

# **BOLIVIA 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bolivia is a constitutional, multi-party republic with an elected president and a bicameral legislature. On October 12, in a process deemed free but whose fairness was questioned by international observers, citizens re-elected President Evo Morales Ayma, leader of the Movement Toward Socialism Party (MAS) for a third term. Civilian authorities maintained effective control over the security forces.

The most serious human rights problems included widespread corruption and inefficiency in the country's law enforcement and judicial system, leading to arbitrary arrest or detention, denial of a fair and timely public trial, and harsh prison conditions. Violence against women and restrictions on freedom of press remained serious problems nationwide.

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

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

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

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

There were reports that the government or its agents committed arbitrary or unlawful killings. On August 17, three students of the Basic Police School of Llallagua (department of Potosi) allegedly raped and killed 16-year-old police cadet Leydi L. Loza Chipana. Departmental Prosecutor Jose Luis Barrios opened an official investigation into the case on August 19, but there was no further progress as of November. In a separate incident, on August 28, Sergeants Cidal Ch. Q. and Angel R.M. of the Ayachuco Army Regiment allegedly drugged, raped, and killed 17-year-old premilitary student Carmen Rosa Mollo in the town of

Achacachi, La Paz. The sergeants, who were Mollo's instructors, were detained but not sentenced as of November.

In early December 2013 the mayor of Pocoata (department of Potosi), Teodoro Rueda Vasquez, allegedly raped and killed 25-year-old nurse Lucia Chucamani. In March Vasquez paid the mother of the victim 61,740 bolivianos (\$9,000) to bribe her not to press charges and was thereafter released from pretrial detention. Vasquez was re-arrested on May 22 and remained in pretrial detention as of October.

In November 2013 army Colonel Jose Antonio Campero ordered two army cadets, Luis Steer and Alan Alvarez, to wade into a river to save his vehicle from a flood. Both cadets drowned. Campero served as a military judge with jurisdiction over the case of detained army subofficial Johnny Gil until October 4, when Campero was removed after being indicted for murder. He was reinstated on October 10 after a judge ruled he should be excluded from the indictment.

Additional cases of arbitrary or unlawful deprivation of life remained unresolved. There were no advancements in the trial of Rudy Villegas, accused of killing Santa Cruz Aviation Academy cadet Wildo Daniel Delgado in July 2013. The case of Sublieutenants Jorge Castro Urena, Rudy Gerardo Flores Herrera, Franz Eduardo Garcia, and Roberto Roy Velasquez, all charged with the 2011 killing of Sublieutenant Grover Poma Guanto, was transferred to a civilian court but remained without resolution at year's end.

On March 6, Marcelo Soza, the chief prosecutor of the alleged terrorism case against 39 former civic and political leaders of Santa Cruz, fled to Brazil. In a March 11 letter explaining his decision to seek asylum, Soza claimed the 2009 police operation in Hotel Las Americas (the incident at the center of the terrorism trial) was premeditated by government officials and that the deceased, Eduardo Rozsa, Michael Dwyer, and Arpad Magyarosi, were killed extrajudicially. The government questioned Soza's credibility and claimed he was implicated in the extortion of trial defendants.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and laws prohibit such practices, but there were credible reports government officials employed them. Human Rights Ombudsman Rolando Villena announced on September 14 that his office received and processed 1,119 cases of alleged torture and cruel and inhuman punishment between January and October of 2013, a 56 percent increase over 2012. The ombudsman characterized torture as the standard procedure of the police and armed forces to extract information as a part of criminal investigations.

On July 28, six conscripts from the 29th Infantry Regiment of the armed forces based in Trinidad, Beni, were allegedly tortured for the loss of a rifle, according to a complaint filed by one of the soldier's mothers. The Beni Department human rights ombudsman investigated the case, but prosecutors did not follow up with charges.

On September 3-4, military trainers allegedly subjected 81 students of the Tupac Katari Indigenous University to cruel punishment by beating and teargasing them during self-defense classes organized by the armed forces at the Infantry Battalion of Marina Chua located in Haurina, La Paz. One student was admitted to a medical clinic after urinating blood, and two others suffered from inability to sleep following the incident. There was no official investigation, and no one was held to account for the incident as of October.

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

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

Physical Conditions: Prisons and detention centers were overcrowded and underfunded. On September 28, the human rights ombudsman reported there were 14,587 inmates in a system designed for 4,884, a 202 percent rate of overcrowding. Credible nongovernmental organizations (NGOs) reported that the capacity of the prison system according to international norms was closer to 3,000, suggesting a revised overcrowding rate of 380 percent. Some rural facilities reportedly held as many as 100 inmates in cells designed for 20. Executive orders to reduce overcrowding provided for the release of up to 2,000 inmates under presidential pardons, but severe bureaucratic delays and lack of access to legal counsel limited the number of inmates who received pardons. NGO Pastoral Penitentiary reported that only 170 inmates completed the process during the year and 450 since the first

executive order was issued in 2011. Pretrial detainees were held with convicted prisoners in all major facilities.

Due to a lack of internal policing, violence and riots among prisoners remained a problem. Four inmates were killed and 11 were injured in a riot in September 15 at El Abra, Cochabamba's largest prison. The human rights ombudsman claimed that Ministry of Government authorities erased video evidence of the incident following a visit by the ombudsman's representatives the following day.

Departmental Prison Governor Dennis Mejia was allegedly present at the internal prison party that preceded the deadly riot. On September 18, Mejia was arrested for covering up extortion in the prison, and El Abra Prison Director Yuri Duk was removed from his position on September 19. No one faced charges for the death of the prisoners as of November.

On September 9, inmates Jorge Mauricio Soliz Rojas, Tony Gabriel Mendoza Vaca, and Edson David Mendoza Vaca were sentenced to 30 years in prison for manslaughter after instigating a riot that resulted in the deaths of 36 persons in Palmasola prison in August 2013. At least 20 other suspects in the case were under investigation but not charged at year's end.

On January 9, businessman Arturo Cuba was discovered dead in his cell in La Paz after being arrested on January 8 on charges of stealing 6.1 million bolivianos (\$890,500) from the government-run development program Evo Cumple. Cuba was found hanged by his shoestrings. The police report indicated that his hands were tied behind his back. As of October there were at least seven additional confirmed cases of inmate deaths in prison. According to two former directors of the penitentiary system, at least 99 prisoners were killed in jails between 2000 and September 2014.

A report released by NGO Construir Foundation in October estimated that 10 percent of the prison population was women. There were two women's prisons located in La Paz and one in Trinidad. In Morros Blancos Prison in Tarija, Montero Prison in Santa Cruz, Riberalta Prison in Beni, and Oruro Prison in Oruro, men and women shared sleeping facilities. In other facilities, men and women maintained separate sleeping quarters, but the populations comingled daily. Female inmates were sexually harassed on a regular basis, and some were reportedly forced to pay antirape extortion fees.

Approximately 1,700 juveniles (ages 16 to 21) were not segregated from adult prisoners in jails due to a lack of sufficient juvenile-specific facilities. Adult

inmates and police reportedly abused juvenile prisoners. On July 17, Vice President Alvaro Garcia Linera signed into law a new child and adolescent code that lowers the juvenile detention age from 16 to 14 and requires juvenile offenders be housed in facilities separate from the general prison population in order to facilitate rehabilitation. Any adolescent under 14 years of age is exempt from criminal liability but may be subject to civil liability. At year's end no new juvenile facilities were built, and no budget had been devoted to implement the new legal requirements. Rehabilitation programs for juveniles or other prisoners remained scarce.

Although the law permits children up to the age of six to live with an incarcerated parent, children as old as 12 resided in detention centers. The problem persisted despite a 2013 governmental plan to remove children from prisons. According to a Construir Foundation study published in October, 1,319 children lived with a parent in the country's penitentiaries.

Due to persistent corruption, a prisoner's wealth often determined his or her physical security, cell size, visiting privileges, ability to attend court hearings, day-pass eligibility, and place and length of confinement. In San Pedro Prison the main facility in La Paz, officials demanded bribes of 686 to 6,860 bolivianos (\$100 to \$1,000) from inmates before assigning them to cells, leaving at least 180 inmates to sleep in hallways and open-air spaces. In Cochabamba's El Abra prison, inmates allegedly extorted from other inmates up to 48,000 bolivianos (\$7,000) to protect them against being beaten, killed, and sexually assaulted. Inmates alleged there were an insufficient number of police officers to escort inmates to their judicial hearings, and credible NGOs reported that prison directors often refused to help facilitate the transfer of inmates to hearings, further delaying cases. Inmates also claimed police demanded bribes in exchange for allowing them to attend hearings.

Services to sustain basic needs were inadequate. Prisoners had access to potable water, but the standard prison diet was insufficient, and prisoners who could afford it supplemented rations by buying food. The government allocated the equivalent of 6.80 bolivianos (\$0.99) for a prisoner's daily diet and 3.40 bolivianos (\$0.50) for the diet of underage children living with their inmate parents. Although the law provides that prisoners have access to medical care, care was inadequate, and it was difficult for prisoners to obtain permission for outside medical treatment.

Administration: Recordkeeping on prisoners was adequate and maintained by the penitentiary system's national office, although lack of adequate legal counsel led to

cases in which prisoners remained incarcerated beyond the maximum sentence allowed for the crime for which they had been accused. Alternatives to sentencing for nonviolent offenders were not used. Authorities provided detainees reasonable access to visitors and permitted observance of their religious practices. Prisoners could submit complaints periodically to a commission of district judges for investigation, but due to fear of retaliation by prison authorities, inmates frequently did not submit complaints of abuses.

Independent Monitoring: The government generally permitted prison visits by independent nongovernmental observers such as the International Committee of the Red Cross, local NGOs, judges, and media representatives, and such visits took place during the year. On at least one occasion, Human Rights Ombudsman for Santa Cruz Hernan Cabrera was denied entry to Palmasola jail. Cabrera alleged Prison Director Freddy Chinchilla denied him entry on April 3 on orders of higher authorities as Cabrera attempted to investigate allegations of abuse against prisoners being held on extortion charges.

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

The law prohibits arbitrary arrest and detention, but in some cases security forces seized and held individuals under legally questionable circumstances. The media reported instances in which police detained citizens without proper legal authority. In at least one case, political opposition and international observers expressed concern about the arbitrary detention of an opposition candidate.

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

The national police have primary responsibility for law enforcement and the maintenance of order within the country, but military forces may be called to help in critical situations. The police report to the Ministry of Government, and the military forces report to the Ministry of Defense. The law to investigate and punish internal police abuse and corruption remained suspended and unenforced through the year as a result of national police strikes in 2012, when the government agreed to revise the code. There was no progress in negotiations between the Ministry of Government and the National Police Association on this problem in either 2013 or 2014. Congress did not act on the Constitutional Court's 2012 ruling to adjust the military criminal code and the military code of criminal procedure to stipulate that human rights violations be judged by the ordinary justice system, in compliance with the constitution. Inconsistent application of the

laws and a dysfunctional judiciary further exacerbated the impunity of security force in committing abuses.

### **Arrest Procedures and Treatment of Detainees**

The law requires that police obtain an arrest warrant from a prosecutor and a judge substantiate the warrant within eight hours of an arrest. The law also mandates that a detainee appear before a judge within 24 hours (except under a declared state of siege, during which a detainee may be held for 48 hours), at which time the judge must determine the appropriateness of continued pretrial detention or release on bail. The judge shall order the detainee's release if the prosecutor fails to show sufficient grounds for arrest. The government allows suspects to select their own lawyers, and the government also provides a lawyer from the Public Defender's Office if the suspect requests one. Approximately 70 percent of detainees could not afford legal counsel, and the public defenders assigned to their cases were overburdened limited in their ability to provide adequate and timely legal assistance.

Arbitrary Arrest: On May 15, military subofficials Jhonny Gil, Freddy Sucojaya, and Franklin Colque were detained on charges of "sedition" for leading protests against discrimination in the military. They remained in custody of the military as of October. Civil Judge Luis Gonzales Yepes Portugal ruled in favor of the detainees' release, but military judicial officials rejected the jurisdiction of the civil court on seven occasions. The three detainees were deprived of contact with other detainees and were permitted only 30 minutes of sunlight daily.

On July 21, six members of the Police Tactical Operations Unit--Franz Reinaldo Yujra Choque, Ruben Bautista Mejia, Froilan Condori Mamani, Abrahan Huanca Quispe, Marco Antonio Canaviri Lujan, and Eloy Paco Maita--abducted and raped Minerva V., a young woman with mental health problems. Based on the report of Major Jaime Aleman, the Public Ministry called on Director of the Special Force for the Fight against Violence (FELCV) Alejandro Pozo and Cochabamba Departmental Police Commander Alberto Suarez to testify for allegedly hiding the whereabouts of the victim for 10 days in an effort to cover up the crime and the perpetrators' involvement. No suspects were arrested by year's end. On September 18, Suarez resigned amid several criminal allegations.

Pretrial Detention: A national penitentiary report released in September 2013 confirmed that 83 percent of all inmates, 12,260 individuals, were in pretrial detention. The law affords judges the authority to order pretrial detention if there

is a high probability that a suspect committed a crime, if evidence exists that the accused seeks to obstruct the investigation process, or if a suspect is considered a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements.

The law states that no one shall be detained for more than 18 months without formal charges. If after 18 months the prosecutor does not present formal charges and conclude the investigatory phase, the detainee may request release by a judge. The judge must order the detainee's release, but the charges against the detainee are not dropped. By law, the investigatory phase and trial phase of a case cannot exceed 36 months combined. The law allows a trial to be extended if the delays in the process are due to the defense. In these circumstances, pretrial detention may exceed the 36-month limit without violating the law.

Denial of justice due to prolonged pretrial detention remained a problem. The Construir Foundation estimated approximately 75 percent of suspects remained in pretrial detention longer than the 36-month limit. Credible NGOs reported that many inmates were in pretrial detention for longer than the period under which they would have been incarcerated if they were found guilty of the charges against them. These inmates remained imprisoned due to the inability to obtain legal support to complete the paperwork that would free them from prison.

Complex legal procedures, large numbers of detainees, judicial inefficiency, executive interference, corruption, a shortage of public defenders, and inadequate case-tracking mechanisms all contributed to trial delays that lengthened pretrial detention and kept many suspects detained beyond the legal limits for the completion of a trial or the presentation of formal charges. Many defense attorneys intentionally did not attend hearings in order to delay trial proceedings and ultimately to avoid a final sentencing, and the law does not proscribe penalties for such actions.

In 2013 Construir Foundation reported prosecutors and judges relied heavily on pretrial detention, thereby contributing to prison overcrowding and judicial backlog. The report found that prosecutors sought pretrial detention for suspects in 70 percent of cases and that judges ordered pretrial detention in 54 percent of cases. In Santa Cruz, which had the country's largest prison population, judges ordered pretrial detention of suspects in 86 percent of all cases.

On May 29, Felipe Moza, accused of sabotaging a gas pipeline in Villamontes, Tarija, in 2008, was released after five years and four months in pretrial detention.



His case had been suspended more than 90 times, and he ultimately was imprisoned for more years than the penalty that he would have incurred had he been convicted for the crime for which he was accused.

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

The law provides for an independent judiciary, but the judiciary was corrupt, overburdened, and subject to undue influence by the executive and legislative branches. Authorities generally respected court orders but on several occasions levied charges against judges to pressure them to change their verdicts.

The Council of Magistrates reported in March that each day three complaints were filed against judges for corruption and ineptitude. On July 14, Wilma Mamani of the Disciplinary Unit of the Council of Magistrates reported that between January and May, the council dismissed 18 judges and judicial functionaries for crimes of corruption. It sanctioned another 303 for related offenses. In August Attorney General Ramiro Guerrero reported 200 of the country's 508 prosecutors had been disciplined for corruption.

On August 18, President of the Supreme Judicial Tribunal Jorge von Borries stated that 159,000 cases were pending in the country, only 4,500 of which were in the accusation phase ready for an oral trial. The Ministry of Transparency's Institute of Studies in Transparency and Corruption reported in 2013 that the average length of a corruption case investigation was 417 days, while the law mandates the investigation process of a case not exceed 180 days. The institute also found that instead of the 20-day period required between the formal charge and the first court hearing, the average corruption case took 454 days to come before a judge or jury.

On July 29, the lower house approved charges of impeachment against two members of the Constitutional Court. Judges Soraide Rosario Chanez Chire and Ligia Monica Velasquez Castanos were accused of supporting resolutions in contradiction to the constitution and dereliction of duty due to their January decision to rule parts of the public notary law unconstitutional--a ruling that government officials in the executive and legislative branches did not accept. The impeachment measure passed 55 to 22 within the Justice, Constitution, and Human Rights Committee along strict partisan lines with MAS in favor and the opposition against. On July 31, Vice President Garcia Linera declared that the Senate should "punish" the judges with "strong sentences" and asked congress to set a precedent with the case to make clear that such "aggressions" will not be accepted. As of

November the case remained with the Senate, which must decide to press criminal charges that would result in the judges' suspension.

### **Trial Procedures**

The constitution and law provide for the right to be informed of charges promptly and in detail and for a fair and public trial without undue delay. Defendants are entitled to presumption of innocence and trial by jury. They have the right not to self-incriminate, consult an attorney of their choice, receive adequate time and facilities to prepare a defense and to confront adverse witnesses, present witnesses and evidence, access government-held evidence, and file an appeal. Defendants who cannot afford an attorney have the right to a public defender or private attorney at public expense.

Corruption, influence by other branches of government, insufficient judicial coverage, and a lack of adequate resources devoted to the judiciary undermined these rights. In March the local Office of the UN High Commissioner for Human Rights reported that only 23 percent of municipalities had a prosecutor, there were only 69 public defenders nationally, and the Institute of Forensic Investigation had only 65 experts and 54 forensic doctors.

### **Political Prisoners and Detainees**

While there were no reports of political prisoners or detainees, opposition members alleged that charges against some elected officials were politically motivated.

### **Civil Judicial Procedures and Remedies**

The law permits individuals and organizations to seek criminal remedies for human rights violations through domestic courts, and, at the conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. The ombudsman for human rights can issue administrative resolutions on specific human rights cases. The ombudsman's resolutions are nonbinding, and the government is not obligated to accept his recommendations.

### **Regional Human Rights Court Decisions**

Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights (IACHR), which in turn may submit the case to the

Inter-American Court of Human Rights. The court can order civil remedies including fair compensation to the individual injured. The IACHR reported in April that it had 87 pending complaints against the country for violations of human rights.

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

The law prohibits such actions, but in some cases the government failed to respect these prohibitions. On February 19, President of the Constitutional Court Ruddy Flores abruptly resigned, although he remained on the court as a magistrate. Flores alleged that his telephone calls were being monitored by a domestic intelligence agency and that he could no longer act independently as president of the court.

In at least one case, the government pressured family members of government opponents. The mother of Movement without Fear (MSM) vice presidential candidate Adriana Gil was arrested and imprisoned on fraud charges and unpaid debt shortly after Gil announced her candidacy. There were documented instances in which members of the ruling MAS party forbade membership in or association with competing political parties.

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

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

The constitution and law provide for freedom of speech and press, but the government did not always respect these rights. Some media outlets reported the government pressured them to report favorably about its policies. Some members of the press also alleged government officials verbally harassed individual journalists and intimidated media outlets perceived to be critical of the government. Journalists were censored and practiced self-censorship, and in at least one case the government used national security laws to pressure journalists to reveal sources.

Freedom of Speech: On August 25, police detained Edwin Sanchez Conde and Juan Pablo Choque Lopez for 24 hours for yelling “die Evo” as the president disembarked his plane in Sucre. Police reported the men were held on charges of “denial of assistance” and “sedition.” Police released them after the prosecutor determined there was no substantive basis for their continued detention.

Press Freedoms: Some media outlets alleged the government pressured news organizations to report favorably about government policies and retaliated against news organizations that did not comply. Journalists alleged the government's retaliatory tactics included withdrawing all of its advertisements, thus denying a significant source of revenue, and launching stringent tax audits, which forced companies to spend time and resources to defend themselves. On June 6, the National Tax Service (SIN) declared the daily newspaper *El Diario* bankrupt and moved to seize its assets. The newspaper's director labeled SIN's actions "a political decision" and lodged a complaint with the tax service on the basis that the law requires advance notice of property seizures. On August 14, editors of the daily newspaper *El Deber* claimed the mayor's office of Santa Cruz purposefully reduced publicity in the newspaper in order to reduce the outlet's revenue flows.

The Bolivian Broadcasting Association continued to express concern about the 2011 telecommunications law that mandates the redistribution of broadcasting licenses and provides the government with a 33 percent share of the licenses. The association asserted the law would restrict freedom of expression and stated it could lose 400 broadcasters to the government when their licenses expire in 2017.

Violence and Harassment: There were reports of violence and harassment against members of the press corps. There were also allegations that government officials targeted and harassed media outlets perceived to be critical of the government. The journalism NGO the Unite Foundation of the National Media Observatory reported 20 cases of verbal and physical aggression against 23 employees of the media sector between January and August.

On April 6, journalist Raul Penaranda published a book alleging government control of the media. Two days later Minister of Communication Amanda Davila publicly accused Penaranda of "hiding his true nationality" and supporting Chilean interests. In August 2013 Penaranda resigned as director of the daily newspaper *Pagina Siete* due to government pressure on the outlet.

On September 9, Cochabamba Police Commander Alberto Suarez Balderrama threatened radio journalist Escarley Pacheco Pardo during an interview. The journalist asked the commander about an accusation of domestic violence pending against him. Suarez told Pacheco, "I will follow you, watch yourself," and the journalist alleged he received telephone calls from police intelligence in the following days asking for the original recordings of the interview. On September 18, Suarez resigned amid allegations of his involvement in several scandals.

On October 16, President Morales accused two media outlets affiliated with the Roman Catholic Church, Radio Fides and Radio Erbol, of being “enemies of the state” for their critical coverage of his government.

Censorship or Content Restrictions: Journalists were censored and practiced self-censorship due to fear of losing their jobs, fear of prosecution, and concern for maintaining access to government sources. According to a study published in April by the University of Texas Knight Center for Journalism in the Americas and the Unite Foundation, 54 percent of journalists reported being censored, and 83 percent stated they knew of colleagues who had been censored. Of those responding, 59 percent admitted to self-censorship. Approximately 28 percent of journalists were censored for topics that could have caused conflict with the government, 26 percent for reasons that could have affected the interests of advertisers, and 26 percent for reasons that could have exposed journalists to lawsuits.

Libel Laws/National Security: The government cited national security laws to suppress the publication of material and to pressure journalists to reveal their sources. On April 22, Presidential Legal Advisor Hector Arce presented charges of espionage and revealing of state secrets against the director of the daily newspaper *La Razon*, Claudia Benavente, and *La Razon* journalist Ricardo Aguilar. On April 13, Aguilar published an article related to the country’s access to the sea case before International Court of Justice in which he allegedly revealed classified information. Arce sought to force the journalists to reveal their sources of the information through the prosecution. At the request of the defense, the case was transferred to the Press Tribunal in August and remained pending at year’s end.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government systematically monitored private online communications without appropriate legal authority. In July Juan Carlos Pinto, director of the Intercultural Service for the Strengthening of Democracy, a subdivision of the Plurinational Electoral Organ, reported the service had been monitoring social media feeds since January to verify that neither candidates nor citizens “engaged in dirty campaigning.” In 2012 Vice President Garcia Linera stated the government recorded the names of persons who insulted President Morales on social media sites.

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

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events, although political considerations allegedly influenced academic appointments.

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

Although the constitution provides for the freedoms of assembly and association, civil society groups critical of the government often faced harassment or threats of expulsion from government officials.

### **Freedom of Assembly**

While the law requires a permit for most demonstrations, the government rarely enforced the provisions, and most protesters demonstrated without obtaining permits. Most demonstrations were peaceful, but occasionally demonstrators carried weapons, including clubs, machetes, firearms, firecrackers, and dynamite. Security forces at times dispersed protest groups carrying weapons or threatening government and private facilities.

In May police used tear gas on students during confrontations at San Simon University in Cochabamba and Juan Misael Saracho University in Tarija, leaving 15 total persons injured. Students attacked police with rocks, Molotov cocktails, and firecrackers that contained nails.

At year's end authorities continued to investigate the 2011 case in which police forces in Yucumo, Beni, used tear gas and other methods to disband a peaceful march by indigenous leaders protesting the construction of a highway through their land. In 2012 the prosecutor ruled out the involvement of President Morales, Vice President Garcia Linera, and former minister of government and current ambassador to the UN Sacha Llorenti. In August 2013, however, former ministry of government lawyer Boris Villegas, who was detained on charges of extortion,

told prosecutors that Llorenti ordered police to intervene in the march. On April 21, a La Paz court nullified the decision of prosecutors to exclude Llorenti from the case, but the court's finding did not yield significant changes by year's end. On November 6, 14 police officers involved in the case were indicted on charges of conducting a raid without proper authority, abuse and torture, deprivation of liberty, coercion, and concealment.

### **Freedom of Association**

The constitution provides for freedom of association, although the government did not always respect this right. There were reports in rural areas of political intimidation including threats of whippings if citizens did not vote for the ruling party's slate. Some NGOs alleged that government registration mechanisms were purposefully stringent in order to deter an active civil society.

On January 14, police forcefully removed representatives of CONAMAQ (a leading indigenous organization) from their La Paz offices. On March 30, alleged MAS activists beat ousted CONAMAQ leader Rafael Quispe in the La Ceja neighborhood of El Alto. In December 2013 the government expelled Danish NGO IBIS based on a disagreement about the NGO's work with indigenous groups. Minister of the Presidency Juan Ramon Quintana alleged IBIS was responsible for the conflict within CONAMAQ and was "financing the division of social organizations." Quintana warned, "Just as IBIS is leaving today, NGOs that distort their mission with civil society will also go."

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

On March 6, Marcelo Soza, the chief prosecutor of the alleged terrorism case against 39 former civic and political leaders of Santa Cruz, fled to Brazil. Soza alleged that he worked with the Bolivian government to frame the country's political opposition through the case. On September 24, Soza's former bodyguard, police lieutenant Juan Laguna Saavedra, sought asylum in Brazil and alleged that the government itself brought Eduardo Rozsa, a dual Hungarian-Bolivian national who was killed in the police raid on Hotel Las Americas in 2009, to Bolivia to incite violence.

National Convergence Party Senator Roger Pinto remained in exile in Brazil where he fled in August 2013 after the government accused him of 21 criminal charges and convicted him on one. The former governor of Tarija, Mario Cossio, remained in Paraguay after being granted asylum in 2011. Cossio was accused of corruption and mismanagement, and his trial entered its sixth year without sentence on October 17.

### **Protection of Refugees**

The National Commission on Refugees reported that 863 refugees from more than 20 countries resided in the country. According to media reports, most refugees were Peruvian or Colombian and lived in La Paz, Cochabamba, and Santa Cruz. The government did not provide temporary protection or resettlement services to these persons.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees through the National Commission on Refugees.

Refoulement: In March the Inter-American Court for Human Rights ruled the government violated the rights of the plaintiffs in *Family Pacheco Tineo v. Bolivia*. The family alleged that in 2001 the government violated their refugee status by forcibly returning them to Peru, where they were imprisoned. The family submitted a petition to the IACHR in 2002, which found in 2004 that the government had violated several provisions of the American Convention on



Human Rights. The court ordered the government to pay 240,100 bolivianos (\$35,000) to the family, and the government approved a decree to release the funds.

Employment: Refugees have the right to work after their status is granted but not while waiting on pending applications.

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

The constitution and law provide citizens the ability to change their government through free and fair elections, and citizens exercised this right through periodic elections based on universal suffrage. Some citizens of voting age, particularly in rural areas, lacked the identity documents necessary to vote.

#### **Elections and Political Participation**

Recent Elections: Monitoring groups from the Organization of American States (OAS) and the European Union considered the 2014 national presidential and legislative elections peaceful and free, although questions were raised about fairness. In a statement to the press on October 13, the chief of the OAS Electoral Observer Mission, former Guatemalan president Alvaro Colom, congratulated high levels of voter participation, highlighted the peaceful nature of the process, and noted there were “sufficient guarantees for the voters,” but he expressed concern about the slow pace of the vote count and noted the low presence of officials of the Supreme Electoral Tribunal (TSE) at the polls on election day. He did not explicitly certify the election as free and fair. Members of the opposition raised concerns about the ability of the TSE to serve as a neutral arbiter of the election and complained the TSE ruled in favor of the ruling party and against opposition interests when applying sanctions for violations of electoral law.

Political Parties and Political Participation: There are no overtly undue restrictions on political parties, but some opposition political leaders alleged some government charges against elected officials and opposition political leaders were politically motivated. Furthermore, opposition parties accused the ruling MAS party of exercising undue media influence, using government resources for campaign purposes, and interfering with the right to publicize views during the year’s election campaign.

The controller general reported that 10 percent of the more than 3,500 presidential, vice presidential, and congressional candidates had active charges pending against them. Four of the five declared presidential candidates in the October elections had active charges pending against them. The only candidate free from judicial proceedings was President Morales, also leader of the MAS party. On August 28, MSM senatorial candidate for Cochabamba Mario Orellana was jailed on orders of the departmental government of Cochabamba after the candidate was linked to the release of a video in which President Morales admitted that his government hosted the Group of 77 summit in June to gain an electoral boost. Orellana was accused of falsifying documents unrelated to the video in 2011. On September 5, after considerable pressure from political opposition, Orellana was released. International observers, including the UN Office of the High Commissioner for Human Rights in Bolivia, expressed concerns about the motivations behind Orellana's imprisonment. Orellana was harassed during his detention at Cochabamba's overcrowded San Sebastian jail, and his head was shaved.

Journalists complained the government exercised undue influence over media markets by selectively choosing which outlets to support through advertising. These practices allowed the government to dominate media coverage and the ruling party to broadcast electoral propaganda beyond the strict limits set for opposition parties by the TSE. In August the media reported the MAS party had spent 123 million bolivianos (\$18 million) on favorable ad campaigns with television and radio outlets, primarily through the Ministries of Communication and Government and the government-owned oil company.

On September 1, MAS Assemblyman Luis Gallego announced his support for the ruling by social organizations in the north of Potosi Department to whip community members who did not vote for the complete MAS party slate on October 12. Opposition parties denounced the case before the TSE, but Gallego was not sanctioned as of year's end. On September 28, MAS and MSM supporters clashed in the town of La Asunta, La Paz Department, leaving an undetermined number of campaigners injured.

In 2013 the Constitutional Court struck down four articles of the department autonomy law that allowed the government to suspend from office elected officials who were under investigation but who were not sentenced. As of year's end, suspended governors Ernesto Suarez and Mario Cossio and approximately 20 other officials were not reinstated.

Participation of Women and Minorities: The law mandates gender parity in the candidate selection process at all levels of government. Following the October elections, women made up 42 percent of the Senate and 50 percent of the lower chamber of congress. Women held seven of the 20 cabinet positions. Four of seven Constitutional Court magistrates were women, and three identified themselves as indigenous. Women also accounted for 33 percent of the Supreme Court and 43 percent of the National Land Dispute Court. Women remained significantly underrepresented in municipal executive positions; for example, only 7 percent of mayors were women.

Credible NGOs reported that women participating in politics sometimes faced violence and harassment. In some cases winning female candidates reported threats of violence in order to force their resignation so a male alternative candidate could assume the position. On October 3, the NGO Community of Human Rights stated the number of reported cases of political harassment against women rose from 40 in 2012 to 154 in 2013. A poll of 296 councilwomen conducted by the Association of Female Mayors and Councilwomen of Bolivia revealed 59 percent of those polled had suffered some type of violence or political harassment in their municipality, and 39 percent did not complete their term due to the severity of the threats and hostility they received. For example, on March 11, three men--Ramon Yujra, Bernabe Gutierrez, and Miguel Apaza--confronted Achacachi (department of La Paz) councilwoman Nora Quispe Ticona at a town council meeting, hit her, and forced her to sign a resignation letter.

Investigations into the 2012 killings of two elected female municipal councilors, Juana Quispe Apaza of Ancoraimes La Paz, and Daguiamar Rivera Ortiz of Guayaramerin Beni, remained in the pretrial stage. Both women allegedly were killed due to their political activity as women.

The constitution and electoral law set aside seven special indigenous districts to increase the participation of minority indigenous communities in the lower house of congress. One of these seven seats is reserved for an Afro-Bolivian representative.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: According to the World Bank's 2011 worldwide governance indicators, government corruption and lack of transparency remained serious problems. According to Transparency International's 2013 *Global Corruption Barometer*, 86 percent of citizens believed the police were corrupt or extremely corrupt, and 76 percent labeled the country's judiciary as corrupt or extremely corrupt.

Police corruption remained a significant problem, partially due to low salaries and lack of training. On March 13, U.S. authorities convicted police officer Fabricio Ormachea Aliga in Miami on two counts of extortion. Ormachea, an investigator in the police anticorruption unit, allegedly promised to suspend a pending investigation involving a Bolivian living in Miami in exchange for approximately 205,000 bolivianos (\$30,000). There was also widespread corruption in the country's judiciary.

The Ministry of Anticorruption and Transparency and the Prosecutor's Office are responsible for combating corruption, but most corrupt officials operated with impunity. In September Transparency Minister Nardy Suño reported his ministry was investigating 388 complaints against public servants. The ministry had obtained 97 convictions since 2006. Cases involving allegations of corruption against the president and vice president require congressional approval before prosecutors may initiate legal proceedings, and cases against progovernment public officials were rarely allowed to proceed. Despite the fact that the courts found that the awarding of immunity for corruption charges is unconstitutional, the government ignored their rulings against immunity.

On March 31, President of the Chamber of Deputies Human Rights Committee Ever Moya resigned his seat and distanced himself from the ruling party after alleging he had submitted several complaints about corruption against congressional colleagues but none resulted in an investigation or sanctions.

Financial Disclosure: The law requires public officials to report potential personal and financial conflicts of interest and to declare their income and assets. The law mandates that elected and appointed officials disclose their financial information to the auditor general, but their declarations are not available to the public. According to the law, noncompliance results in internal sanctions, including dismissal. The auditor general must refer cases involving criminal activity to the Attorney General's Office.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. There was at least one case in which a NGO was expelled due to disagreement with the government, and the Community of Human Rights, a conglomerate of locally based NGOs, expressed concern that the NGO registration law could be applied arbitrarily to revoke the certification of NGOs whose work conflicted with the government's vision. NGOs and the human rights ombudsman complained that senior government officials and government security forces sometimes refused to cooperate with their investigations and were not responsive to their views.

Government Human Rights Bodies: The constitution establishes a human rights ombudsman with a six-year term. Confirmation to the position of ombudsman requires a two-thirds majority vote of approval from both houses of the national assembly. The ombudsman is charged with overseeing the defense and promotion of human rights, specifically defending citizens against government abuses. The constitution also affords the ombudsman the right to propose new legislation and recommend modifications to existing laws and government policies. There are also ombudsmen to oversee each of the country's nine departments. They report directly to the national ombudsman. The Ombudsman's Office operated with adequate resources from the government and foreign NGOs, although future funding remained in question. Ombudsman Villena Villegas had previously requested that the government increase its budgetary contribution to the institution, noting in 2013 that 40 percent of funding came from the government and the remaining 60 percent from international organizations.

Senior government officials sought to undermine the credibility of the human rights ombudsman. After the ombudsman recommended on February 26 that the government declare a state of disaster in the department of Beni following severe flooding, Defense Minister Ruben Saavedra accused the ombudsman of "playing politics with the disaster." Following this incident, on March 10, MAS deputies proposed a modification of the human rights ombudsman law in order to define the functions of the ombudsman and to clarify that "the ombudsman is obligated to

assist the Legislative Assembly when asked.” On May 17, Saavedra accused the ombudsman of sedition after his office expressed concern about the handling of the government’s response to military protests.

Both houses of congress have human rights committees that propose laws and policies to promote and protect human rights. Congressional deputies and senators sit on the committees for one-year terms.

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

The constitution and the law prohibit discrimination based on race, gender, disability, language, sexual orientation, gender identity, and social status, but the government did not effectively enforce these provisions to protect all populations.

### **Women**

Rape and Domestic Violence: Rape and domestic violence remained serious and underreported problems. The law establishes penalties of imprisonment for 15 to 20 years for the rape of an adult. Domestic abuse resulting in injury is punishable by three- to six-years’ imprisonment, and the penalty for serious physical or psychological harm is a five- to 12-year prison sentence.

Despite these legal provisions, conviction rates were low. Women’s rights organizations reported that FELCV police units did not have sufficient resources and that frontline officers lacked proper training about their investigatory responsibilities under the law. Women’s organizations also reported the law’s stringent penalties discouraged some women from reporting domestic abuse by their spouses, including because of economic dependence. The law calls for the construction of women’s shelters in each of the country’s nine departments, but only one had been built and opened (in El Alto) by year’s end. In November Minister of Government Jorge Perez announced a plan to provide funding for the construction of shelters that included a budgetary allotment for their future maintenance. No budget was dedicated to providing social services to survivors at the planned shelters. Only 159 of the country’s 339 municipalities maintained a Women’s Integral Legal Services unit as of 2013.

Rape and sexual violence continued to be serious and widespread problems. A study by the NGO Women’s Coordinator found that of the cases of sexual violence reported through the legal system, 58 percent involved the rape of an adult and 10 percent the rape of a minor. The Center for Sexual Education and Research

reported rapists accounted for the second-largest number of 1,700 inmates surveyed, although most rapists were never sentenced and likely remained in pretrial detention. Some cases of sexual violence resulted in deaths. The Center for Women's Information and Development (CIDEM) reported that in the first six months of the year, 59 women were killed in incidents of violence by intimate partners. Santa Cruz Human Rights Ombudsman Hernan Cabrera reported eight cases of violence by intimate partners resulting in deaths in the first two weeks of August. On September 1, national Human Rights Ombudsman Villena demanded that the government issue an alert to force action to address the "high rate of crimes against the life, liberty and physical, psychological, and sexual integrity of women in the country." On November 4, President Morales publically expressed his concern about the high level of violence against women.

Domestic violence remained a serious problem. A study by Women's Coordinator found that 91 percent of those affected by such violence were women and girls. According to CIDEM, 70 percent of women suffered physical, sexual, or psychological abuse during their lifetime. On October 3, the NGO Community of Human Rights reported 10,759 reported cases of domestic violence since the passage of Comprehensive Law to Guarantee Women a Life Free from Violence in March 2013. Of that number, 186 resulted in charges being pressed, and only 30 resulted in a sentence.

Female Genital Mutilation/Cutting (FGM/C): There is no law prohibiting FGM/C, but the practice was virtually nonexistent in the country.

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

A report from the Human Rights Ombudsman's Office concluded the mayor of Santa Cruz, Percy Fernandez, committed a series of verbal, physical, and psychological aggressions against women during his tenure. The most recent and most public case occurred on April 30 when Fernandez, on camera, grabbed the thigh of a journalist during a municipal celebration and refused to let go as she attempted to wrest his hand away. Fernandez was not charged with a crime.

Reproductive Rights: The government recognizes the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence.

According to the joint World Health Organization, UN, and World Bank's *Trends in Maternal Mortality* study for 1990 to 2013, the maternal mortality rate was estimated to be 200 per 100,000 live births. Major factors influencing the high maternal mortality rate included poor sanitation and lack of access to proper health facilities.

Poverty, discrimination, and lack of access to sexual education led to low rates of contraceptive use. The NGO Marie Stopes International Bolivia reported that 81 percent of women did not use modern forms of birth control, and an Emancipation Fund study found that nearly 40 percent of women did not use any type of birth control method. The Population Reference Bureau reported that 34 percent of married women used modern contraceptives. Access to birth control and education about reproductive rights was more limited in rural areas, where the fertility rate was nearly twice as high as in urban areas.

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

The rate of female participation in government was high, but there were reports that female policymakers faced discrimination, violence, and harassment.

The Ministry of Justice's Office of Equal Opportunities is responsible for developing and implementing public policies to eliminate discrimination against women.



## Children

Birth Registration: Citizenship is derived both through birth within the country's territory (unless the parents have diplomatic status) and from parents. Birth certificates are registered either by a notary's affirmation of the certificate or through testimony of two adults regarding a child's parentage. Registered birth certificates are necessary to obtain national identification cards. The civil registry reported that 56 percent of Bolivians were registered within one year of their birth and 97 percent by the age of 12.

Child Abuse: Domestic violence against children and school bullying continued at high rates. The NGO World Vision Bolivia reported 90 percent of children suffered physical or psychological mistreatment in their homes, schools, or places of work. Education Minister Roberto Aguilar estimated 10 percent of children were victims of sexual aggression.

The law proscribes penalties of 20- to 25-years' imprisonment for rape of a child under the age of 14. The penalty for consensual sex with an adolescent 14 to 18 years old is two to six years' imprisonment. The Child and Adolescent Ombudsman's Office reported 1,197 cases of sexual violence against children between 2013 and May 2014. The human rights ombudsman reported only 0.5 percent of the cases ended in a sentence for the perpetrator. Only 0.2 percent of victims received therapy or counseling to help with recovery.

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

Early and Forced Marriage: According to the Population Reference Bureau, 22 percent of women ages 20 to 24 were married by age 18. The minimum age for marriage is 14 for girls and 16 for boys. Minors' parents or guardians must approve marriages between adolescents under 18. The UN Population Fund reported the prevalence of early and forced marriage was on the decline in both urban and rural areas of four of the country's nine departments--La Paz, Pando, Chuquisaca, and Beni.

Female Genital Mutilation/Cutting (FGM/C): While there is no law prohibiting FGM/C, the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: Commercial sexual exploitation of children is punishable with 15- to 20-year prison sentences but remained a serious problem. The Vice Ministry of Youth, Children, and Adolescents reported to the press that between January and September police investigated the following numbers of cases of commercial sexual exploitation of children: 755 in Santa Cruz, 338 in Cochabamba, 210 in La Paz, 150 in El Alto, 63 in Cobija, 72 in Guayaramerin, and 96 in Yacuiba. The law also prohibits child pornography, punishable with 10- to 15-year sentences.

Displaced Children: The UN Children's Fund (UNICEF) reported 20,000-32,000 minors lived in shelters after having been abandoned by their parents. According to the human rights ombudsman, 6,000 of these abandoned children lived on the streets of major cities, 2,000 of them in La Paz.

Institutionalized Children: Child advocacy organizations reported that many government-run shelters housed both child-abuse victims and juvenile delinquents. There were reports of abuse and negligence in some shelters. La Paz Department Social Work Service Director Cristina Rojas reported that, of the region's 380 shelters, including centers for abuse victims, orphans, and school students, only 30 had received government accreditation for meeting minimal standards.

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

## **Anti-Semitism**

The Jewish population numbered fewer than 500. Jewish community leaders stated there were anti-Semitic acts throughout the year. On September 13, unknown perpetrators threw a stick of dynamite into the main Jewish cemetery in Cochabamba. Unknown assailants threw stones and Molotov cocktails at a synagogue in the city of Cochabamba in April and July. Police did not investigate the incidents in Cochabamba.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. The law requires access for wheelchair users to all public and private buildings, duty-free import of orthopedic devices, and a 50 percent reduction in public transportation fares for persons with disabilities. The constitution and law also require communication outlets and government agencies to offer services and publications in sign language and Braille.

The government did not effectively enforce these provisions. In the October national elections, voters with disabilities were in some instances unable to vote due to inadequate facilities for wheelchairs or other physical barriers. In addition, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society and restricting their right to participate in civic affairs. The Research Center for Socioeconomic Development reported that only an estimated 13,000 children with disabilities, or 6 percent of the population of youth with disabilities, had regular access to education. There was no information available regarding patterns of abuse in educational and mental health facilities.

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

The government provides an annual pension of 1,000 bolivianos (\$146) to persons with "serious or very serious" disabilities.

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

Afro-Bolivian community leaders reported that employment discrimination remained common (see section 7.d.) and that public officials, particularly the police, discriminated in the provision of services. Afro-Bolivians also reported the widespread use of discriminatory language.

### **Indigenous People**

In the 2012 census, approximately 41 percent of the population over the age of 15 identified themselves as indigenous, primarily from the Quechua and Aymara communities. The IACHR reported that 70 percent of indigenous persons lived in poverty or extreme poverty with little access to education or minimal services to support human health, such as clean drinking water and sanitation systems. The government carried out programs to increase access to potable water and sanitation in rural areas where indigenous people predominated. The government's Indigenous Fund initiated support in 2010 for development projects designed primarily to benefit indigenous communities, but poor management and corruption among implementing social organizations undermined the success of the program.

Indigenous lands were not fully demarcated, and land reform remained a central political problem. Historically, some indigenous persons shared lands collectively under the "ayllu" system, which was not legally recognized during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of indigenous lands were not completed.

Indigenous communities were well represented in government and politics, but they bore a disproportionate share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas. On at least two occasions, government-affiliated actors promoted divisions within indigenous organizations to ensure the organizations remained allied with government interests.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution and the law prohibit discrimination based on sexual orientation and gender identity. Nevertheless, societal discrimination against LGBT persons was common, and government action to counter it was limited. Citizens are allowed to change their name and gender on their official identification cards, although the process was subject to significant delay, and credible LGBT organizations reported that only seven persons were able to complete the change since 2007. No hate crime laws aid in the prosecution of bias-motivated crimes against members of the LGBT community.

In March the Bolivian Coalition of LGBT Organizations (COALIBOL) announced 55 members of the LGBT community were killed between 2003 and 2013. A study presented by the NGO Hivos and COALIBOL in January found that 93 percent of surveyed LGBT individuals had been discriminated against by a police

officer, prosecutor, or judge. The study also noted that of those surveyed, 82 percent knew of at least one person who had been arbitrarily detained by police due to sexual orientation or gender identity. In the educational field, 70 percent of survey participants were discriminated against by teachers and 30 percent by fellow students.

The transgender community remained particularly vulnerable to abuse and violence. COALIBOL reported that 72 percent of transgender individuals abandoned their secondary school studies due to intense discrimination.

### **HIV and AIDS Social Stigma**

Although the law prohibits discrimination against persons with HIV/AIDS, pervasive discrimination persisted. Ministry of Health authorities reported that discrimination against persons with HIV/AIDS was most severe in indigenous communities, where the government was least successful in diagnosing cases. In 2012 the Ministry of Health reported that of the persons with HIV/AIDS surveyed, 32 percent suffered insults or verbal abuse, 20 percent were threatened, and 22 percent were victims of violent aggression. The study also noted that 20 percent of those surveyed reported discrimination in government service provision at hospitals and schools and that many persons with HIV/AIDS did not report acts of discrimination due to fear.

On December 22, Minister of Health Juan Carlos Calvimontes told television reporters, in violation of medical privacy law, that Constitutional Court Magistrate Gualberto Cusi was HIV positive and suffering from medical complications due to AIDS. Calvimontes said that it was necessary to make public Cusi's condition since it turned into a political issue as a part of the trial against Cusi and two other constitutional court magistrates (see section 1.e.), and third parties and members of the executive branch were blamed for Cusi's illness when, as Calvimontes alleged, "this condition is absolutely the responsibility of the person who contracted it."

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

Vigilante justice remained a serious and growing problem, especially in rural communities and in La Paz's sister city of El Alto. Mobs hanged their victims, set them on fire, drowned them, and buried them alive. At least 11 individuals were killed in confirmed incidents of mob justice as of October.

In many cases the victims were killed for alleged crimes, and in some instances police refused to intervene due to lack of capacity and fear of becoming victims themselves. For example, on May 12 in Palos Blancos, La Paz, a mob burned to death Lenar Olivera Serrudo, confessed killer of Joaquin Paco Lopez. Police knew of the community's intent three hours before he was captured and had 10 hours to intervene before he was eventually killed. Police refrained from acting, since they reportedly could not compete with the size and capacity of the mob.

In some cases community mobs subjected victims to cruel punishment. On April 13, residents of Ayopaya, Cochabamba, accused Wilmer Machado and Miller McDonald Rodriguez of stealing three motorcycles from the community, tied them to trees infested with venomous ants, and left them to be bitten for hours. Both men were hospitalized after their release due to renal failure caused by the ants' poisonous bites.

As of October only one individual was charged for participation in acts of mob violence, and no individuals were sentenced. Community silence pacts in which perpetrators of the vigilante crimes collectively agreed not to cooperate with investigators furthered impunity. Most participants in acts of vigilante justice cited the broken nature of the traditional justice system as the principal motivator to pursue justice by other means.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, provides for the freedom of association, the right to organize and bargain collectively, and the right to strike. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. The law does not require government approval for strikes and allows peaceful strikers to occupy business or government offices. The constitution provides for protection of general and solidarity strikes, and the right of any working individual to join a union.

Workers may form a union in any private company of 20 or more employees, but the law requires that at least 50 percent of the workforce be in favor. The law requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the government to dissolve unions by administrative fiat. The law also requires that members of union executive boards be Bolivian by birth. The labor code prohibits most public

employees from forming unions, but some public sector workers (including teachers, transportation workers, and health-care workers) were legally unionized and actively participated as members of the Bolivian Workers' Center without penalty.

The government enforced applicable laws, but it was slow to do so. Resources for inspections were inadequate. Penalties for violations included fines. The National Labor Court handles complaints of antiunion discrimination, but rulings took a year or more. The court ruled in favor of discharged workers in some cases and required their reinstatement. Union leaders stated that problems often had been resolved or were no longer relevant by the time the court ruled. Government remedies and penalties were often ineffective and insufficient to deter violations for this reason.

The government and the lack of resources in the labor courts limited freedom of association. Moreover, the 20-worker threshold for forming a union proved an onerous restriction, since an estimated 72 percent of enterprises had fewer than 20 employees. Labor inspectors may attend union meetings and monitor union activities. Collective bargaining and voluntary direct negotiations between employers and workers without government participation was limited. Most collective bargaining agreements were restricted to addressing wages.

Violence during labor demonstrations continued to be a serious problem. On March 31, miners Johnny Huisa Condori and Jaime Cachiaca were shot and killed and another 50 miners injured during a conflict between miners and police on the Oruro-Cochabamba highway. In the same incident, miners took 43 police officers hostage; all the hostages were eventually released with minor injuries. Despite President Morales' 2012 executive order outlawing the use of dynamite during public protests, the practice continued.

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

The law prohibits all forms of forced or compulsory labor, yet it remained a serious problem. Men, women, and children were victims of forced labor in domestic service, mining, ranching, and agriculture (see section 7.c.). There were reports that members of the Guarani indigenous group continued to live in conditions of bonded labor in the Chaco region.

In some cases the government did not effectively enforce the law banning forced labor. Ministry of Labor officials noted that lack of resources prevented more

thorough enforcement and restricted the ability of authorities to provide services to victims of forced labor. Labor exploitation, forced labor, and other forms of servitude are punishable with 10- to 15-years' imprisonment for exploitation of adults and 15- to 20-years' imprisonment for exploitation of children. These penalties were insufficient to deter violations.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

On July 17, Vice President Garcia Linera signed a new child and adolescent code that permits children as young as 10 to work legally. The law states that the minimum working age is 14, but the Child and Adolescent Ombudsman's Office may permit children as young as 10 to work if the child chooses to do so voluntarily and he or she works independently or with the family. The child must also obtain permission from his or her parent(s). Children as young as 12 can work for outside employers provided the same permissions are obtained. The law states that work should not interfere with a child's right to education and should not be dangerous or unhealthy. Dangerous and unhealthy work includes work in sugar cane and Brazil nut harvesting, mining, brick making, hospital cleaning, selling alcoholic beverages, and working after 10 p.m., among other conditions. A request to the ombudsman must be answered within 72 hours. The Ministry of Labor is responsible for authorizing work activity for adolescents over 14 years of age who work for a third-party employer. The code newly establishes that the Ministry of Justice, rather than the Ministry of Labor, is responsible for enforcing child labor laws, including laws pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace.

Authorities did not effectively enforce the laws. Resources were sufficient neither to prevent child labor nor to implement the newly proposed registration requirements for workers under the age of 14. Authorities did not provide information on the penalties for violation of child labor laws or the effectiveness of such penalties. Five inspectors in the Ministry of Labor were dedicated to detecting child labor, and during the first six months of the year they conducted approximately 30 inspections. Government authorities could not verify the number of minors removed from such labor.



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

Among the worst forms of child labor, children worked in the sugarcane harvest, the Brazil nut harvest, brick production, hospital cleaning, domestic labor, transportation, agriculture, and vending at night. Children were also subjected to commercial sexual exploitation (see section 6, Children). A 2013 study estimated 3,000-4,000 children and adolescents worked in the Brazil nut harvest in Beni Department. Researchers also found that some children worked in Brazil nut processing factories, including at night. Approximately 99 percent of children who worked in the sugar harvest in Tarija did not attend school.

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

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV positive status or other communicable diseases, or social status.

Despite these legal protections, discrimination with respect to employment and occupation occurred. Civil society leaders reported credible instances of employment discrimination against indigenous peoples, Afro-Bolivians, and members of the LGBT community (see section 6).

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

The government raised the minimum monthly wage by 20 percent, from 1,200 to 1,440 bolivianos (\$175-\$210) for the public and private sectors. The government's official estimate of the poverty income level remained 495 bolivianos (\$72) per month. Labor laws establish a maximum workweek of 48 hours and limit the workday to eight hours for men. The laws also set a 40-hour workweek for women, prohibit women from working at night, mandate rest periods, and require premium pay for work above a standard workweek. The law stipulates a minimum of 15 days' annual leave. The Ministry of Labor sets occupational health and safety standards and monitors compliance. The law mandates that the standards apply uniformly to all industries and sectors.

The government did not effectively enforce these laws. The Ministry of Labor's Bureau of Occupational Safety has responsibility for the protection of workers' health and safety, but the relevant standards were poorly enforced. The 78 inspectors were inadequate in number to provide effective workplace inspection. The law provides for penalties for noncompliance, but enforcement was not effective, and the fines of 1,000 to 10,000 bolivianos (\$146-1,460) were insufficient to deter violations. A national tripartite committee of business, labor, and government representatives is responsible for monitoring and improving occupational safety and health standards and enforcement. The Ministry of Labor maintained offices for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions, but it was unclear whether the offices were effective in regulating working conditions.

While the government did not keep official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. On September 23, Enrique Nunez, president of the Bolivian Society of Occupational Health and Security, reported an average of 7,000 labor accidents each year at a cost of 430,000 bolivianos (\$62,700) annually to the domestic

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