

# **BOLIVIA 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bolivia is a constitutional, multiparty republic with an elected president and a bicameral legislature. On October 18, Luis Alberto Arce Catacora, candidate for the Movement Toward Socialism Party, won a presidential election with 55 percent of the vote. His closest opponent, Citizen Community coalition candidate Carlos Diego Mesa Gisbert, won 28.8 percent. International electoral observation missions and domestic electoral observation organizations characterized the elections as free, fair, and transparent.

The national police, under the Ministry of Government's authority, have primary responsibility for law enforcement and the maintenance of order within the country, but the Armed Forces, which report to the Ministry of Defense, may be called to help in critical situations. Immigration officials report to the Ministry of Government, and police and military share responsibilities for border enforcement. Civilian authorities maintained effective control over the security forces. Members of the security forces committed abuses.

Significant human rights issues included: torture and cases of cruel, inhuman, or degrading treatment or punishment by government officials; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems concerning judicial independence; restrictions on free expression, the press, and other media, including violence against journalists by state security forces and censorship; serious acts of corruption; lack of investigation of and accountability for violence against women; crimes involving violence targeting lesbian, gay, bisexual, transgender, and intersex persons; and use of child labor.

The government took steps in some cases to prosecute members of the security services and other government officials who committed abuses, but inconsistent application of the law and a dysfunctional judiciary led to impunity.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

The Institute of Forensic Investigations recorded 30 persons killed from October 20 to November 15, 2019, in the context of the postelectoral crisis. The death toll was corroborated by Office of the United Nations High Commissioner for Human Rights (OHCHR). Of these 30 deaths, OHCHR and forensic reports indicated nine persons were killed and more than 100 injured during demonstrations in Sacaba, Cochabamba Department, on November 15, 2019, and another 10 were killed and 30 injured during protests near the Senkata gas facility in El Alto, La Paz Department, on November 19, 2019.

Regarding the violent disturbances that occurred in the postelectoral period in October-November 2019, an August OHCHR report cited Institute of Forensic Investigation reporting that the use of lethal ammunition led to deaths and injuries during protests in Sacaba and Senkata. The OHCHR report also highlighted there were no reports of security forces being killed or wounded by gunfire during these same protests, although Ministry of Justice officials stated a number of security forces were wounded during the Sacaba incident. A December 2019 preliminary report from the Inter-American Commission on Human Rights (IACHR) stated the injury patterns in both cases “point strongly to extrajudicial killing practices.” Government authorities denied security forces were responsible for these deaths, claiming the protesters used their own firearms and that some calibers of the bullets found in victims’ corpses did not correspond to standard ammunition issued to police or armed forces. In a February interview with Human Rights Watch, then minister of government Arturo Murillo claimed leaders of the Movement Toward Socialism (MAS) Party killed their party’s own supporters in Sacaba and Senkata, referencing the forensic reports that allegedly found bullets in victims that were inconsistent with the caliber used by security forces. The August OHCHR report cited forensic reports indicating authorities were unable to recover the vast majority of bullets that killed and injured protesters in the two incidents and that authorities had not conducted any formal assessment of the weapons carried by security forces during those operations. Government officials stated the use of force by security forces was proportional to the protesters’ level of violence. The officials indicated protesters had homemade weapons and explosive material and that they intended to cause an explosion at the gas installation the armed forces were guarding in Senkata. The OHCHR also reported accounts of the events from authorities, victims, and witnesses revealed inconsistencies that needed to be investigated.

A September Human Rights Watch report indicated other persons died in subsequent clashes between pro-Morales supporters and their opponents, including

two men allegedly killed by Morales supporters in Montero, Santa Cruz Department. According to local media, two police officers were also killed in the postelection violence. In November 2019 police sergeant Juan Alarcon Parra died of injuries after allegedly being beaten by a mob, and Lieutenant Coronel Heybar Alarcon died in a motorcycle accident allegedly after being attacked by protesters.

In December 2019 the IACHR announced it had signed an agreement with the transitional government to create a mechanism to support the investigation of acts of violence and human rights abuses that took place between September and December 2019. Subsequently, an Interdisciplinary Group of Independent Experts (GIEI) was created by the IACHR with the agreement of the transitional government to investigate the events for a period of six months, which could be extended by agreement of the parties for as long as necessary to fulfill its mission.

On November 23, the Arce government and the IACHR signed a protocol agreement during a public ceremony at the Ministry of Foreign Affairs to install the five-member GIEI and officially begin the investigation into the acts of violence that occurred between September and December 2019. The group of international human rights experts is scheduled to conduct meetings with victims, witnesses, government authorities, and civil society. The government authorized the group to have access to police and military records to conduct an independent and impartial investigation of the acts of violence surrounding the October 2019 general election.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibits all forms of torture, coercion, and physical and emotional violence, but there were reports that government officials employed them. The penal code carries only minimum penalties for persons convicted of torture, but no public official had ever been found guilty of the crime.

A representative of the Ombudsman Office, Nelson Cox, alleged that nine prisoners from the Chapare region detained on drug charges were physically and psychologically attacked by police after they were sent on April 26 to the El Abra Prison in Cochabamba. Cox referenced a report from the prison physician that

found bruising and lesions on the prisoners resulting from blows to their lower extremities, back, and ribs.

Nongovernmental organizations (NGOs) charged that the Ministry of Justice's Service to Prevent Torture failed to denounce consistently torture by police and military personnel, who employed it frequently. NGOs reported that police investigations relied heavily on torture to procure information and extract confessions. The majority of abuses reportedly occurred while officials were transferring detainees to police facilities or holding them in detention. According to reports from NGOs engaged with prison populations, the most common forms of torture for detainees included rape, gang rape by guards, sensory deprivation, use of improvised tear gas chambers and Tasers, asphyxiation, verbal abuse, and threats of violence.

Within the military, torture and mistreatment occurred both to punish and to intimidate trainees into submission. Military officials regularly verbally abused soldiers for minor infractions and perceived disobedience.

Impunity remained a significant problem in the National Police due to corruption and politicization of the judicial system, with mechanisms to investigate abuse rarely utilized or enforced. Complex legal procedures, large numbers of detainees, judicial inefficiency, executive interference, corruption, and inadequate case-tracking mechanisms contributed to police impunity. According to a 2019 report by the Department of Inspection and Control of Disciplinary Cases of the Institution of Order, 180 police officers cited in criminal proceedings between 2014 and 2019 were reinstated after their cases were closed. Of the 180 officers, 84 were involved in drug trafficking and corruption cases. Mechanisms to investigate abuse exist, but investigations frequently were not completed due to systemic corruption that encouraged investigated parties to pay off investigators. NGOs and the international community offered most training courses to increase respect for human rights, but few took place throughout the year due to COVID-19 restrictions.

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

Prisons were overcrowded, underfunded, and in poor condition, resulting in harsh and life-threatening conditions. Violence was pervasive due to inadequate internal security.

Physical Conditions: According to the government's Penitentiary Regime Directorate, prison facilities had a combined capacity for 6,765 persons, but in March the prison population was 18,260 inmates, representing a 270 percent overpopulation. The problem was most acute in the 20 urban prisons, which had a combined capacity of 5,436 persons but held 15,581 inmates.

Women's prisons operated in Cochabamba, two in La Paz, Reyes, Rurrenabaque, Santa Rosa, and Trinidad. Men and women shared sleeping facilities in Morros Blancos Prison in Tarija, Montero Prison in Santa Cruz, Riberalta Prison in Beni, and Oruro Prison in Oruro. In other facilities men and women had separate sleeping quarters but commingled daily. Female inmates experienced sexual harassment and assault on a regular basis, and some were forced to pay antirape extortion fees. While observers noted violence against women, such as rape, was rampant, they reported a culture of silence that suppressed reporting of gender-based violence due to fear of reprisal.

Although the law permits children up to age six to live with an incarcerated parent under "safe and regulated conditions," children as old as 12 resided in detention centers with incarcerated parents, despite unsafe conditions, often because the parents lacked viable alternative living arrangements due to poverty or family constraints. Minors ages six and younger were allowed only in women's prisons. Minors were not allowed to live in men's detention centers.

The law sets the juvenile detention ages from 14 to 16 and requires that juvenile offenders be held in facilities separate from the general prison population to facilitate rehabilitation. Children younger than age 14 are exempt from criminal liability but may be subject to civil liability. Adult inmates and police reportedly abused juvenile prisoners. Rehabilitation programs for juveniles or other prisoners were scarce.

Violence was ubiquitous due to inadequate internal security. Abuses perpetrated by penitentiary officials included systematic intimidation, rape, psychological mistreatment, extortion, torture, and threats of death. There were reports of rape and sexual assault committed by authorities and other inmates.

Prisoners with independent means could purchase a transfer to the rehabilitation center, a newly built detention facility with better living conditions. One medical doctor attended to prisoners in each prison twice a month. Although medical services were free, prisons rarely had medications on hand. Skin diseases and tuberculosis were widespread due to the cramped sleeping quarters and lack of

medicine to manage contagion. Incarcerated women lacked access to obstetric services.

Corruption was persistent. A prisoner's ability to pay bribes often determined physical security, cell size, visiting privileges, ability to attend court hearings, day-pass eligibility, and place and length of confinement. Inmates and NGOs both alleged there was an insufficient number of police officers to escort inmates to their hearings, and prison directors often refused to intervene, exacerbating delays. Police sometimes demanded bribes in exchange for granting inmates the right to attend their own hearings. Independent media reported corruption complaints against police were common. Prison inmates stated guards extorted money in order to receive goods.

On July 27, inmates at four separate detention centers in Cochabamba mutinied against poor sanitary conditions and lack of medical care. Inmates from San Sebastian Male Prison, San Sebastian Female Prison, San Pedro de Sacaba Prison, and San Pablo de Quillacollo Prison staged separate protests demanding rapid COVID-19 testing, medical attention, and considerations of amnesty and pardons after three inmates died of suspected COVID-19 symptoms in San Sebastian Male Prison and another three in San Pablo de Quillacollo Prison. A relative of one of the inmates said there were no physicians or medical supplies inside the facility. Inmates complained that many judicial activities had been suspended since the start of the pandemic due to infections among judges. The heightened tension followed the suspected COVID-19 death of 23 inmates in the San Pedro Jail of La Paz.

On August 19, Director General of the Penitentiary System Clemente Silva Ruiz reported in a UN webinar that 56 prisoners had died due to COVID-19 throughout the prison system. He stated that overcrowding, a lack of infrastructure, and a lack of medical personnel were the main factors for the loss of life. According to data provided during the webinar, since the start of the COVID-19 outbreak the Penitentiary System registered 118 confirmed cases, with 16 persons hospitalized, 56 deceased, and five awaiting test results. There were also 149 suspected cases. The director explained that despite the prison system's contracts with hospitals to care for prisoners, inmates with suspected COVID-19 were denied care due to a lack of space in the hospitals.

Administration: Authorities generally did not conduct investigations of credible allegations of mistreatment. According to the UN Office on Drugs and Crime, prisoners could submit complaints to a commission of district judges for

investigation, but due to fear of retaliation by prison authorities, inmates frequently did not do so.

Independent Monitoring: The government generally permitted monitoring by independent NGO observers such as the International Committee of the Red Cross, local NGOs, judges, religious organizations, legislators, and media. The COVID-19 pandemic greatly restricted independent monitoring of prison conditions, however. As of August observers reported a nearly four-month court closure during the national quarantine and a near complete ban on visiting prisons by outside monitors, with many lawyers who represented defendants unable to visit in person. Criminal justice activists also pointed to the lack of any law related to the access to public information in the prison system and stated the lack of transparency and opacity in the judicial branch increased during the COVID-19 pandemic.

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

The law prohibits arbitrary arrest and detention, but the government did not always respect the law. The law also provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed this provision, although international human rights groups highlighted a number of potentially politically motivated cases initiated by the interim government that resulted in arbitrary arrest.

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

The law requires that police obtain an arrest warrant from a prosecutor and that a judge substantiate the warrant within eight hours of an arrest. Police did not strictly adhere to these time restrictions, except in cases in which the government specifically ordered adherence. 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 is to 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 provides a lawyer from the Public Defender's Office if the suspect requests one. The public defenders were generally overburdened and limited in their ability to provide adequate, timely legal assistance. While bail is permitted, most detainees were placed in pretrial detention or could not afford to post bail. Several legal experts noted pretrial detention was the rule rather than the exception.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention, but the government did not always respect the law.

On May 22, Judge Hugo Huacani ordered the transfer of Edith Chavez Arauco, the babysitter of former president Evo Morales's minister of the presidency, Juan Ramon Quintana, from pretrial detention to house arrest after the time period of her ordered pretrial detention had expired. Hours later Judge Huacani was detained by police for a "lack of independence" in his ruling, according to a statement from the Interior Ministry. That same day the La Paz Departmental Attorney General's Office reported it had not been involved in Judge Huacani's arrest nor issued an arrest warrant against him, and on May 23, another judge ordered his release and declared his detention illegal. Amnesty International determined the detention was "arbitrary as it was based solely on the fact that the government disagreed with a judicial decision he [Judge Huacani] had taken."

Pretrial Detention: The law affords judges the authority to order pretrial detention if there is a high probability 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 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 may not exceed 36 months combined. The law allows a trial extension 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.

Despite the legal limits on pretrial detention, prolonged pretrial detention remained a problem. Complex legal procedures, large numbers of detainees, judicial inefficiency, executive interference, corruption, a shortage of public defenders, and inadequate case-tracking mechanisms 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 avoid a final sentencing, either at the request of their

clients or due to high caseloads. According to information received in March from the Penitentiary Regime Directorate, approximately 65 percent of prisoners were being held in pretrial detention, consistent with 2019 figures but less than in previous years, when 70-85 percent of the prison population was in pretrial detention.

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

The law provides for an independent judiciary, but the judiciary remained overburdened, vulnerable to undue influence by the executive and legislative branches, and plagued with allegations of corruption. Authorities generally respected court orders, but on several occasions, they pressured judges to change verdicts. Judges and prosecutors sometimes practiced self-censorship when issuing rulings to avoid becoming the target of verbal and legal harassment by the government.

The judiciary faced numerous administrative and budgetary problems. NGOs asserted the funds budgeted for the judiciary were insufficient to assure equal and efficient justice and that the reliance on underfunded, overburdened public prosecutors led to serious judicial backlogs. As a result justice officials were vulnerable to bribery and corruption, according to credible observers, including legal experts. An August report by the domestic NGO Fundacion Construir stated that only 0.52 percent of the 2020 national budget was allocated to the entire judicial sector. The 2018 *Report on the State of Justice* indicated that of the 118 members (magistrates), 1,039 ordinary judges, and 63 agriculture or environmental judges, only 223 were considered career judges. While the Ministry of Justice approved greater regulations regarding the judicial career, NGOs cited a lack of transparency in the application of these regulations and the classification of career versus noncareer judges.

#### **Trial Procedures**

The law provides for the right to a fair and public trial without undue delay, but the government did not always respect the law. Defendants are entitled to be informed of charges promptly and in detail and to a presumption of innocence and trial by a panel of judges. They have the right to avoid self-incrimination and to consult an attorney of their choice, receive adequate time and facilities to prepare a defense and confront adverse witnesses, present witnesses and evidence, and file an appeal. Defendants who cannot afford an attorney have the right to a public defender or private attorney at public expense. Free translation and interpretation services are

required by law. Officials did not always comply with the law. Criminal justice observers pointed out the number of public defenders fell from 89 to 77 countrywide during the year, resulting in increased case backlogs. Observers also highlighted the perennial problems of poor retention due to the large workload and poor compensation, with public defenders often earning only half of what prosecutors earned.

Judicial system NGOs expressed concern regarding what they termed “the arbitrary use of the penal system” to criminally prosecute persons who violated COVID-19 quarantine measures. According to press statements from the prosecutor’s office of various departments, as of mid-May, 193 criminal sentences for crimes against public health had been delivered: 126 in Santa Cruz, 56 in La Paz, and 11 in Chuquisaca. According to other data released by the Public Prosecutor’s Office, from March 22 to April 20, the office had initiated 273 criminal cases of crimes against public health throughout all nine departments. NGOs expressed particular concern regarding the systematic use of abbreviated procedures that pressured defendants to plead guilty to obtain a lighter sentence and serve it under house arrest instead of in prison. NGOs argued this method of offering a lighter sentence if the defendant agrees to an abbreviated procedure violates due process legal provisions.

On April 30, the interim government released Decree Law No. 4226, Presidential Decree of Amnesty and Pardon for Humanitarian Reasons and National Health Emergency, against the contagion and spread of COVID-19 in the prison system. Many justice system observers and civil society representatives criticized the expansive exclusion criteria within the decree such as age limits or types of crimes that drastically reduce the number of prisoners eligible for parole or pardon. The limited number of public defenders, who would typically have to initiate the pardon requests, exacerbated the ineffectiveness of the decree.

### **Political Prisoners and Detainees**

According to an August OHCHR report, the Office of the Attorney General initiated criminal proceedings against approximately 150 former Morales government officials at all levels from November 2019 to February. Common charges included sedition, terrorism, and breach of duties, and the proceedings were often initiated by legal complaints from interim government officials. The OHCHR expressed concern that the overly broad and vague definitions of crimes such as terrorism, sedition, and breach of duties “could be arbitrarily applied to restrict the rights of a person.” The report also noted violations of legal due-

process provisions, irregularities in the notification of legal warrants, and the detention and prosecution of defense attorneys. In September, Ministry of Justice officials denied these figures, claiming that only a handful of terrorism or sedition investigations remained open. The officials cited the case of former minister of culture Wilma Alanoca Mamani and nine other colleagues from the Ministry of Culture who allegedly fabricated Molotov cocktails and distributed them to MAS supporters in the days preceding Morales' resignation.

On August 19, the International Policy Commission in the MAS-controlled Chamber of Deputies approved the extension of a bill for the safe conduct of former officials in the Morales administration who had claimed asylum in the residence of the Mexican embassy since late 2019. Following the departure of Morales in November 2019, seven former officials sought asylum in the Mexican embassy, among them former presidency minister Juan Ramon Quintana, former defense minister Javier Zabaleta, and former justice minister Hector Arce. Gonzalo Aguilar, a MAS deputy, claimed these former officials had not been found guilty of any crime and had been accused of political crimes. Officials in the interim government's Foreign Ministry disagreed, stating that Congress could not encroach other legal jurisdictions and that many of the former officials had urgent arrest orders pending against them for charges of sedition, terrorism, terrorist financing, and public incitement to commit a crime. Following the October 18 elections, the majority of the detention orders and criminal investigations against the former officials were dropped, and all seven officials eventually left the Mexican embassy. On October 25, a judge annulled the detention order against Zabaleta, and on November 1, judges annulled the detention orders against Quintana and Hector Arce.

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

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

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

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

### **a. Freedom of Expression, Including for the Press**

While the constitution provides for freedom of expression, including for the press, the former Morales government, and to a lesser extent the transitional government, carried out reprisals against media outlets that expressed dissenting opinions. Some media outlets reported the government pressured and intimidated them to report favorably regarding its policies, particularly by withholding government advertising and imposing steep taxes.

Freedom of Speech: On March 25, the interim government issued Presidential Decree 4200 as one of the first major government decrees to fight the COVID-19 pandemic by mandating a national quarantine through April 15 (which was later extended due to an increase in COVID-19 cases). In a section titled “Sanctions for Lack of Compliance,” the second clause reads: “Individuals who incite noncompliance with this decree or misinform or cause uncertainty in the population will be subject to criminal charges for crimes against public health.” A subsequent clause states persons who commit crimes against public health “will be subject to imprisonment for one to 10 years, in accordance with the stipulations of the penal code.” The decree itself establishes no legal sanctions beyond those that already exist. The decree’s language led to criticisms from international observers. On April 7, Jose Miguel Vivanco of Human Rights Watch called the decree’s provision “overly broad” and argued the interim government “appears to be taking advantage of the pandemic to give itself the power to punish anyone who publishes information the government deems ‘incorrect,’ in violation of free speech protections.” On April 11, the IACHR special rapporteur for freedom of expression echoed this sentiment in a tweet, claiming the provision reflected a “disproportionate use of penal law to criminalize commentary on issues of public interest.”

On May 7, the interim government issued Presidential Decree 4231, which states that persons who disseminate information “be it in written, printed, artistic form and/or by any other procedure that puts them at risk or affects public health, or generates uncertainty in the population, will be liable to complaints for the commission of crimes established in the penal code.” This decree built upon Presidential Decree 4200 to deter the spread of “misinformation” related to

COVID-19 by broadening the potential methods of disinformation to include “printed and/or artistic form.” Following this decree, the Ombudsman’s Office announced it would file an action before the Constitutional Tribunal to declare Decree 4231 was unconstitutional and violated the fundamental democratic right to freedom of expression. Many entities previously critical of the Morales government’s record on free speech issues noted the decree represented a similar threat against freedom of speech. The Association of Journalists of Bolivia and the Association of Journalists of La Paz called for the repeal of Decree 4231, since “it establishes a severe unconstitutional and unconventional restrictions by penalizing the human and fundamental right to freedom of expression.”

Following a May 14 cabinet meeting, the interim government announced it was annulling the relevant provisions of each “disinformation” decree. The interim government had been widely criticized by domestic and international groups, including the IACHR, for the decrees’ language, which many had argued countered citizens’ free speech and free press rights and international commitments.

On April 21, Mauricio Jara Pacheco was arrested and placed into pretrial detention for allegedly inciting the population via WhatsApp Messenger groups to ignore the rigid national quarantine measures and for belonging to a group of “digital warriors” tied to the previous Morales administration. He was charged with sedition, public instigation to commit a crime, and attacks against public health. On April 29, a total of 46 journalists and media figures released a public statement demanding his release and urging the government to respect freedom of expression. As of September, Jara Pacheco remained in pretrial detention while the investigation continued.

Freedom of the Press and Media, Including Online Media: According to Supreme Decree 181, the government should provide goods and services to all media outlets in a nondiscriminatory manner, but it did not purchase advertisements in media outlets considered adversarial.

Media outlets alleged the government pressured news organizations to report favorably on government policies and retaliated against news organizations that did not comply. The National Press Association of Bolivia (ANP) and several journalists alleged the government’s retaliatory tactics included withdrawing advertisements and conducting excessive tax audits, which forced companies to spend significant time and resources to defend themselves. Civil society organizations explained that while reported harassment under the interim

government was not as serious as during the Morales government, other forms of economic pressure via advertising used under the Morales administration continued relatively unchanged. In late 2019 Minister of Communication and Minister of Government Murillo threatened journalists who published stories against the government, but no charges were filed.

Violence and Harassment: Journalists faced threats. On September 11, the ANP Monitoring Unit released a report that detailed 87 cases of assault or attacks against journalists in 2019, up 165 percent from 2018. The unit cited increased social tension during an electoral year as the principal cause. In addition to the 87 cases of direct attacks, the report also highlighted other “alerts” of aggression against freedom of expression that included restricting access to information, stigmatizing discourse, and internet restrictions. Of the 162 total alerts (including the 87 cases of attacks against journalists), the report identified the government as the perpetrator in 28 percent of them, with the other alerts attributed to nonstate actors (mainly protesters) or unknown perpetrators.

On July 29, the ANP reported that at least four journalists were physically and verbally attacked during a march organized by the trade union federation Central Obrera Boliviana and organizations aligned with MAS against the postponement of the general election date, but several of those affected opted for self-censorship to avoid retaliation. Protesters tried to take mobile phones from press envoys filming the marches, and other press workers were insulted and threatened by marchers. One federation leader, who organized the protests, claimed the leadership lacked the ability to control “radical people” among the bases.

On May 20, the ANP reported that a journalist and cameraman were ambushed by MAS-aligned protesters in the K’ara neighborhood of Cochabamba as they attempted to cover a conciliation meeting between community members and municipal authorities regarding a garbage dump that had been temporarily closed due to COVID-19 concerns. According to victim testimony and video from the incident, protesters threw large rocks through the windshield of a press vehicle and chased the journalists as they attempted to flee. The cameraman suffered chest injuries from the stone and shattered glass.

Censorship or Content Restrictions: Journalists sometimes practiced self-censorship due to fear of losing their jobs or losing access to government sources, in addition to fear of prosecution and harassment.

## **Internet Freedom**

There was no evidence the government restricted or disrupted access to the internet or censored online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

## **Academic Freedom and Cultural Events**

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

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

The constitution provides for the freedoms of peaceful assembly and association, but some civil society organizations criticized the interim government for using the pretext of the COVID-19 national quarantine to restrict the right of freedom of assembly. The government generally respected the right of freedom of association.

### **Freedom of Peaceful 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. The number of protests sharply increased due to the postponement of the election to October 18. Protesters established roadblocks that impeded highway traffic for nearly two weeks, and counterprotesters clashed with blockaders in many cities. In September parents of public school students in major cities initiated peaceful, targeted protests to demand school breakfasts for their children, which had been halted when schools closed at the start of the national quarantine.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: The law prohibits travel on election days and on census days and restricts foreign and domestic travel for up to three months as a penalty for persons who do not vote.

Foreign Travel: On March 25, the interim government enacted a total quarantine and border closing without prior advance public notice, leaving thousands of citizens working in bordering countries stranded outside their homeland. Many of these migrants had lost jobs or income in bordering countries due to lockdown measures and found themselves left at the border in makeshift quarantine camps for indefinite periods of time.

On April 5, UN High Commissioner for Human Rights Michelle Bachelet cited the example of Bolivians stranded at the border with Chile and noted that in the beginning of the crisis, approximately 1,300 citizens, including pregnant women, elderly persons, and children, were stranded on the Chilean side of the border and forced to sleep in the open in freezing temperatures with little food or water before Bolivian and Chilean officials were able to partially remedy the situation weeks later.

#### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

The interim 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.

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. The country has a legal structure and framework to accommodate those seeking refuge and has a registry of refugees and stateless persons.

The interim government's National Commission on Refugees reported it had reactivated processing of refugee applications and approved 176 cases as of October.

Employment: Refugees have the right to work once authorities grant their residency status but not while waiting on pending applications. International Organization for Migration officials assisted with economic integration programs in coordination with the interim government to support entrepreneurs and small business owners from the Venezuelan community to create and maintain small businesses.

Durable Solutions: Refugee recognition does not entail in itself a path to naturalization. In 2016 the Interior Ministry approved a reduction of fees for the naturalization procedure for recognized refugees. Any refugee who wishes to begin this process must comply with all the general legal requirements. UNHCR reported it knew of no cases in the past three years of refugees who applied for naturalization. On January 28, Marcel Rivas, the director general of migration, approved a resolution allowing Venezuelan minors without identification documents or expired documents to regularize their immigration status with authorities. Immigration authorities set up this special measure in recognition of the difficulty of obtaining updated Venezuelan identity documents by changing the regulations to allow parents to attest to the identity of their children using photocopies of their Venezuelan birth certificates or identity documents, even if they were expired. Immigration contacts estimated that approximately 3,000 Venezuelans were "living on the streets," many of whom were minors. Previously the law required proper entry documents in order to regularize immigration status.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

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

Recent Elections: On October 18, MAS candidate Luis Arce won the election for president with 55 percent of the vote. His closest opponent, Citizen Community candidate Carlos Mesa, won 28.8 percent of the vote. The elections were peaceful, and Mesa conceded soon after the release of the preliminary vote tabulations. International electoral observation missions and domestic electoral observation organizations characterized the elections as free, fair, and transparent. On

November 8, Luis Arce and David Choquehuanca were sworn in as president and vice president, along with the 36 newly elected members of the Senate and 130 members of the Chamber of Deputies.

After negotiations in November 2019 produced the framework for a new electoral process, the Supreme Electoral Tribunal (TSE) set the initial date for general elections on May 3. As the prospects for that date waned due to a national quarantine and COVID-19 fears, in March the TSE, in consultation with political parties and the National Assembly (ALP), postponed the elections from the May 3 date without announcing a date. After the MAS sought to force elections by early August, a timeframe to which the TSE never agreed, on June 2, the TSE again negotiated an agreement with most parties to move the date to September 6. Soon afterward, the scale of the COVID-19 pandemic became more apparent, with the collapse of health-care system's ability to handle patients and several high-profile deaths. On July 23, the TSE announced that it was postponing national elections for the second time to October 18, with a second-round presidential runoff election to be held on November 29, if necessary. Marking a first, the TSE made its decision without the assent of the National Assembly (ALP), asserting its authority to do so as a fourth and coequal branch of government. This decision marked the third time an election date had been set since the annulled, fraudulent election of October 2019.

Despite protests and subsequent blockades from the opposition, legal and electoral experts agreed the TSE acted within its constitutional limits regarding its decision to delay national elections by six weeks due to rising COVID-19 cases. TSE leaders justified their decision to postpone elections to October 18 without obtaining assent from the ALP by citing the 2009 constitution and later electoral laws that establish the electoral body as an independent and coequal branch of government with well defined electoral prerogatives. TSE President Salvador Ignacio Romero Ballivian stated the TSE consulted various epidemiological studies from the Ministry of Health and international health organizations to assess forecasts of the pandemic peaking in September. Romero explained the TSE ultimately decided to push back the election date to minimize public-health risks during the peak of the crisis. Prior to the TSE decision, many civil society groups and the majority of presidential candidates, with the exception of MAS candidate Luis Arce, had called on the TSE to delay the election due to the exponential rise in coronavirus cases and threats to public safety.

Article 12 of the 2009 constitution clearly identifies the TSE as a coequal branch of the state that maintains its independence and separation from the legislative,

judicial, and executive branches. Article 24 of the 2008 Electoral Body Law further delineates the TSE responsibilities to call fixed electoral processes, decide election dates, and approve the respective electoral calendar. Local media reports quoted a number of constitutional and electoral experts who argued the TSE acted within its legal scope of responsibilities to move the election date back based on legitimate public-health concerns. In a press release, the United Nations expressed support for the decision to delay the elections and expressed full confidence “in the professionalism and independence of the Plurinational Electoral Body (OEP).” The UN release also recalled how the TSE members were selected on the individual merits by all the political parties of the ALP and that TSE President Romero was appointed due to his “recognized and impeccable career in electoral matters.”

On August 12, following nearly two weeks of extensive protests and road blockades that paralyzed the country and restricted passage of vital medical supplies during the COVID-19 pandemic, political parties within the ALP reached an agreement giving legal approval for the postponement of elections to October 18. On August 13, interim president Anez signed the bill into law, and the TSE unanimously approved a resolution setting the election date for October 18.

In the face of international condemnation and dwindling public support for the protesters’ activities, MAS leadership began to distance themselves from initial solidarity, calling instead for “reflection” and eventually agreeing in principle on an August 8 election date. Other protest leaders from the Unity Pact initially rejected the MAS position and vowed to continue the protests and blockades. International organizations and humanitarian groups had criticized the protesters for preventing the passage of medical supplies through blockade lines. According to the interim government, these blockades resulted in the deaths of more than 30 COVID-19 patients who perished because trucks carrying life-saving oxygen tanks to hospitals were blocked. Local media also documented numerous acts of violent intimidation perpetrated by the protesters, including kidnapping, physical assault, arson, and vandalism. Despite vows from a small number of social organizations to continue the blockades in spite of the political agreement, overall support for the blockades quickly evaporated, and the majority of roadblocks had been cleared by August 17. Clashes between neighborhood civil groups and the blockaders were reported in the departments of Cochabamba and Santa Cruz during this period.

**Political Parties and Political Participation:** The law prohibits and sanctions the requirement of contributions to a political campaign and states political organizations “may not manage, accept, or receive, directly or indirectly, in whole

or in part, any type of contributions, donations, subsidies, or support that have been provided from persons who had been forced to make the contribution by their superiors or employers, whether in public or private entities.”

On September 7, the Second Constitutional Chamber of La Paz ruled to deny the petition of former president Morales to run as a MAS candidate for the Senate. The ruling ratified the TSE’s February 21 decision to disqualify Morales’ Senate candidature due to his failure to meet the minimum permanent residency requirements from his asylum in Argentina. Following the TSE’s decision, representatives of the former president filed a constitutional protection case to reverse his disqualification. On September 7, the chamber ruled two-to-one against Morales’ constitutional protection petition.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. The law mandates gender parity in the candidate selection process at national, regional, and municipal legislative level.

While women had a substantial amount of representation on the legislative level, occupying 52 percent of legislative seats, they remained significantly underrepresented in executive positions. Candidates for mayor, governor, vice president, and president were not chosen from party lists, and the majority of executive political positions were held by men.

Women participating in politics faced violence and harassment. According to a survey conducted by the Association of Female Mayors and Councilwomen of Bolivia, 59 percent of councilwomen 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.

On April 21, Patricia Arce, a MAS-affiliated mayor of Vinto, who was assaulted by a crowd of men in November 2019, was detained for an alleged breach of the national quarantine after police accused Arce and seven other persons of participating in a party in their private homes. Arce described the detention as a political act. The Association of Female Mayors and Councilwomen of Bolivia denounced the “irregular apprehension” of Arce and demanded an impartial investigation to determine whether excessive force was used during the arrest. On August 7, the Public Prosecutor’s Office presented criminal charges against Arce for making municipal dump trucks available to transfer rocks and debris to block the entrance and exit from an oxygen factory in Cochabamba during the two weeks

of protests and blockades, following the TSE decision to postpone elections until October 18.

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

The law provides criminal penalties for corruption by officials, but the former Morales government and to a lesser extent the transitional government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption: On May 20, authorities arrested Minister of Health Marcelo Navajas Salinas as part of an investigation into claims that the government paid inflated prices for ventilators to treat COVID-19 patients. In addition the state prosecutor announced four other Health Ministry officials had also been detained in relation to the investigation and that officials abroad and intermediaries involved in the purchases would also be investigated. Local newspaper *Pagina Siete* reported the government paid \$4.7 million for 170 ventilators from the Spanish company GPA Innova, despite the contract being worth only \$1.2 million. Press reports noted the steep premium paid for the ventilators, bought at approximately \$27,500 each, were purchased from emergency funds the government received from the Inter-American Development Bank (IDB). The IDB stated it was concerned regarding “possible irregularities in the purchase of the respirators” by the Health Ministry.

In addition to former minister Navajas, lead prosecutor Mejillones stated that former legal director of the Ministry of Health, Fernando Valenzuela; former director of the Agency for Infrastructure in Health and Medical Equipment, Geovanni Pacheco Fiorilo; and the consul of Bolivia in Barcelona, Alberto Pareja, were also charged in the case. Mejillones further reported that a consultant for the IDB who gave “no objection” to the acquisition process was also charged.

On August 17, a judge ordered the former governor of Beni, Alex Ferrier Abidar of the MAS Party, to four months of pretrial detention after being accused of misappropriation of resources, embezzlement, and breach of duties associated with two large public works projects while he was governor. The largest project involved construction of the Trinidad-Loreto highway and alleged construction work that began without proper contract tenders being issued or awards being granted.

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. By law noncompliance results in internal sanctions, including dismissal.

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

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Domestic NGOs and human rights groups reported they had more freedom to publicly report on sensitive problems under the interim government than under the Morales government. The Permanent Assembly of Human Rights (APDHB), an independent human rights organization, had been targeted by the Morales administration for reporting on sensitive topics such as Yungas region coca growers' criticism of MAS and the indigenous communities' Secure National Park and Indigenous Territory struggle against a highway through their protected area. During the interim government period, the APDHB freely reported on politically sensitive topics such as the need for anticorruption measures and the distribution of the International Monetary Fund's COVID-19 financial assistance.

Government Human Rights Bodies: The constitution establishes a human rights ombudsman subject to confirmation by both houses of the Legislative Assembly to serve a six-year term. 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 legislation and recommend modifications to laws and government policies. The ombudsman operated with inadequate resources. Civil society groups and several political figures contended the ombudsman lacked independence from the central government, in part because the MAS supermajority in congress allowed for the position's confirmation without meaningful debate.

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**

#### **Women**

Rape and Domestic Violence: The law establishes penalties of imprisonment for 15 to 20 years for conviction of the rape of an adult (man or woman), but it was not enforced. Conviction of domestic abuse resulting in injury is punishable by three to six years' imprisonment, and the penalty for conviction of serious physical or psychological harm is a five- to 12-year prison sentence. Despite these legal provisions, the NGO Community of Human Rights reported two-thirds of domestic violence cases were closed without action, and the conviction rate of the remaining cases was less than 1 percent.

The law prohibits domestic violence, but it was not enforced. Lack of training on the law and slow judicial processes, among other factors, continued to hinder the law's full implementation, according to the UN Entity on Gender Equality and the Empowerment of Women (UN Women) and human rights groups. Domestic violence was the most frequently committed crime in the country, according to the National Observatory of Public Safety. According to a survey conducted by the local NGO Coordinator of Women, 50 percent of women were victims of a violent crime some time in their lives; two-thirds of these women suffered violence in their own home.

The law criminalizes femicide, the killing of a woman based on her identity as a woman, and conviction stipulates a sentence of 30 years in prison. Activists stated corruption, lack of adequate crime scene investigation, and a dysfunctional judiciary hampered convictions for femicide. According to the Public Ministry, 93 femicides were registered from January to August 24, with La Paz registering the highest number of any department with 30 reported incidents of femicide. The Public Ministry also documented 18,464 cases of violence against women from January to August. Following the publication of the figures, UN Women called for comprehensive actions to eliminate violence against women and full access to justice for all victims. Mercedes Cortez of the justice reform NGO Free Voice Justice Observatory stated the impunity rate for femicides reached 97.8 percent as of August; she called for more financial resources for the judicial system and an increase to the use of specialized prosecutors with experience in prosecuting gender-based violence. Under the interim government, the Ministry of Foreign Affairs held meetings and training sessions with businesswomen and female entrepreneurs with a focus on opening international markets to female business leaders and reducing bureaucratic procedures and obstacles for businesswomen.

According to the special prosecutor in crimes against life and personal integrity, Nuria Gonzales, social isolation due to the national quarantine had led to the increase in femicides, stating the majority of cases occurred in the victims' own

homes. On August 3, lawyers and families of victims demanded modification of Law 1173 Criminal Procedure Abbreviation that allows many alleged attackers to go free after completing their six months of preventive detention that the judge assigned to them.

On August 7, Dayneth Ch. of Cochabamba died in the Viedma hospital after being admitted with blows and burns to 80 percent of her body. Her partner claimed it had been an accident, but autopsy results revealed she had died from blunt force head trauma; her partner was charged with femicide.

Local media reported that in August, seven police officers were implicated in five cases of femicides and other violent acts. In some of these cases, the participation of uniformed police was reported and used as cover-up to provide impunity for their comrades. While senior public officials regretted how the image of police was being tarnished, Minister of Government Arturo Murillo stressed that police training could trigger violent and abusive action in some persons.

On August 11, Betsabe Mara Alcacia was killed by her partner, police lieutenant Adan Boris Mina. Investigations showed that Mina shot, burned, and then dismembered the body of the 24-year-old victim. Mina was captured, tried, convicted, and sentenced to 30 years in prison, but investigators indicated that two or three police officers helped cover up the crime and had yet to be apprehended.

Women's rights organizations reported police units assigned to the Special Force against Violence did not have sufficient resources and frontline officers lacked proper training regarding their investigatory responsibilities. Women's organizations also reported domestic violence victims received poor representation from public defenders and generally abandoned their cases after they languished in the justice system for years. On average it took three years for a domestic violence case to conclude. Once the case was closed, the victim was often responsible for the legal fees. The lack of public services, lengthy judicial process, and financial burden discouraged most women from reporting domestic abuse by their spouses.

The law calls for the construction of women's shelters in each of the country's nine departments. The municipalities of La Paz and Santa Cruz both had temporary shelters for victims of violence and their children. Human rights specialists explained the shelters for domestic violence survivors were not well staffed, did not promise anonymity, and could not provide protection from abusers. Human rights activists described shelters that, due to a lack of financial resources, mixed

populations of many different vulnerabilities, such as juvenile delinquents, human trafficking victims, sexual abuse victims, and minors with mental-health issues.

According to the Public Ministry, during the COVID-19 national quarantine from March 22 to May 31, there were 2,378 cases of domestic violence, 153 cases of sexual abuse, and 124 cases of rape reported, marking a significant increase from 2019. Human rights activists stated the figures represented an undercount from the actual numbers because of the difficulty of reporting these crimes due to movement restrictions and the lack of other housing options for many female spouses during the quarantine.

Sexual Harassment: The law considers sexual harassment a criminal offense for which conviction is punishable by up to eight years' imprisonment. There were no comprehensive reports on the extent of sexual harassment, but observers generally acknowledged it was widespread (see also section 3, Participation of Women and Members of Minority Groups) and that the sexual harassment laws were rarely enforced.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for the same legal status and rights for women as for men, but women generally did not enjoy a social status equal to that of men. While the minimum wage law treats men and women equally, women generally earned less than men for equal work. Additionally, antidiscrimination laws were not uniformly or effectively implemented to protect women from harassment and political violence (see also section 3, Participation of Women and Members of Minority Groups). The government has legal restrictions against women in employment regarding limits on working hours and tasks.

According to a 2015 study by the National Federation of Female Domestic Workers, persons engaged in domestic labor rose to nearly 137,000 workers, of whom 96 percent were women. The study also reported that 40 percent of these workers received a salary below the national minimum and worked without the benefit of a contract and health insurance and other labor rights that come with contract work. A July report by UN Women highlighted the increased vulnerability of domestic workers due to COVID-19, both in terms of economic vulnerability from quarantine measures and nearly immediate wage loss, in addition to health vulnerabilities if they commuted to work.

## Children

Birth Registration: Citizenship is derived both through birth within the country's territory (unless the parents have diplomatic status) and from parents. The 2018 civil registry indicated 78 percent of citizens were registered within one year of their birth and 96 percent by age 12.

Child Abuse: Conviction of rape of a child younger than 14 carries a penalty of 20 to 25 years' imprisonment. The penalty for conviction of consensual sex with an adolescent ages 14 to 18 is two to six years' imprisonment. The Attorney General's Office reported 39 cases of infanticide between January and July. The penal code defines infanticide as the killing of a child younger than 13.

On August 18, a La Paz court sentenced Victor Hugo Ricaldi Zambrana (stepfather of the victim) and Claudia Branez (mother of the victim) to five years in prison for manslaughter for the death of Branez's daughter, who was age five at the time of her death in 2009. She was found dead on a street in the Villa San Antonio area of La Paz. Her mother and stepfather claimed the child threw herself out of a third-floor window, but investigators and forensic evidence appeared to refute the claim. Laboratory reports from the Forensic Research Institute found the presence of semen in the minor's underwear and anal injuries indicating rape. Representatives of the Citizen Network for the Prevention of Infanticide and Crimes against Children also denounced the lenient sentence. Lawyers representing the grandparents stated they would appeal the sentence.

Child, Early, and Forced Marriage: The minimum age for marriage is 14 for girls and 16 for boys. Minors' parents or guardians must approve marriages between adolescents younger than 18.

Sexual Exploitation of Children: Conviction of commercial sexual exploitation of children is punishable with 15- to 20-year prison sentences but remained a serious problem. The law also prohibits child pornography, punishable if convicted with 10- to 15-year sentences.

According to the Public Ministry, during the period of the COVID-19 national quarantine from March 22 to May 31, there were 118 cases of infant or adolescent rape (victims younger than age 14) and 102 cases of statutory rape (victims ages 14-18), marking a dramatic increase from the same time period in 2019.

Displaced Children: UNICEF reported in 2015 (the most recent information available) that 20,000 to 32,000 minors lived in shelters after their parents abandoned them.

Institutionalized Children: Child advocacy organizations reported abuse and negligence in some government-run shelters. The La Paz Department Social Work Service confirmed that of the country's 380 shelters, including centers for abuse victims, orphans, and students, only 30 had government accreditation for meeting minimal standards.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish population numbered fewer than 500. There were no reports of anti-Semitism.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. 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 law also requires communication outlets and government agencies to offer services and publications in sign language and braille. The government did not effectively enforce these provisions.

A national law to protect the rights of persons with disabilities exists, but it lacked full implementation. Official action was rarely taken to investigate, prosecute, and punish those responsible for violence against persons with disabilities.

Architectural and infrastructure barriers prohibited ease of movement in urban areas for individuals with physical disabilities. There were advances, however, in the public transportation sector in the city of La Paz. The city bus and gondola system provided some accommodations for persons with disabilities.

The law stipulates that persons with “serious and severe” disabilities are entitled to government payments of 250 bolivianos (\$37) per month. The law requires both public and private institutions to employ a certain percentage of workers with disabilities.

### **Members of National/Racial/Ethnic Minority Groups**

The 2012 census established the existence of 23,300 Afro-Bolivians. Afro-Bolivians in rural areas experienced the same type of problems and discrimination as indigenous persons who lived in those areas. Afro-Bolivian community leaders reported that employment discrimination was common and that public officials, particularly police, discriminated in the provision of services. Afro-Bolivians also reported the widespread use of discriminatory language. The government made little effort to address such discrimination.

### **Indigenous People**

On June 30, the IACHR reported it opened a process against the state for human rights violations committed during the Morales government against indigenous communities of Isiboro Secure National Park and Indigenous Territory while constructing the San Ignacio de Moxos-Villa Tunari highway. The petition was originally submitted by 64 indigenous communities in 2012 and supported by the Bolivian Forum on Environment and Development and the NGO Earth Rights International two years later. The petition accused the Morales government of taking “decisions and legislative and administrative actions without consulting or obtaining the consent of the indigenous people” and later “taking measures of force and repression against the VIII Indigenous March in the town of Chaparina in 2011.”

An August 20 report by Amnesty International expressed concern for the rights of indigenous communities that were disproportionately affected by the COVID-19 pandemic. A June report from the Ombudsman’s Office warned of a lack of public-health policy to protect indigenous peoples from COVID-19 and a stigmatization and risk for indigenous communities in a situation of voluntary isolation as a means of protection against the COVID-19 virus.

In the 2012 census, approximately 41 percent of the population older than 15 self-identified as indigenous, primarily from the Quechua and Aymara communities.

Indigenous communities were well represented in government and politics, but they continued to bear a disproportionate share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas.

Indigenous lands were not fully demarcated, and land reform remained a central political problem. Historically, some indigenous persons shared lands collectively under the *ayllu* (traditional form of a community) system, which did not receive legal recognition during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of indigenous lands were not completed.

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

The law prohibits discrimination based on sexual orientation and gender identity. The law allows transgender individuals to update their name, gender marker, and photograph to reflect their gender identity on all legal identification cards and birth certificates.

Transgender activists said a majority of the transgender community was forced to turn to sex work because of discrimination in the job market and unwillingness on the part of employers to accept their identity documents and professional licensures. Activists reported police targeted transgender individuals who were sex workers.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced discrimination in the workplace, at school, and when seeking to access government services, especially in the area of health care. Transgender individuals remained particularly vulnerable to abuse and violence. Elderly LGBTI persons faced high rates of discrimination when attempting to access health-care services. There were no legal mechanisms in place to transfer power of attorney to a same-sex partner.

On July 3, the Second Constitutional Chamber of La Paz ruled the national civil registry must register a same-sex couple's relationship as a "free union." The ruling stemmed from an effort by David Aruquipa and Guido Montano, an LGBTI

couple who had been together for more than a decade and tried to register their relationship as a free union in 2018, which would have the same legal effects as a civil marriage per the constitution. After the registry office rejected their application, the couple filed a number of administrative appeals, citing international human rights standards and constitutional nondiscrimination principles. In September 2019 the national civil registry rejected these appeals. On July 3, the Constitutional Chamber struck down the civil registry resolution, declaring the registry had violated the couple's due-process rights. The ruling also highlighted the constitution requires laws and administrative procedures to be interpreted consistent with the principles of nondiscrimination and equality, including on the basis of sexual orientation.

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

Although the law prohibits discrimination against persons with HIV or AIDS, pervasive discrimination persisted. Ministry of Health authorities reported discrimination against persons with HIV or AIDS was most severe in indigenous communities, where the government was also least successful in diagnosing cases.

Activists reported discrimination forced HIV-positive persons to seek medical attention outside the country.

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

Mob violence in lieu of justice was a consequence of an inefficient judicial system, among other factors, according to observers. Supporters of mob violence claimed limited policing and a lack of faith in the justice system to punish criminals justified their actions. Although official statistics did not exist, media reports suggested mob violence in lieu of justice led to 30-40 deaths each year. The government took no formal action to combat acts of mob violence couched as "vigilante justice."

## **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 constitution provides for protection of

general and solidarity strikes and for the right of any working individual to join a union. In May 2019 the Supreme Court ruled to protect the right to strike but stipulated that a strike could not be indefinite. According to legal experts, this was in reaction to health-care workers threatening to strike for an indefinite amount of time. As a result of the ruling, health-care workers may strike but must organize themselves in shifts to avoid putting the general population at risk.

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 that trade unions register as legal entities and obtain 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 citizens by birth. The labor code prohibits most public employees from forming unions, including the military, police, and other public security forces. Some public-sector workers (including teachers, transportation workers, and health-care workers) were legally unionized and actively participated without penalty as members of the Bolivian Workers' Confederation, the country's chief trade union federation.

The National Labor Court handles complaints of antiunion discrimination, but rulings took one year or more to be issued. The court ruled in favor of discharged workers in some cases and required their reinstatement. Union leaders stated problems had often been resolved or were no longer relevant by the time the court ruled. The government did not effectively enforce applicable laws, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

The ineffectiveness of labor courts and the lengthy time to resolve cases and complaints 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 common. Most collective bargaining agreements were restricted to addressing wages.

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

The law prohibits all forms of forced or compulsory labor, yet they remained serious problems. Ministry of Labor officials were not effective in enforcement efforts or provision of services to victims of forced labor. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The ministry held various workshops to educate vulnerable workers of their rights, levied penalties against offending employers, and referred cases of suspected forced labor to the Ministry of Justice for prosecution.

Men, women, and children were victims of sex trafficking and forced labor in domestic service, mining, ranching, and agriculture. Indigenous populations were especially vulnerable to forced labor in the agriculture sector and to deceptive employment opportunities that may amount to forced labor in neighboring countries.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits all of the worst forms of child labor. Ministry of Labor inspectors are responsible for identifying situations of child labor and human trafficking for the purposes of forced child labor. When inspectors suspect such situations, they refer the cases to the municipal offices of the child and adolescent advocate for further investigation in coordination with the Public Prosecutor's Office. 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 sugarcane and Brazil nut harvesting, mining, brick making, hospital cleaning, selling alcoholic beverages, and working after 10 p.m., among other conditions. The municipal offices of the child and adolescent advocate must answer a request for an underage work permit within 72 hours. The Ministry of Labor is responsible for authorizing work activity for adolescents older than 14 who work for a third-party employer. Municipal governments, through their respective offices of the child and adolescent advocates, are 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. The ministry is responsible for identifying such cases through inspections and referring them to the offices of the child and adolescent advocates.

The government did not effectively enforce the law, and penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The number of inspectors was insufficient to deter violations, although Labor Ministry officials stated inspectors conducted investigations throughout the year. Ministry officials did not have statistics on the number of children they had removed from hazardous situations.

The ministry collaborated with the IDB to implement a program that identifies and employs unemployed parents who have children in the workforce. A ministry official stated that while there were varying reasons why children as young as 10 chose to work, one main reason was because their parents could not find steady employment. This program sought to secure jobs for underemployed parents on the condition their children stop working. The ministry also provided the parents' salaries for the first three months to avoid burdening the businesses that provided employment.

Authorities did not provide detailed information on the penalties for violation of child labor laws or the effectiveness of such penalties, nor did courts prosecute individuals for violations of child labor law during the year, although ministry inspectors referred cases for prosecution.

Among the worst forms of child labor were instances of children working in brick production, hospital cleaning, domestic labor, transportation, and vending at night. In the agricultural sector, forced child labor was present in the production of Brazil nuts/chestnuts and sugarcane. Children were also subjected to hazardous work activities in the mining industry, as well as sex trafficking and other forms of commercial sexual exploitation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

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

Labor laws and regulations prohibit discrimination with respect to employment and occupation based on race, sex, gender, disability, religion, political opinion, national origin or citizenship, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. Penalties were not commensurate to laws related to civil rights, such as election interference. The government did not effectively enforce the law in all sectors, and discrimination with respect to employment and occupation occurred. Women in office and female

politicians faced high levels of political violence and harassment. Civil society leaders reported credible instances of employment discrimination against indigenous peoples, women, Afro-Bolivians, persons with disabilities, and members of the LGBTI community. Employers charged with discriminatory practices must offer affected employees restitution, but no cases were reported.

Women in the informal sector were not protected by formal-sector labor laws, which afford maternity benefits, breast-feeding hours, permission to work fewer hours, and more holidays than their male counterparts. Critics contended these laws encouraged companies to give preference to men in hiring.

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

The monthly minimum wage was greater than the government's official poverty income. The World Bank estimated that for fiscal year 2018, 35 percent of the population lived below the poverty line.

The law establishes a maximum workweek of 48 hours and limits the workday to eight hours for men. The law sets a 40-hour workweek for women, prohibits women from working at night, mandates rest periods, and requires premium pay for work beyond a standard workweek. The law stipulates a minimum of 15 days of annual leave. Penalties were not commensurate with those for similar crimes, such as fraud. The Ministry of Labor sets occupational health and safety (OSH) standards and monitors compliance. The law mandates that the standards apply uniformly to all industries and sectors. The interim government did not effectively enforce the law.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for the protection of workers' health and safety, but penalties for violations of OSH laws were not commensurate with those for crimes such as negligence. The number of inspectors was insufficient to provide effective workplace inspection. Ministry officials confirmed that labor inspection teams had been severely limited by COVID-19 and the ensuing restrictions that began in March. The Municipal Offices of Children and Adolescents also completely closed during the quarantine, so prosecutions against child labor offenders largely stopped until COVID-19 movement restrictions eased in September. Five mobile labor inspection teams resumed activities in late September, averaging 20 inspections per week. The ministry intended to have 24 total mobile inspection teams in operation in the coming months. While the number of labor inspectors dropped from 102 to 71, all

were trained in identifying child labor and trafficking cases, although they also performed routine labor inspections.

A national tripartite committee of business, labor, and government representatives is responsible for monitoring and improving OSH 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 if the offices were effective in regulating working conditions.

The law prohibits dismissing employees for removing themselves from work conditions they deem hazardous and provides for the Ministry of Labor to mandate they be rehired following an inspection.

Workers in informal part-time and hourly jobs did not have labor protections. Many companies and businesses preferred workers hired on an hourly or part-time basis to avoid paying required maternity and pension benefits. According to labor law experts, the informal sector comprised approximately 65 to 75 percent of the economy. They claimed labor regulations meant to protect employees actually promoted the large informal sector because the regulations reportedly resulted in employers not hiring full-time employees due to the higher costs their employment entailed.

Civil society leaders and media reported Chinese companies employed workers in substandard conditions. NGOs documented the growing role of Chinese companies, which expanded their presence in the mining, hydrocarbon, and infrastructure sectors during the prior 10 years. There were also allegations that Chinese companies brought in Chinese prisoners to work in the country in exchange for their eventual freedom.

A July 2019 report by the Bolivian Center for Study of Labor and Agrarian Development (CEDLA) analyzed labor complaints against Chinese companies from 2015 to 2019 and denounced the “deplorable behavior of Chinese companies and their impact on the exercise of labor rights and the quality of work.” The report stated the most recurrent complaints against Chinese companies included physical or mental mistreatment, lack of industrial safety (uniforms and job tools), and lack of social security (medical insurance). Chinese state-owned hydropower and construction company Sinohydro was the worst offender, with 153 formal worker complaints during this five-year period. The Sinohydro-led construction of the Ivirgarzama-Ichilo highway (Santa Cruz to Cochabama Departments) completed in 2018 accounted for almost half of the total complaints. During four

years of work, the project led to 53 labor complaints, seven worker strikes, one hunger strike, and seven conflicts between workers and managers.

The 2019 CEDLA report, which analyzed official data and complaints from various state entities, including the Bolivian Highway Administration; Ministry of Public Works; the Ministry of Labor, Employment, and Social Welfare; and the Ombudsman's Office, also highlighted the record of the China Railway Construction Corporation, with 87 complaints from the project building the highway from Rurrenabaque to Riberalta, which was the most "conflicted project" in the entire country. The report described a series of unfair labor practices, including forcing workers to sign unfair contracts with clauses stipulating that they would be fired if they complained to the press. Since 2015 there were 39 recorded strikes against Chinese companies, and of the 17 strikes against Sinohydro, the company declared six of them "illegal," despite the fact that only the Ministry of Labor has the right to determine the legality of strikes. In addition to the labor rights complaints, the report detailed several persistent environmental complaints, including the contamination of rivers, deforestation, illegal hunting and extermination of jaguars, and trafficking in jaguar fangs.