

BOLIVIA: Tier 3

The Government of Bolivia does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts to do so compared to the previous reporting period. Although Bolivia meets the criteria for Tier 2 Watch List, because it has been on Tier 2 Watch List for four consecutive years, it is no longer eligible for that ranking and was therefore downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including expanding public awareness campaigns at the national and sub-national levels, opening a shelter for female victims of violence in Santa Cruz, and starting to implement binational agreements to combat human trafficking, such as by creating monitoring stations on the Chilean border. However, authorities did not report investigating, prosecuting, or convicting trafficking crimes, nor did authorities report proactively identifying victims and referring them to services. Officials did not have adequate resources or training to investigate, prosecute, and convict human trafficking crimes, and protection services for victims remained limited. The government did not report any new developments in investigations of alleged official complicity. The government did not sufficiently fund the anti-trafficking national action plan.

RECOMMENDATIONS FOR BOLIVIA

Investigate, prosecute, and convict traffickers, including complicit officials; provide adequate resources to law enforcement agencies to conduct anti-trafficking operations; amend the anti-trafficking law to bring the definition of trafficking in line with the definition of trafficking under international law; train police, prosecutors, judges, and social workers on a victim-centered approach to investigations and prosecutions; increase availability for specialized victim services; implement established protocols for the proactive identification of trafficking victims among vulnerable populations, and for the referral of victims to care services; devote resources to implement the 2016-2020 national action plan; strengthen engagement and coordination with civil society on technical, budgetary, and policy matters related to trafficking; and improve data collection and sharing on anti-trafficking efforts, distinguishing human trafficking from other crimes.

PROSECUTION

The government maintained inadequate law enforcement efforts. Law 263 of 2012—the Comprehensive Law against Trafficking and Smuggling of Persons—criminalized labor and sex trafficking and prescribed penalties of 10 to 15 years imprisonment for adult trafficking and 15 to 20 years imprisonment for child

trafficking. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the definition of trafficking under article 281bis of the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, article 322 of the law criminalized all commercial sex acts involving children, thereby addressing this gap. Article 322 prescribed penalties of 8 to 12 years imprisonment, which were also sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes, such as rape. Article 281bis defined trafficking broadly to include illegal adoption without the purpose of exploitation, the sale of organs, and unlawful biomedical research. While Law 263 created separate criminal offenses for trafficking in persons and migrant smuggling, one government agency was responsible for both crimes; that agency often conflated the two crimes in its collection of data and response to perpetrators and potential victims of trafficking.

The government did not report trafficking-specific law enforcement data for the reporting period. The Ministry of Justice reported issuing sentences for 44 cases under Law 263, which included migrant smuggling, illegal adoption, and other non-trafficking crimes, between 2016 and 2017; however, some sources reported there had been only seven human trafficking convictions nationwide since Law 263 was enacted in 2012. In November 2017, sources reported Tarija department police were investigating a forced labor case involving 25 people from the Guarani indigenous group, including eight minors, exploited in the sugarcane harvest. The 2016 investigation and prosecution of an alleged trafficking ring based out of two popular nightclubs located in La Paz and Santa Cruz remained ongoing. In February 2017, authorities arrested two police officers, one municipal official, and a former migration unit police director for trafficking crimes in connection with the 2016 case. In August 2017, police arrested two individuals for attempting to bribe a victim in the case to retract her statement against the owner of the nightclubs. In April 2017, the department attorney general of Cochabamba reported sentencing an individual who exploited a minor in commercial sex to nine years imprisonment after he was convicted for “pimping.” Some police and prosecutors charged trafficking cases as non-trafficking crimes, such as pimping; this was sometimes due to a belief that trafficking cases were difficult to prove in court. Authorities also abused law enforcement resources to continue prosecuting two individuals on politically motivated trafficking charges, further bringing into question the veracity of the anti-trafficking data—and the resource constraints—reported by the

government. During the reporting period, sources alleged complicity among law enforcement officials, such as some investigators reportedly stalling investigations and creating obstacles to prosecutors and judges, officers tipping off brothel owners to upcoming raids, and officials accepting bribes in exchange for dropping investigations. For the fifth consecutive year, no information was available regarding any government response to a 2013 report from the ombudsman's office that two police officers allegedly forced female inmates into prostitution.

General backlogs in the judiciary, insufficient resources and personnel, and poor training of law enforcement officials impeded law enforcement efforts. Contacts reported each prosecutor is responsible for 800 to 1,000 cases. The judiciary backlog added pressure on prosecutors to try to resolve cases through alternatives means such as plea deals and reduced crimes, with some sources claiming that alleged traffickers received inadequate sentences. Additionally, law enforcement did not have adequate resources to conduct monitoring to ensure alleged perpetrators remained in country and appeared for trials. Sources reported this lack of pre-trial monitoring, coupled with lax border controls, resulted in a growing number of alleged perpetrators fleeing the country and avoiding prosecution.

In October and November 2017, the government provided technical support to three workshops implemented by an international organization and funded by a foreign donor that trained 101 law enforcement officials, prosecutors, judges, national and departmental anti-trafficking committee members, and civil society members on human trafficking. Authorities provided only brief theoretical training in the police academy without practical in-depth case studies. The La Paz police department's anti-trafficking unit maintained 18 police investigators and other departments' anti-trafficking units allotted three to five investigators. In April 2017, the Bolivian National Police (BNP) reported publishing a 26 page online report detailing the responsibilities of anti-trafficking units; some units used this report. Some new recruits to the anti-trafficking police units reportedly did not receive any orientation or training on human trafficking crimes but rather were tasked to teach themselves about the anti-trafficking law and trafficking investigative techniques on their own time. Police were rotated into new positions every three months to one year, resulting in a cyclical loss of institutional knowledge and impeding specialization in trafficking crimes. Due to resource limitations, anti-trafficking police units relied heavily on collaboration with NGOs to provide resources and intelligence for police operations.

PROTECTION

The government maintained inadequate protection efforts. The government did not report the number of victims it identified or referred to services, though victim service providers reported receiving some sporadic government referrals. The government did not implement the protocol approved in 2014 for identifying trafficking victims during the reporting period. Prostitution was legal in the country and the Ministry of Health administered periodic medical tests to individuals in prostitution, but did not screen for trafficking indicators. As of February 2018, the Ministry of Labor employed six labor inspectors specifically charged with investigating cases of child labor and forced labor and an additional 87 labor inspectors, who had authority to investigate potential forced labor cases if they encountered them during their routine inspections.

The government relied on foreign donors and NGOs to fund and provide most victim services. The government drafted a victim referral protocol but did not approve it by the end of the reporting period. Six out of nine department governments managed temporary shelters for victims of domestic violence; these shelters accepted female trafficking victims but did not provide specialized services. In September 2017, the department of Santa Cruz opened a 70-bed shelter for female victims of violence, including trafficking victims. Law 263 also required the government to provide free access to services for victims, but the government did not provide adequate funding for such services. Due to the small number of shelters, police were often unable to secure safe accommodation for trafficking victims identified in raids and reportedly gave victims money for hotel rooms for a night. The government did not provide any services to adult male victims. The government detained and housed boy trafficking victims with juvenile criminals due to a lack of alternative accommodations.

In December 2017, the BNP announced it would publish a list of “false victims” of trafficking crimes as an effort to prevent false allegations to police. While false claims may be an issue due to lack of public understanding of what trafficking crimes are, publication of such a list could discourage real victims to report crimes or participate in investigations and prosecutions, and inclusion on the list could endanger trafficking victims. Victims may submit a written statement to be presented in court rather than testify in person; the government did not report how many trafficking cases in which this was used. Foreign victims were able to receive a humanitarian visa but the process could take years; victims were unable to work while the application was pending, and victims must initiate a formal case against their alleged trafficker to qualify. The government did not report the number of

humanitarian visas granted to trafficking victims during the reporting period. At the conclusion of criminal trials, victims may initiate civil proceedings to claim damages but the government did not report any civil proceedings for trafficking cases. In July 2017, the government announced it would cover all expenses to repatriate Bolivian victims identified abroad; the government did not report if it provided repatriation services to any victims abroad during the reporting period.

PREVENTION

The government maintained prevention efforts. The Plurinational Council against Human Trafficking and Smuggling coordinated the national governments' anti-trafficking efforts; the Council met once during the reporting period. The government began updating its 2016-2020 national action plan using the 2015-2019 action plan as a guide. At the end of the reporting period, the government had not approved the updated plan or allocated a budget. The Plurinational Council's national policy to implement Law 263 required each department to develop anti-trafficking plans; two of nine departments had developed and began implementing a plan. Two sub-ministerial units were responsible for coordinating anti-trafficking efforts—the Directorate of Trafficking and Smuggling in Persons mandated by Law 263 and the Office of Trafficking in Persons in the Ministry of Justice. Observers noted a lack of interagency coordination, in part due to overlapping mandates. Law 263 mandated creation of a federal registry of employment agencies; however, the government did not report whether the registry had been created and most labor recruitment is informal. During the reporting period, the government signed bilateral cooperation agreements to combat human trafficking with Chile, Argentina, Peru, and Brazil; in October, the government established six monitoring stations on the Bolivia-Chile border to combat human trafficking, migrant smuggling, and drug trafficking.

The government created an observatory of trafficking crimes to collect information on trends, and Law 263 mandated the Plurinational Council submit an annual report to Congress on its work; the council planned to submit its second report in April 2018. The Human Rights Ombudsman's Office launched an awareness campaign to warn vulnerable populations of fraudulent recruitment practices and an awareness campaign at bus stations while several other government ministries launched social media and internet campaigns. The Ministry of Communication spent approximately 114 hours discussing human trafficking and Law 263 on the radio during the reporting period. Several municipal and departmental governments launched public awareness efforts, including the Tarija municipal

government, which developed a school outreach program that deployed 40 specialists to 115 schools; in 2017 the program educated 10,000 students, 1,200 teachers, and 5,000 parents on human trafficking. The Institute for Normalization of Quality, a semi-autonomous government agency, operated a “triple seal” certification program for sugar producers whose final products were certified to be free of child and forced labor, which could reduce the demand for forced labor. Two companies obtained the seal in 2017. The government did not report efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Bolivia is principally a source country for men, women, and children exploited in sex trafficking and forced labor within the country and abroad. To a more limited extent, women from neighboring countries, including Brazil, Colombia, and Paraguay, have been subjected to sex trafficking in Bolivia. Bolivia serves as a transit and destination country for migrants from Africa, Chile, and the Caribbean, some of whom become victims of forced labor and sex trafficking. Rural and poor Bolivians, most of whom are indigenous, and LGBTI youth are particularly vulnerable to sex and labor trafficking. Bolivian women and girls are found in sex trafficking within Bolivia and in neighboring countries such as Argentina, Brazil, Panama, Peru, and Chile. Within the country, Bolivian men, women, and children are found in forced labor in domestic work, mining, ranching, and agriculture. Media report cases of children forced to commit crimes, such as robbery and drug production, and others exploited in forced begging. A significant number of Bolivians are subjected to forced labor in Argentina, Brazil, and Chile in sweatshops, agriculture, domestic work, textile factories, and the informal sector. Traffickers exploit the absence of a national registry of employment agencies to establish or abuse existing informal temporary employment agencies, through which they identify and recruit potential victims.