



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Bolivia Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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. The Government continued to implement constitutional amendments to reform the judicial system, which were passed in 1994; the reforms were partially completed by the end of 1998.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations. Military forces provided security for coca eradication work crews in the Chapare region. A special antinarcotics force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities maintain effective control over the security forces, but some members of these forces committed human rights abuses.

Bolivia has extensive poverty, and many citizens lack access to such basic services as potable water, sewage, electricity and primary health care. Per capita gross domestic product (GDP) is about \$930. The country is rich in minerals and hydrocarbons, and extensive investments in petroleum deposits in the eastern part of the country are expected to form a basis for strong GDP growth in the future. However, most workers engage in traditional agriculture, and many citizens remain barely linked to the cash economy.

The Government generally respected the human rights of its citizens; however, legal and institutional deficiencies prevented their full protection. Human rights groups criticized the FELCN and the UMOPAR for alleged abuses against coca growers and peasants in the Chapare region. As many as 13 civilians and 2 policemen were killed in confrontations in that region early in the year. The Government acknowledged responsibility for 5 of the 13 deaths but failed to complete investigations to determine the exact circumstances of these deaths. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses were slow. The most pervasive human rights abuse continued to be prolonged incarceration of detainees due to antiquated procedures and inefficiency and corruption in the judicial system. Other problems include harsh prison conditions, government attempts to intimidate some news media, discrimination against and abuse of women and indigenous people, abuse of children, and inhuman working conditions in the mining industry.

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, as many as 13 civilians were killed in the course of law enforcement operations that encountered armed resistance from coca growers. Although the precise causes and circumstances of these deaths have not been determined officially, there is no credible evidence that the security forces used force except in self-defense. However, it also is not clear whether or not their use of force was excessive. The Government has not investigated fully any of these deaths.

Beginning on April 1, a series of clashes between protesting coca growers and security forces led to the deaths of at least 13 civilians and 2 policemen. Four of the civilians and the two policemen died of gunshot wounds. Two civilians died of alleged tear gas asphyxiation. Autopsies were performed on only three of the civilian victims; the Government stated that the bodies of the rest were withheld from security forces and buried without autopsy, precluding definitive conclusions regarding the causes of death.

On May 9, more fighting broke out between government security forces and coca growers. A group of about 250 peasant farmers attacked an eradication work crew. Government forces claimed that they were shot at first, after which they returned fire with tear gas and live ammunition. Three farmers were wounded. On May 12, a topographer from DIRECO, the Government's coca eradication agency, was beaten as he was travelling to work. He received superficial injuries. On May 13, another eradication work crew was attacked by a group of peasants, and one civilian received a nonfatal bullet wound. On May 21, growers ambushed and fired on an eradication convoy on a major highway, killing a police officer and wounding five others. In total, as many as 85 civilians and 60 policemen were wounded during these and similar clashes, which lasted from April 1 to June 5.

On June 5, coca growers killed a police officer, who was providing protection to an eradication work crew, during an ambush. Security forces did not return fire in this ambush or the May 21 ambush.

On November 26, Ombudsman Ana Maria Romero de Campero accused army troops of terrorizing the village of Puerto Zudanes and forcing its residents to flee. The Government denied the charges and accused Campero of siding with coca growers. She opened an investigation but had not completed a report by year's end.

The Government has not released the final results of its investigations into the deaths in the serious and violent incidents in 1997 in the Chapare region or the deaths in the Amayapampa confrontations in December 1996. An investigation by the Inter-American Commission on Human Rights (IACHR) found that security forces committed excesses resulting in the deaths of 9 civilians and 32 persons wounded in Amayapampa and that the Government did not act to identify and punish those responsible; the Attorney General has yet to complete a long-promised report on these deaths. In addition, the authorities have not recaptured the police officer accused in 1994 of murdering coca worker Felipe Perez Ortiz; the officer escaped from custody in September of that year. The Government's failure to complete effective investigations and identify and punish those responsible for either civilian or police deaths results in an atmosphere of impunity and a condition that almost amounts to lawlessness.

The October arrest of former Chilean dictator General Augusto Pinochet in the United Kingdom drew renewed attention to extrajudicial killings and other abuses that occurred during the 1971-78 de facto regime of President Hugo Banzer Suarez. There were renewed allegations that his regime participated in Operation Condor, a regional plan to eliminate leftists. Political leaders and family members of victims called for new investigations, and at year's end the House of Deputies assembled documents and drew up a list of seven Bolivians believed to have been held, tortured, or killed in Chile during Pinochet's rule. The Permanent Assembly for Human Rights forwarded this material to Spanish judge Baltasar Garzon, who was preparing the case against Pinochet.

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 a number of significant allegations of torture--two by the police and one by coca growers. In June the body of Donaciano Parra Mejia was found in the town of Cristal Mayu. Although coca growers alleged that Parra had been tortured and killed, an autopsy concluded that Parra died of a heart attack and that apparent bruises found on his body were from exposure to the elements. On September 25, the authorities arrested two National Police officers and charged them with attempting to burn a drunken man. According to reports, the policemen apprehended the man, forced him to take his clothes off, poured alcohol on him, and set him afire. Both policemen were suspended; the Minister of Government announced that they would be subject to an internal investigation and later turned over to the civil courts and charged.

On September 23, coca growers kidnaped three policemen in La Paz and subjected them to torture. In a statement, the Vice Director of Police said the incident occurred during confrontations between the police and protesting coca growers. The kidnapers took the policemen to the Greater San Andres University, where the coca growers stayed while in La Paz, beat them, and burned them with boiling water. They held the three men for 5 hours in refrigeration units of the school cafeteria (the refrigerators were not functioning at the time) and freed them later in the evening.

Several police officers were fired and charged for off-duty crimes including theft and rape. In general, however, the police were not disposed to investigate their own colleagues, and prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty. Neither the technical and judicial police nor prosecutors receive human rights training. The Congress has yet to take action on the 1995 report of its Human Rights Commission 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.

Prison conditions are harsh. Prisons are overcrowded, and conditions can be life threatening for inmates without money. There were 5,577 prisoners in facilities designed to hold about one-half that number. 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 San Pedro prison in La Paz, 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. The authorities worked to remove such children from the prisons, and according to a December report, the number had dropped from over 1,200 children to fewer than 400. If such children have nowhere else to go, the Government considers it more humane to support them in prison than to leave them homeless in the streets. The standard prison diet, according to a 1995 study, can cause anemia; the diet has not been improved since then. There is no adequate health care within the prisons, and it is very difficult for prisoners to get permission for medical treatment outside. However, affluent prisoners can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Drugs and alcohol are readily available for those inmates who can pay.

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 incidence of violence in the Chapare coca growing region increased during 1998 as armed "self-defense groups" opposed the eradication of illegal coca. There were 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 continued to 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 punishment reliably reported to include the death penalty on members who violate traditional laws or rules, although such punishment is forbidden by the Constitution.

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

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.

The police temporarily arrested large numbers of civilians in April and May in connection with confrontations with coca growers (see Section 1.a.). All were released shortly after arrest. On September 23, police and coca growers clashed violently in La Paz, wounding three protesters and six police officers. The police took six protesters into custody.

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. 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 continued to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and by taking measures to correct other deficiencies as they come to light. Although large numbers of prisoners continued to be released under the Personal Recognizance Law promulgated in 1996, most prisoners still await either trial or sentencing.

The expanding public defender program pursues 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. The new program of mobile public defenders who can reach the more remote parts of the country has proven effective, obtaining the conditional or provisional release (often on bail) of arrested persons in about 60 percent of the cases handled, and is being extended to additional isolated regions.

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 1997 abduction case of Waldo Albarracin, President of the Bolivian Permanent Assembly for Human Rights (APDH), continued to move slowly through the judicial system. On February 11, the Chamber of Deputies approved a report by the Constitutional Commission and voted to have former Police Commander Willy Arriaza and four other police officials tried in civil court for the abduction, unlawful detention, and beating of Albarracin. The Chamber also ruled that charges against one of the defendants, General Hernan Cortez Vargas, should be dropped, since it found that Cortez was forced by his superiors to sign the order to arrest Albarracin. However, no further action was taken in this case by year's end.

The Government does not use forced exile as a punishment.

e. Denial of Fair Public Trial

Although the judiciary is independent, 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 justices were the subjects of corruption allegations or lawsuits that have not been resolved.

The judicial system has four levels: Investigative, trial, and superior courts, with the Supreme Court at the apex.

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. Cases of persons arrested under the counternarcotics law go directly from a special prosecutor to the trial court. 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 provision 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. Supreme Court justices admit that it is sometimes difficult to assemble the quorum needed for decisions, and consequently the Court's rulings are unduly delayed.

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.

The Government took major steps to improve the system of justice. The President swore in the Judicial Council, Constitutional Tribunal, and Ombudsman, the first such institutions in the country's history. The Judicial Council was established to act as the administrative and disciplinary body of the justice system. The Constitutional Tribunal is to handle all constitutional issues, and the Ombudsman is to serve as a direct link between ordinary citizens and the judicial process. The Judicial Council has suspended 30 judges and fined or placed another 200 on probation because they misapplied the law or unlawfully delayed the judicial process.

In 1997 a revised Criminal Code was adopted containing stronger provisions for the protection of life and against official corruption. A new Law on Civil Processes and Family Assistance shortened the periods allowed for various stages of civil suits and eliminated some opportunities for delaying tactics by attorneys. At year's end, Congress was debating a far-ranging revision of the Code of Criminal Procedures, which was expected to take effect in 1999.

The Government is also expanding its urban public defenders program. There are 12 offices nationwide, with a total of 60 employees. Plans are underway to increase the number of defenders and legal assistants by 36. The additional employees are expected to allow lawyers to increase the number of cases they can handle.

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. Although the authorities generally respect these provisions, there have been credible allegations of UMOPAR abuses involving illegal searches and thefts of property from homes. Residents in the coca-growing areas generally are reluctant to file and pursue formal complaints. The Human Rights Office of the Ministry of Justice in the Chapare region accepts and pursues complaints of human rights abuses committed by anyone, including police, narcotics traffickers, and coca growers.

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.

State-owned and private radio and television stations operate freely. Newspapers are privately owned, and most adopt antigovernment positions. There were credible reports of government attempts to intimidate some news media to provide more favorable coverage.

The Government respects academic freedom, and the law grants public universities autonomous status.

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 some 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 rallies 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 office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Refugees have been accepted for resettlement. The issue of the provision of first asylum did not arise. After the 1996 takeover of the Japanese Ambassador's residence in Lima, Peru by Tupac Amaru terrorists, the authorities found that some MRTA activists had used Bolivia as a safehaven and announced a more restrictive policy on accepting Peruvian political asylees. Nonetheless, MRTA terrorists continued to use the country as a safehaven and a place to plan activities.

There were no reports of persons forced to return to a country where they feared persecution.

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 half of the congressional deputies to be elected individually and directly, rather than from party lists. The first national election under these regulations was held in June 1997, with attendance by international observers. Only one instance of tampering with ballots was detected.

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. Political parties acceded to demands from women that they be allocated a fair share of the candidacies in the 1997 national elections, approving a law that every third candidate on party lists must be female. There are 14 women among the 157 deputies and senators; there are also 2 female ministers in the Cabinet.

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. In 1997 the Government asked the IACHR to investigate the December 1996 Amayapampa violence and cooperated in the subsequent investigation. The Human Rights Commission of the Congress is very active and frequently criticizes the Government publicly.

In March Congress elected former newspaper editor Ana Maria Romero de Campero as the first Ombudsman. The Government has established 9 human rights offices around the country along with 12 public defenders offices. The human rights office in the Chapare has come under threat from coca growers and has complained to the Government that security is not adequate to complete its tasks.

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

The Constitution prohibits discrimination based on 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 found that 40 percent of all reported violent attacks in La Paz department in 1992-93 (the most recent statistics available) were perpetrated against women. 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 programs to protect women. During the 1997-98 legislative year, the Government, the legislature, and several civil society organizations debated the issue of sexual harassment, which yielded a 1997 draft Law Against Sexual Harassment. While the bill continues to be considered in the Chamber of Deputies, the debate engendered is expected to ensure action during the next ordinary session of Congress. The Penal Code does not define sexual harassment as a crime; 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.

In 1995 the Government promulgated the Law on Domestic and Family 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. In December the Chamber of Deputies approved a bill to provide benefits and protection for domestic workers, including specific protection from physical, psychological, and sexual aggression.

Legal services offices devoted to family and women's rights operate throughout the country. Family protection police units, staffed by specially trained officers, including women, are also active.

A medical security program inaugurated in July 1996 provides free medical care to women of reproductive age and to children under the age of 5, based on economic need.

There were reports of trafficking in women for purposes of prostitution. A union leader asserted that employment agencies lure rural indigenous women to cities with promises of employment as domestic servants but then force them to work without salaries to repay transport and other fees and sometimes turn them over to houses of prostitution.

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 early to work at home or in the economy. According to a recent study by the Secretary of Education, four out of five illiterate Bolivians are female. 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. Seven Defender of Children and Adolescents offices were opened in La Paz to help protect children's rights and interests. However, the Government has not given the poor situation of children sufficient political priority to ensure that it will be corrected quickly and effectively.

Although the law requires all children to complete at least 5 years of primary school, this requirement is poorly enforced, particularly in rural areas. 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 would take years for it to have an impact. Prolonged teachers' strikes often result in lengthy school closures, limiting children's access to education.

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 are credible allegations that as many as 200 juveniles, for instance, are incarcerated as adults in the San Pedro jail for lack of reliable civil documents proving their ages. The Minors' Code promulgated in 1992 has proven inadequate; a new Minors' Code introduced in the Congress in 1997 had not been passed by year's end.

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 6,000 of these children have access to specialized help.

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 these 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 1997 the Government promulgated regulations to implement the 1995 Law on Disabilities. The regulations require 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. A National Committee for Incapacitated Persons was established to oversee the law's enforcement, conduct studies, and channel and supervise programs and donations for the disabled. 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. More than one-half of all citizens speak indigenous dialects as their first language, and many speak no Spanish at all. Lack of education, inefficient farming and mining methods, indigenous cultural practices, 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 1996 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 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. Government authorities presented communal land titles to seven indigenous groups in 1997.

Indigenous people complain that their territories are not legally defined and protected, and that outsiders exploit their resources. 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 neither 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, which protested the Government's education reform plan. The most contentious issue was a merit-based salary system. Radical elements of the union clashed with the police in demonstrations around the country, and some injuries and arrests resulted. One teacher was seriously wounded during the protests. Other disturbances occurred in the Chapare region, where the coca growers unions opposed government eradication efforts. Dissension within the COB held disruptive public demonstrations to their lowest level in recent years.

Unions are not free from influence by political parties. The COB itself is a political organization directed by Marxist ideologues. 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. Collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the government, is limited but growing. Labor Code was written in a period in which the COB, which purports to represent all worker groups and interests, had quasi-governmental status and the exclusive authority to negotiate with state-owned enterprises. The practice was for the COB and the Government to negotiate a global agreement on salaries, minimum wages, and other work conditions each year. With the privatization of most of these enterprises, the COB's relevancy has diminished markedly, and the practice of direct employee-management negotiations in individual enterprises is expanding.

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, including forced and bonded labor by children. 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 held captive by their employers.

d. Status of Child Labor Practices and Minimum Age for Employment

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, sometimes tantamount to bondage (see Section 6.c.), has been criticized by the International Labor Organization. The extreme poverty of many families dictates the involuntary employment of their children for motives of survival.

Responsibility for enforcing child labor provisions resides in the Labor Ministry, but it generally does not enforce them throughout the country. Although the law requires all children to complete at least 5 years of primary school, this 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 increased in April by 7.5 percent to approximately \$54 (300 Bolivianos) per month, plus bonuses and fringe benefits. The Congress approved a further 10 percent increase on December 18, which was to take effect in 1999. 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 benefit calculations 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 one-half of the urban labor force enjoys an 8-hour workday and a workweek of 5 or 5½ 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 or 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.

[end of document]



[Return](#) to 1998 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.