, to present evidence, and to appeal judicial decisions. The authorities generally honor these rights. Although the law provides for a defense attorney at public expense if needed, one is not always promptly available. The highly formal and corrupt judicial system makes it difficult for poor, illiterate persons to have effective access to courts and legal redress.

There were no reports of political prisoners.

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

The Constitution provides for the sanctity of the home and the privacy of citizens, and government authorities generally respect these provisions. There were credible allegations of UMOPAR abuses involving illegal searches and thefts of property from homes. However, residents in the coca growing areas generally are reluctant to file and pursue formal complaints. In August 1995, the Government and coca growers' union representatives agreed to form a mixed commission with offices throughout the Chapare coca-growing region, where most offenses allegedly occur. These offices would accept and pursue complaints of human rights abuses committed by anyone, including police, narcotics traffickers, or coca growers. The first such office began to function in Chimore in December 1995 and has been active in investigating some complaints.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the fundamental right to express ideas and opinions freely by any means of dissemination. There are, however, some limitations on freedom of speech. The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice President, or a Minister, the sentence may be increased by one-half. Although this law was rarely enforced, in March the authorities jailed former attorney general Manuel Morales Davila for accusing the President of treason. At year's end, Morales Davila was at liberty pending trial.

State-owned and private radio and television stations operated freely. Newspapers are privately owned; most adopt antigovernment positions.

The Government respects academic freedom, and the law grants public universities autonomous status. Some Marxist groups of teachers and students sought to deny academic freedom and to impose their political agenda on the education process. Radical, Trotskyite elements of the La Paz teachers' union symbolically burned books to be used in the Government's education reform plan, which removes the teachers' control of the curriculum and subjects them to quality review by parents and civic authorities.

b. Freedom of Peaceful Assembly and Association

The law provides for the rights of peaceful assembly and association, and the authorities respect them in practice.

The Government routinely grants permits for marches and rallies and, as a rule, the authorities try to avoid confronting demonstrators. However, police clashed with union and other demonstrators on many occasions. Labor, political, and student groups carried out many demonstrations and rallies in La Paz and other cities throughout the year, particularly during the first quarter. The authorities intervened only when they became dangerously violent or interfered substantially with normal civic activity.

c. Freedom of Religion

Roman Catholicism predominates, and the Constitution recognizes it as the official religion. However, citizens may practice the religion of their choice. About 400 religious groups, mostly Protestant, are active. Missionary groups must register with the Foreign Ministry as nongovernmental organizations (NGO's); there was no indication that they were treated differently from other NGO's. The Ministry did not disallow any registrations by missionary groups.

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

There are no restrictions on travel. The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political reasons.

The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Some refugees were accepted for resettlement. The issue of the provision of first asylum did not arise. Early in 1996, the authorities returned some Peruvians deemed to be improperly in the country in the wake of the 1995 kidnaping of industrialist Samuel Doria Medina by the Tupac Amaru terrorist group, but there were no reports that they were

subsequently persecuted in Peru.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right function openly. Implementing regulations for the 1994 constitutional revisions provide for more than half of the congressional deputies to be elected individually and directly, rather than from party lists.

No legal impediments exist to women or indigenous people voting, holding political office, or rising to political leadership. Nevertheless, the number of women and indigenous people who have prominent positions in politics remains small. Most of the political parties have said that they will accede to demands from women that they be allocated a fair share of the candidacies in the 1997 national elections. There are 13 women in the 130-seat Chamber of Deputies, but none in the Senate or the Cabinet. The Vice President, Victor Hugo Cardenas, is an Aymara.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. However, they criticize human rights advocates for paying attention exclusively to the negative aspects of the Government's performance. The Human Rights Committee of the Congress is very active and frequently criticizes the Government publicly.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based upon race, sex, language, religion, political or other opinion, origin, or economic or social condition. Nonetheless, there was significant discrimination against women, indigenous people, and the small black minority.

Women

Violence against women is pervasive. A study by the National Institute of Statistics covering the July 1992-June 1993 period found that 40 percent of all reported violent attacks in La Paz department were perpetrated against women. Ninety-five percent of the attackers were male; in 71 percent of the cases the attacker was closely related to the victim. Of these domestic violence complaints, 52 percent involved physical mistreatment and 48 percent involved psychological abuse. A total of 11,069 complaints of violence against women were registered in La Paz during this period. The Government estimates that there are about 100,000 incidents of violence against women annually nationwide and that as many as 95 percent of them go unpunished.

The Congressional Committee on Women stated that an average of 3.5 cases of rape or statutory rape were reported each day for the first half of 1995 and estimated that twice that many cases were not reported.

The Government continued to implement a program to protect women. In December 1995, the Government promulgated the Law on Domestic Violence, which makes rape a public crime and broadens the definition of family member abuse. Public agencies state that reported incidents of abuse

have increased markedly as a result of the new law, as citizens become more aware of the problem and of the availability of help.

Comprehensive legal services offices continued to be established to help and support women. There were 26 such offices operating throughout the country by early 1996. Family protection police units, staffed by specially trained officers including women, were also expanded with a target of 10 by mid-year. Other elements of the program include revisions to school curriculums and educating health care providers about the appropriate manner of dealing with female patients.

A new medical security program inaugurated in July guarantees free medical care to women of reproductive age and to children under the age of 5, based on economic need.

The Penal Code does not define sexual harassment as a crime; the authorities must try persons accused of harassment under other penal provisions. There are no statistics on the incidence of sexual harassment, but the problem is generally acknowledged to exist widely in the male-oriented society.

Women generally do not enjoy a social status equal to that of men. Many women do not know their rights; traditional prejudices and social conditions remain obstacles to advancement. Women generally earn less than men for equal work. Young girls often leave school to work at home or on the economy. Although not effectively enforced, the national labor law is overprotective in some aspects, limiting women to a workday 1 hour shorter than that of men and prohibiting them from working at night.

Children

The Government is aware of the precarious situation of children and the need to provide legal and institutional infrastructure for their protection. However, the Government has not given the situation sufficient political priority to ensure that it will be corrected quickly and effectively.

Statistics from the Ministry of Planning's Education Reform Team show that in rural areas, only 0.7 percent of girls and 1.4 percent of boys finish high school; in urban areas, 26 percent of girls and 31 percent of boys do so. The 1994 Education Reform Act sought to improve the situation of children; even optimistic observers, however, noted that it will take years for it to have an impact.

The National Institute of Statistics calculated in 1995 that 47 percent of children in La Paz were chronically undernourished, and that 10 percent of the children migrating from rural areas showed evidence of acute malnutrition.

Many children, particularly from rural areas, lack the birth certificates and identity documents they need to secure social benefits and protection. There were credible allegations that as many as 200 juveniles, for instance, were incarcerated as adults in the San Pedro jail for lack of reliable civil documents proving their ages. The Minor's Code promulgated in 1992 has proven inadequate.

According to a 1995 report by the director of the National Institute of Child Development, 96,000 children have mental disabilities, 37,000 have physical disabilities, 4,000 have hearing impairments, and 2,500 have visual impairments. Because of scarce resources, only about 400 of these children were treated in government facilities.

Government surveys suggest that about 1 million children (or about 1 child in 3) suffer physical or psychological abuse--13 percent of them at school, where corporal punishment and verbal abuse are common, and 87 percent at home. About 20 percent of all children suffer abuse severe enough to result

in bruises, scars, or burns. Although laws provide safeguards against children working, they are not effectively enforced, and about 216,000 children work, usually to help provide for family subsistence, in uncontrolled and sometimes unhealthy conditions (see Section 6.d.).

The old practice of "criadito" service still persists in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. There are no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

People with Disabilities

In December 1995, the Congress passed a law on disabilities drafted by the Senate Commission on Social Development and interested NGO's. The law provides for equal employment and social rights for the disabled, provides incentives to employers, and requires national and local governmental agencies to strengthen or create units charged with responsibility for the disabled. It also establishes the right of access to public and private facilities "without architectural impediment" for people with disabilities. The new electoral law made arrangements for blind voters. In general, however, there are no special services or infrastructure to accommodate people with disabilities. A lack of adequate resources impedes full implementation of the new law. Social attitudes keep many disabled persons at home from an early age, limiting their integration into society.

Indigenous People

Discrimination against, and abuses of, indigenous people continued. The indigenous majority generally remains at the low end of the socioeconomic scale, facing severe disadvantages in health, life expectancy, education, income, literacy, and employment. Lack of education, inefficient farming and mining methods, indigenous cultural practices, inability to speak Spanish, and societal biases keep the indigenous people poor. They continued to be exploited in the workplace. Some rural indigenous workers are kept in a state of virtual slavery by employers who charge them more for room and board than they earn. Although the October Agrarian Reform Law extended the protection of the national labor law to all paid agricultural workers, including indigenous workers, the problem persists for lack of effective enforcement.

The Agrarian Reform Law also provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law; the authorities presented the first communal titles to seven indigenous groups in December.

Indigenous people complain that their territories are not legally defined and protected, and that their resources are exploited by outsiders. Specific offenders allegedly are coca growers and timber pirates. Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for self-determination.

Section 6 Worker Rights

a. The Right of Association

Workers may form and join organizations of their choosing. The Labor Code requires prior government authorization to establish a union, permits only one union per enterprise, and allows the Government to

dissolve unions; however, the Government has not enforced these provisions in recent years. While the code denies civil servants the right to organize and bans strikes in public services, including banks and public markets, nearly all civilian government workers are unionized. Workers are not penalized for union activities. In theory, the Bolivian Labor Federation (COB) represents virtually the entire work force; however, only about one-half of workers in the formal economy actually belong to labor unions. Some members of the informal economy also participate in labor or trade organizations.

Workers in the private sector frequently exercise the right to strike. Solidarity strikes are illegal, but the Government has not prosecuted those responsible nor imposed penalties. Significant strikes centered around annual negotiations over salaries and benefits for public employees. However, their real targets were the Government's economic and social reform programs. Most strikes were conducted and led by the militant Trotskyite element of the Urban Teachers Union. Other disturbances occurred in the Chapare region where the coca growers' unions opposed government eradication efforts. Normal activity in major cities was sometimes paralyzed by rioting unionists in the first quarter of the year.

Unions are not free from influence by political parties. The COB itself is a political organization directed by Marxist ideologists. Its stated aim is to overthrow the Government's neoliberal economic program, and it gives little attention to serious collective bargaining. Most parties have labor committees that attempt to influence union activity and also have party activists inside the unions.

The law allows unions to join international labor organizations. The COB became an affiliate of the Communist, formerly Soviet-dominated, World Federation of Trade Unions in 1988.

b. The Right to Organize and Bargain Collectively

Workers may organize and bargain collectively. In practice, collective bargaining, defined as voluntary direct negotiations between unions and employers without participation of the Government, is limited. Consultations between government representatives and labor leaders are common, but there are no collective bargaining agreements as defined above. In state industries, the union issues a list of demands and the Government concedes some points. Private employers often use public sector settlements as guidelines for their own adjustments, and some private employers exceed the government settlements. The Government, conscious of International Monetary Fund guidelines, rarely grants wage increases exceeding inflation.

The law prohibits discrimination against union members and organizers. Complaints go to the National Labor Court, which can take a year or more to rule. The court has ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders say problems are often moot by the time the court rules.

Labor law and practice in the seven special duty-free zones are

the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. However, the practices of child apprenticeship and agricultural servitude by indigenous workers (see Section 5) constitute violations, as do some individual cases of household workers effectively imprisoned by their employers.

d. Minimum Age for Employment of Children

The law prohibits employment of persons under 18 years of age in dangerous, unhealthy, or immoral work. The Labor Code is ambiguous on conditions of employment for minors from 14 to 17 years of age, and permits apprenticeship for those 12 to 14 years old. This practice has been criticized by the International Labor Organization.

Responsibility for enforcing child labor provisions resides in the Labor Ministry, but it generally does not enforce provisions about employment of children. Although the law requires all children to complete at least 5 years of primary school, the requirement is poorly enforced, particularly in rural areas. Urban children sell goods, shine shoes, and assist transport operators. Rural children often work with parents from an early age. Children are not generally employed in factories or formal businesses but, when employed, often work the same hours as adults.

e. Acceptable Conditions of Work

In conformity with the law, the minimum wage is subject to annual renegotiation and was adjusted in April to approximately \$43.30 (223 Bolivianos) per month plus bonuses and fringe benefits. The minimum wage does not provide a decent standard of living for a worker and family, and most workers earn more. Although the minimum wage falls below prevailing wages in most jobs, certain fringe benefits are pegged to it. The minimum wage does not cover about 20 percent of urban workers--vendors and shoe polishers, for example--nor does it cover farmers, some 30 percent of the working population.

Only half the urban labor force enjoys an 8-hour workday and a workweek of 5 or 5 1/2 days, because the maximum workweek of 44 hours is not enforced. The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards are poorly enforced. Working conditions in the mining sector are particularly bad. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, are dangerous and unhealthy. In some mines operated as cooperatives, miners earn less than \$3 per 12-hour day. They work without helmets, boots, or respirators in mines where toxic gases abound; they buy their own supplies, including dynamite, have no scheduled rest periods, and must survive underground from 24 to 72 hours continuously with little water and food. There are no special provisions in law defining when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refuses to work based on the individual's judgment of excessively dangerous conditions may face dismissal.

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