

# **BOLIVIA 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bolivia is a constitutional, multiparty republic with an elected president and a bicameral legislature. Following October 20 presidential and legislative elections marred by fraud and manipulation, the Electoral Tribunal declared Evo Morales, leader of the Movement Toward Socialism Party (MAS), the winner on October 25. After weeks of protests concerning the election results, on November 10, then president Morales submitted his resignation and fled to Mexico the following day. On November 12, after mass resignations by former ruling-party officials in the line of succession, then second vice president of the Senate Jeanine Anez assumed the presidency on a transitional basis; on the same day, the Constitutional Court endorsed this as a constitutionally sound succession. On November 24, transitional president Anez signed a multipartisan bill outlining a process for future elections that effectively reimposes term limits and bars Morales from participating.

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 military forces, which report to the Ministry of Defense, may be called to help in critical situations. Migration 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.

Then president Morales had invited observers and technical experts from the Organization of American States (OAS) to observe and later audit the October 20 presidential election. The OAS audit team found intentional and malicious manipulation and serious irregularities in the management of the election. The team also found instances of manipulation of electoral computer servers and deficiencies in the chain of custody of vote tally sheets that made it "impossible to validate" the official results. Mass protests that began after the initial election results were announced gradually increased throughout the country, pitting Morales supporters against those demanding a new election. The civic disturbances quickly became violent and disruptive, leading to an estimated 36 deaths, all of which were under investigation for attribution purposes, as well as more than 800 injured, acts of arson, and road closures across the country.

Significant human rights issues included: reports of torture by government officials; harsh and life-threatening prison conditions; arbitrary 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; substantial interference with the rights of peaceful assembly and freedom of association; corruption in all levels of government; trafficking in persons for the purposes of commercial sexual exploitation and forced labor; crimes involving violence targeting lesbian, gay, bisexual, transgender, and intersex persons; and use of child labor. The extent to which these abuses occurred varied under the Morales and Anez administrations.

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 prior to the October 20 elections. In the period immediately following the presidential elections, multiple deaths occurred. On December 18, the Inter-American Commission on Human Rights (IACHR) announced the transitional government had signed an agreement to create a mechanism to support the investigation of acts of violence and human rights violations that took place between September 1 and December 31. Subsequently, a group was created 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. The group was to share the partial and final results of its investigation and recommendations with the government and prepare a final public report of its work. The IACHR was to follow up on the group's final report and recommendations.

Human rights activists, international organizations, and local media specifically asked that the incidents occurring in Sacaba, Cochabamba, on November 15, and at the Senkata fuel plant in the city of El Alto on November 19, be investigated. Initial IACHR reports indicated nine persons were killed in each incident. Local media and human rights groups reported conflicting numbers of fatalities and attributed the violence to different actors. As of December 31, no definitive conclusions regarding either incident had been reached.

Police Second Lieutenant Cristian Casanova Condori was convicted of killing Jonathan Quispe, a student at the Public University of El Alto, during May 2018 protests. On May 31, he was sentenced to five years in prison.

On July 17, four of 16 miners initially accused of the 2016 murder of then vice minister of the interior Rodolfo Illanes were found guilty and sentenced to five years in prison.

### **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.

An antitorture nongovernmental organization (NGO) stated that 20 cases of state torture were received from January to November. NGOs charged that the Ministry of Justice's Service to Prevent Torture failed to consistently denounce torture by police and military personnel, who employed it most 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.

On the weekend of February 10, inmate Omar Chuima Quispe died in the San Pedro Prison in La Paz. Immediately before his death, prison guards placed him in a water well as punishment for not arriving for roll call. The death report issued by the prison warden declared he died after hitting his head during a fall; however, the forensic report stated he died from mechanical suffocation by submersion and head trauma. In interviews with NGOs and media, inmates refused to discuss Quispe's death and explained "there was a pact" to not speak about the incident. An NGO that monitored the conditions of inmates stated this was not unusual. Unlike in

2018, prisoners refrained from reporting abuses due to fear of reprisals from guards; in addition, they believed their reports of abuse did not result in disciplinary consequences for the guards or changes in their condition. There were no reports the prison guards responsible for this incident were punished or reprimanded for their actions.

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.

In August an NGO that advocates for women and transgender persons who worked in the sex trade stated sex workers were sexually or physically abused during encounters with police officers. A 2017 study noted the rights of the sex workers were easy to violate because no specific law protects them, even though prostitution is legal.

### **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: The prison population was more than three times the designed capacity. According to the 2018 *Report on the State of Justice* by the Citizen Platform for Access to Justice and Human Rights, there were 51 prisons with a capacity to hold 5,805 inmates. As of September 2018, there were 19,159 persons in prison. Montero Prison, with a designed capacity of 70 individuals, held 430, including 33 women. The 430 inmates shared three bathrooms. Approximately 80 inmates slept in rotating six-hour shifts in the open-air “patio” portion of the facility. Men and women shared sleeping quarters in some facilities.

Approximately 68 percent of all male prisoners and 74 percent of female prisoners were being held in pretrial (preventive) detention. In Montero Prison, 85 percent of the detainees had yet to be tried. In addition, many prisoners remained incarcerated beyond the maximum sentence allowed for the crime for which they had been convicted.

Women’s prisons operated in La Paz (two), Trinidad, Rurrenabaque, Reyes, Santa Rosa, and Cochabamba. 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 was rampant, they reported a culture of silence that suppressed reporting of gender-based violence due to fear of reprisal. A total of 100 accusations of rape by guards were registered during the first three months of the year in three rural prisons (Rurrenabaque, Reyes, and Santa Rosa). NGO observers estimated this represented a small fraction of the rapes perpetrated by guards in prisons nationwide.

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. Beginning in May 2018, minors ages six and younger were allowed only in women’s prisons. Minors were not allowed to live in male detention centers.

The law sets the juvenile detention age from 14 to 16 and requires that juvenile offenders be held in facilities separate from the general prison population in order to facilitate rehabilitation. Children younger than 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. Corruption exacerbated these problems and hindered their exposure and resolution. Prisoner-on-prisoner violence was endemic. In March 2018 police shot and killed eight inmates during an operation to regain control of Palmasola Prison in Santa Cruz. In June a prisoner advocate stated no guards had been investigated or punished for the deaths of the inmates.

The national budget allocated only eight bolivianos (\$1.17) per day per prisoner for meals. The ability to exercise varied greatly depending on the security situation in the prison. According to some contacts, prisoners could be arbitrarily confined to their cells for a long period of time or placed in solitary confinement without explanation. Prisoners with independent means could purchase a transfer to the

rehabilitation center, a newly built detention facility with better living conditions. One 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 wealth often determined his or her physical security, cell size, visiting privileges, ability to attend court hearings, day-pass eligibility, and place and length of confinement. 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 for collections inside were common. Prison inmates stated guards extorted money for the entry of goods.

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 prison visits by independent nongovernmental observers such as the International Committee of the Red Cross, local NGOs, judges, religious authorities, legislators, and media.

#### **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.

#### **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.

Prior to the resignation of then president Morales on November 10, his administration sometimes used the judicial system for political purposes, taking legal action against several opposition members and critics of the government. Criminal proceedings remained pending against various former government officials. Media reported 40 open cases targeting the mayor of La Paz, Luis Revilla, who was held under house arrest for approximately 30 days and was the subject of a continuing investigation, and 30 cases against Ernesto Suarez, the former prefect of Beni. Multiple cases continued against the governor of Santa Cruz, Ruben Costas; the governor of La Paz, Feliz Patzi; the mayor of El Alto, Soledad Chapeton; former presidents Jorge Tuto Quiroga and Carlos Mesa; the mayor of Tarija, Rodrigo Paz; and the leader of the National Unity opposition party, Samuel Doria Medina. In addition, in January 2018 the government opened an investigation of Soledad Chapeton for mishandling municipal land that was transferred to the private sector by the then mayor of El Alto in 1990 (at that time Chapeton was 10 years old). As of November no formal charges had been registered against Chapeton.

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. According to the 2018 *Report on the State of Justice*, 68 percent of male prisoners and 74 percent of female prisoners accused of a crime were being held under preventive detention. Some NGOs estimated 85 percent were in preventive 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 in the Morales administration 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.

In early December the court president Patricia Pacajes involved in the case of physician Jhiery Fernandez was convicted of breach of duty. Fernandez was detained in December 2014 for the alleged rape and death of "baby Alexander," who died in November 2014 while at the hospital where Fernandez was on duty. In March 2018, after nearly four years of preventive detention, during which Fernandez was tortured by prison guards, a court convicted him of rape, homicide, and failure to perform medical duties and sentenced him to 20 years' imprisonment. The president of the court, Patricia Pacajes, admitted in secretly recorded audio, however, that she had known Fernandez was innocent but convicted him to cover up a mistake made by the forensic doctor, Angela Mora. In September 2018 Pacajes was dismissed from her duties as a judge, and in October 2018 the Court of Anticorruption and Violence ordered Pacajes held in preventive

detention for breach of duty. In October 2018 Fernandez was released from prison and placed under house arrest. In November 2018 a court declared Fernandez was no longer under arrest and his movement was not restricted. The court simultaneously stated the prosecutors and judges, including court president Pacajes, involved in the case were corrupt; in early December an anticorruption court convicted her of breach of duty and sentenced her to three years and five months in jail. Fernandez was to undergo a process to have his initial sentence annulled, but according to legal experts, this process could take several years.

The judiciary faced numerous administrative and budgetary problems. NGOs asserted that the funds budgeted for the judiciary were insufficient to assure equal and efficient justice and that the reliance on underfunded, overburdened public prosecutors had led to serious judicial backlogs. As a result, justice officials were vulnerable to bribery and corruption, according to credible observers, including legal experts.

### **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.

Corruption, influence by other branches of government, and insufficient judicial coverage undermined these constitutional rights.

### **Political Prisoners and Detainees**

On November 14, following the resignation of President Morales, Franklin Gutierrez, leader of a coca growers association opposed to the Morales government, was released from prison, but the legal status of his case was unclear. In August 2018, following the shooting death of police lieutenant Daynor Sandoval during a skirmish with coca growers, police arrested Gutierrez and placed him in preventive detention. The Prosecutor's Office charged Gutierrez with five crimes--murder, attempted murder, attacks against public services, attacks against

transportation services, and unlawful possession of arms--although numerous observers argued there was little evidence to support the charges, and prosecutors reportedly never presented any such evidence. Human rights activists and civil society leaders alleged Gutierrez was a political prisoner and had been detained without due process or cause.

### **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 Morales government and its allies carried out reprisals against media outlets that expressed dissenting opinions. The Morales administration's actions to curb criticism created a climate of hostility towards independent journalists and media and resulted in self-censorship of many news sources. 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 Expression: Prior to the resignation of then president Morales on November 10, the Morales government continued to denounce press critics and independent media sources. In February 2018 Marcelo Miralles Iporre, president of the National Press Association, told the Inter-American Commission on Human Rights that the country suffered from "censorship caused by state publicity, law, the financial asphyxiation of the media, and intolerance of those with critical points

of view.” He said these factors put at risk “freedom of the press and expression, and democracy.”

On September 11, multiple news sources reported that under the Morales administration, the Supreme Electoral Tribunal (TSE) threatened to sanction the Higher University of San Andres (UMSA) and a civil society group, Jubileo Foundation, for publishing what it deemed an “invalid” opinion poll that showed President Evo Morales much weaker than previously believed ahead of the October 20 general election. The TSE made technical and legal observations of the survey and used this argument to prohibit the dissemination of the opinion poll. Civil society groups and UMSA, however, argued all legal, technical, and operational requirements to conduct the national survey were followed. Despite this argument, the TSE stated the study could not be disseminated.

In a May report, UNITAS, a local organization dedicated to human rights, identified 88 violations of the freedom of expression from March 2018 to February. The violations included self-censorship, “stigmatization” of journalists, false accusations of criminal conduct against journalists, restrictions on access to public information, discrimination by the government, and censorship.

On November 14, Minister of Communication Roxana Lizarraga publicly warned “she will act according to law” against “journalists or pseudo-journalists who are committing sedition.” National journalists and the IACHR criticized Lizarraga’s statement as a threat against journalistic freedom and freedom of the press.

On December 10, under the transitional government, famed cartoonist Al Azar resigned from the local daily newspaper *La Razon*. Commentators described Al Azar’s resignation as “part of a systematic harassment of press freedom” due to online harassment from undisclosed origins that led to what they described as “self-censorship.” *La Razon* announced the cartoonist had communicated to the newspaper’s leadership that “due to the siege he had experienced in the last few weeks due to his political cartoons...he could not continue his creative work in our editorial pages.”

Press and Media, Including Online Media: According to the Inter American Press Association, prior to the resignation of then president Morales on November 10, the Morales administration regularly attempted to disqualify the independent press by claiming it acted on behalf of the political opposition and spread “fake news” to generate social tension. 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.

Journalists faced threats to their work. In November 2018 the National Press Association of Bolivia (ANP) expressed concern regarding reports of police surveillance of journalists' online activity, noting such surveillance put journalists at risk and severely limited their ability to investigate and report the news freely and accurately.

Prior to the resignation of then president Morales on November 10, media outlets alleged his government pressured news organizations to report favorably on government policies and retaliated against news organizations that did not comply. The 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. Government entities such as the National Tax Service, National Delivery Service, Business Authority, Telecommunications and Transport Regulation and Control Authority, Gaming Control Authority, Departmental Labor Directorates, and Vice Ministry for Communication Policies, which is responsible for monitoring free advertising, carried out inspections and applied fines many observers claimed were unwarranted. The ANP expressed concern that the government attacked independent news outlets and attempted to "economically suffocate" media entities that did not cater to the government. The allocation of official advertising often excluded media that questioned the actions of government, to the extent that some media fired investigative journalists due to fear of losing official advertising.

Violence and Harassment: As of September the ANP identified 92 cases of restrictions on freedom of the press, 61 of which were perpetrated by the Morales administration or targeted media critical of the Morales government. On October 31, the ANP reported 15 direct attacks against journalists immediately following the presidential election on October 20.

There were attacks and intimidation by local populace against reporters and media perceived critical of the Morales administration. On August 19, journalists were attacked by a group of persons in Cochabamba who were angry with the "unflattering" coverage the journalists gave to the Morales administration. In response to reports that groups loyal to the Morales government outside of city centers were attacking and harassing journalists, the ANP called for rural populations to "respect the work of journalists."

During the Morales administration, the websites of the newspapers *Sol de Pando*, *Agencia de Noticias Fides*, *La Razon*, and *Pagina Siete*, which sometimes published articles critical of the Morales administration, were rendered unavailable by cyberattacks executed by unknown actors.

Censorship or Content Restrictions: Prior to the resignation of then president Morales on November 10, his government censored journalists, and journalists practiced self-censorship due to fear of losing their jobs or losing access to government sources, in addition to fear of prosecution and harassment. Human rights organizations reported many reporters were dismissed for reporting on controversial topics that conflicted with the Morales administration.

### **Internet Freedom**

There was no evidence the government restricted or disrupted access to the internet or censored online content. Prior to the resignation of then president Morales on November 10, however, government employees faced reprisal for expressing support for initiatives, ideas, and events critical of the MAS administration online and on social media. Reprisals included termination of employment.

The number of fake accounts on social media such as Facebook and Twitter continued to increase throughout the year, both in favor of and against the Morales government. Many of the accounts criticized social media posts made by opposition leaders while expressing support for content produced by the Morales administration. Morales officials openly admitted to funding “cyberwarriors” who targeted opposition leaders on social media through fake accounts.

NGOs expressed concern regarding the July 2018 Digital Citizenship Law. The law allows for the massive collection of personal data and permits public institutions--and private entities that provide public services--to share data and information on individuals. The law provides few safeguards against the misuse of data by public officials and little clarity regarding complaint mechanisms for affected persons.

### **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 prior to the resignation of then president Morales on November 10, civil society groups, in particular but not limited to those critical of the government, faced harassment from Morales government officials.

### **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 after the October 20 presidential and legislative election, which was marred by fraud and manipulation.

On October 31, the MAS-supporting organization Ponchos Rojos attacked doctors protesting outside the Hospital Obrero in La Paz with rocks and bats. According to a National Insurance Fund report, 15 persons were injured in the skirmish. That evening, following the La Paz anti-Morales rally, mostly young protesters attempted to enter Plaza Murillo, La Paz's main government square home to the Legislative Assembly, Ministry of Foreign Affairs, and former presidential palace, where they confronted thousands of MAS-supporting miners. Police used tear gas and water cannons to disperse the crowd.

Following Morales' resignation on November 10, Morales opponents filled the streets of La Paz in jubilation, with some groups ransacking and vandalizing houses of MAS-affiliated individuals. As the evening went on, however, MAS supporters took to the streets of La Paz and responded with their own vandalizing and looting. According to human rights activists and media reports, the homes of six persons whom MAS supporters identified as prominently aligned with the opposition were burned.

### **Freedom of Association**

The constitution provides for freedom of association, but the government did not consistently respect this right. Prior to the resignation of then president Morales on November 10, NGOs continued to be targets of government officials, including

then president Morales, then vice president Alvaro Garcia Linera, and Morales government ministers, if they operated in a manner perceived as adversarial to the government. Some NGOs alleged government registration mechanisms were purposefully stringent in order to deter an active civil society.

Following both the country's first-ever presidential primaries on January 27 and the presidential elections on October 20, some government officials reported that on the day following the elections their superiors demanded they present evidence to show they voted for the Evo-Alvaro ticket. Evidence they were asked to present included photographs of their ballot showing they voted for Evo Morales, the address of the polling place where they allegedly voted, and a certificate of the TSE that proved they had voted.

On April 16, media outlets reported Colonel David Flores was discharged from the police force for appearing in uniform in a short video released in 2018 that defended the 21F movement, which opposed Morales' candidacy for president and rejected the Constitutional Court's 2017 ruling that effectively invalidated the constitution's presidential term limits.

### **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. A number of politicians opposed to the Morales administration with legal cases against them were prohibited from leaving the country and were required to turn in their passports.

### **e. Internally Displaced Persons**

Not applicable.

## **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: On March 17, police and immigration officials detained 14 Venezuelan migrants (three women and 11 men) from a migrant shelter in La Paz for having participated in a peaceful demonstration against human rights violations in Venezuela on March 15. According to migrant advocates and media reports, the officers took the migrants to the immigration office and accused them of “conspiracy” and “political activities in exchange for money.” On that same day, five of the migrants were deported; the remaining nine, who had requested asylum, were released. Five of the remaining migrants subsequently fled to Peru due to fear of further abuse. According to Amnesty International, those released feared more repression and arbitrary deportation.

Prior to the resignation of then president Morales on November 10, the Morales administration did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. On December 13, under the transitional government, Foreign Minister Karen Longaric announced the country would provide refugee status to Venezuelan migrants. She explained the majority of Venezuelans were in Bolivia under an irregular status or with temporary permits due to the Morales administration’s regulations. With the financial backing of UNHCR, she announced the status of Venezuelans in the country would be changed to refugee status and future Venezuelan migrants would be admitted as refugees.

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. Despite these provisions, as of October the Morales administration had not given Venezuelan migrants asylum or refugee status. According to human rights and migrant advocates, no humanitarian visas were given to Venezuelan migrants from January to November. On December 13, the transitional government announced it would begin granting refugee status to Venezuelan migrants.

Employment: Refugees have the right to work once authorities grant their residency status but not while waiting on pending applications.

Durable Solutions: By law refugees have a path to naturalization, and the government assumes 90 percent of the fees associated with this process. The Morales government did not recognize Venezuelans as refugees or acknowledge the refugee crisis. As a result, as of November no Venezuelans had been granted access to the benefits of this process.

### **g. Stateless Persons**

Not applicable.

## **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 January 27, the country held its first-ever presidential primary elections. In September 2018 the Legislative Assembly passed the Law of Political Organizations with provisions that included implementation of the primaries for the 2019 election cycle, despite the very limited time to prepare for the new election process. The primaries were thus widely seen by media and civil society as a political tactic by the MAS to legitimize Morales' unconstitutional bid for another presidential term. The MAS and eight opposition parties participated, with each presenting only one ticket for a presidential and vice-presidential candidate. Each ticket needed to receive only one valid vote to qualify for the October presidential election, making the primary elections more symbolic than politically competitive. Voting was not mandatory (unlike in the general elections), and only registered party members could participate. Reported results from the TSE revealed that approximately 36 percent of registered MAS voters participated, with approximately one-tenth of those casting either a blank or spoiled ballot, both of which are traditional means to demonstrate a protest vote.

On October 20, the country held presidential elections. Protests immediately began following President Evo Morales' alleged first-round victory. On the night of the election, the TSE stopped the preliminary vote count without an official explanation, causing widespread suspicion of its manipulation. When the count was restarted a day later, it showed a larger gap between Morales and former president Carlos Mesa, the nearest runner-up, which the OAS observation mission

called “inexplicable.” The TSE formally declared Morales the victor on October 25, announcing he had barely exceeded the 10-point margin over Mesa, needed to avoid a second-round runoff.

Protests continued after the October 25 victory announcement amid allegations of fraud and became more disruptive with road closures across the country, an estimated 36 persons killed, and more than 800 injured as a result of the civil unrest. Protests were predominant in the city of Santa Cruz, the traditional center of opposition to Morales, but also in other areas such as Sucre, Potosi, Tarija, and La Paz.

On October 29, the Morales government announced an agreement with the OAS on an official binding audit of the electoral process. Although leading opposition candidate Carlos Mesa had originally endorsed the idea, he subsequently joined the ranks of the Santa Cruz Civic Committee and other civil society groups calling for an outright annulment of the elections.

On November 8, the central police command in Cochabamba announced it would no longer accept orders to suppress protesters. Police units throughout the country followed suit in the ensuing 36 hours.

Early in the morning of November 10, the OAS audit team released its initial report, in which the OAS team recommended that “the first round of elections held October 20 must be annulled and the electoral process must begin again,” and that “a new composition of the electoral body” should be established. The report highlighted many irregularities on election day and in the postelection period, such as “a clear manipulation” of the preliminary vote count, tally sheets physically altered by MAS officials, and manipulation of the electoral systems. It also concluded it was “statistically unlikely” Morales had obtained the necessary 10 percent difference needed to preclude a runoff election. Following the release of the preliminary OAS report, numerous MAS government officials resigned, including six ministers, multiple MAS governors, several MAS senators and mayors, and the vice foreign minister. By mid-day the Bolivian Workers’ Confederation, the largest trade union federation in the country and stalwart ally of then president Morales, publicly encouraged him to resign “to pacify the country.” Thereafter the then chief of the armed forces, General Williams Kaliman, and the then chief of police, Vladimir Yuri Calderon, issued separate statements declaring security forces would “stand with the people” and recommended that Morales resign. President Morales announced his resignation late in the afternoon on November 10 in a press conference from Chimore, Cochabamba. One day later,

on the evening of November 11, Morales tweeted he was en route to Mexico, thanked that country for granting him asylum, and vowed to return to Bolivia.

In view of the resignations of Morales, the then vice president Alvaro Garcia Linera, the president of the Senate Adriana Salvatierra, the first vice president of the Senate Ruben Medinacelli, and the president of the Chamber of Deputies Victor Borda, the Senate affirmed then second vice president of the Senate Jeanine Anez as transitional president on November 12. The Constitutional Tribunal affirmed the constitutionality of the presidential succession through a public statement on the same day.

Previously, in 2016, the government had held a referendum to allow then president Morales to seek a fourth term in office. Citizens voted the measure down in a process that international observers deemed mostly fair and free. In 2017 the Plurinational Constitutional Tribunal struck down the constitution's ban on term limits, in a controversial ruling that declared term limits violate an article of the American Convention on Human Rights that provides for a right to political participation. In December 2018 the TSE approved Morales' petition to run for a fourth consecutive term in 2019.

Political Parties and Political Participation: There were credible reports the MAS party required government officials to profess party loyalty to the government or register formally as party members to obtain/retain employment or access to other government services. On February 25, media reported the MAS was requiring government officials affiliated with the party to donate 10 percent of their salary to the presidential campaign. 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 proven from persons who had been forced to make the contribution by their superiors or employers, whether in public or private entities.” Media also reported that civil servants anonymously said they were obligated by their MAS-related supervisors to attend MAS rallies in support of then president Morales.

Participation of Women and Minorities: No laws limit participation of women or members of minorities 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, with 85 of 175 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 remained male dominated.

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. Research conducted by the University of San Andres and published on April 17 indicated that 75 percent of women legislators had been victims of harassment and political violence. According to the Association of Female Mayors and Councilwomen, from January to June 2018, there were 70 reported cases of political harassment against female politicians.

On November 6, Patricia Arce, a MAS-affiliated mayor of Vinto, a small town in the central part of the country, was assaulted by a crowd of men. The men specifically targeted Arce because of her political position and previous affiliation with then president Morales. The men beat Arce until she became unconscious. Once she regained consciousness, the men removed her shoes and forced her to walk barefoot over glass and stones for several miles through the town as a “walk of shame.” During the walk, individuals tore at her clothing, groped her body and breasts, forcefully cut off her hair--at one point cutting off pieces of her scalp--and doused her with red paint, gasoline, and urine. The crowd recorded the incident on social media and ordered her to resign and speak critically of then president Morales. Several hours after the attack began, unidentified men retrieved Arce from the crowd and took her to police, who helped her find medical care. She was forced to go into hiding for her safety for several weeks after the attack.

The 2018 Law of Political Organizations provides political organizations with the authority to punish political harassment. By law each political party must have a member whose duty is to promote parity and follow up on complaints of harassment and political violence with appropriate sanctions.

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

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

Corruption: On January 8, Judge Claudia Castro Dorado called for the mayor of Alto Beni, Abraham Balboa Ticona, a MAS member, to be held in preventive detention while the Prosecutor's Office investigated a complaint filed by a councilman from the municipality of Alto Beni. The complaint accused the mayor of a breach of duties and economic damages to the municipality for the installation to two sewage systems that did not function. Media outlets characterized these alleged actions as corruption. Ticona was subsequently released from prison and resumed his duties as mayor; the investigation continued, according to media.

During the transitional government, on November 18, the mayor of Cochabamba, Jose Maria Leyes, was released from preventive detention to await trial, which had been suspended on multiple occasions. In April 2018 Leyes was placed under house arrest and suspended from his official duties after being accused by authorities of failure to fulfill duties as a public representative, misuse of influence, engaging in contracts harmful to the state, taking part in negotiations incompatible with public office, and unethical economic conduct for the purchase of *mochilas* (backpacks) at a significant price increase. Media representatives and civil society leaders identified these accusations as corruption charges and colloquially named this case "Mochilas I." The Office of Transparency and the Fight Against Corruption filed a second criminal complaint, known as "Mochilas II," in April 2018 alleging Leyes used the same modus operandi and irregular bidding practice to acquire backpacks in 2017. After a hearing overseen by the Anticorruption Tribunal for Mochilas I and II in November 2018, attending judge Gonzales determined Leyes was a flight risk and ordered him held in pretrial detention. Subsequently, in December 2018 the comptroller general opened a third case, known as "Mochilas III," with nearly identical charges for the purchase of backpacks in 2016. Some media reports alleged that prior to the resignation of President Morales on November 10, the judicial system was processing corruption cases involving members of the political opposition such as this one much more quickly than cases involving MAS leadership. Leyes was suspended from office and brought to court within hours of being accused of corruption, whereas cases involving MAS authorities often took years to proceed.

Police corruption remained a significant problem, partially due to low salaries and lack of training. The Ministry of Anticorruption and Transparency and the Prosecutor's Office are responsible for combating corruption, but most corrupt

officials operated with impunity. According to a report released on June 10 by the Department of Inspection and Control of Disciplinary Cases of the Institution of Order, in the last five years, 180 police officers cited in criminal proceedings were reinstated after their cases were closed. Of the 180 officers, 84 were involved in drug trafficking and corruption cases. Since 2006 at least 12 former police chiefs had been prosecuted for corruption, drug trafficking, and breach of duty, but as of September none had received a sentence.

Cases involving allegations of corruption against the president and vice president require congressional approval before prosecutors may initiate legal proceedings. The Morales government ignored court rulings that found unconstitutional the awarding of immunity for corruption charges.

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. NGOs and human rights groups working on problems deemed sensitive by the Morales government were subject to verbal attacks, tax investigations, and criticism by then president Morales and his administration.

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. Prior to the resignation of then president Morales on November 10, 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 the rape of an adult (man or woman). Domestic abuse resulting in injury is punishable by three to six years' imprisonment, and the penalty for serious physical or psychological harm is a five- to 12-year prison sentence. Despite these legal provisions, 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 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. A 2017 UN Women report affirmed that 92.7 percent of women suffered psychological abuse at some point in their lives.

The law criminalizes femicide, the killing of a woman based on her identity as a woman, with 30 years in prison. Activists said corruption, lack of adequate crime scene investigation, and a dysfunctional judiciary hampered convictions for femicide. According to the Public Ministry and media reports, 114 femicide convictions were registered during the year, and nine sentences for femicide were issued from January to May.

According to the Special Force to Combat Crime (FELCC), on May 18, Ruben Marquez Bautista and Ruben Aravito Chiri, two police officers from Santa Cruz, kidnapped Rigoberta Barrios, killed her by suffocation, and hid her body in a cement-filled barrel. Jhonny Aguilera, director of the FELCC of Santa Cruz, reported Marquez had an 11-month-old daughter with the victim. He stated that

before the woman was killed, she had asked Marquez for financial support for their child.

Women's rights organizations reported police units assigned to the special force 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.

Sexual Harassment: The law considers sexual harassment a civil offense. 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 Minorities).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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 Minorities).

## **Children**

Birth Registration: Citizenship is derived both through birth within the country's territory (unless the parents have diplomatic status) and from parents. The 2015 civil registry--the most recent available--indicated 56 percent of citizens were registered within one year of their birth and 97 percent by age 12.

Child Abuse: Rape of a child younger than 14 carries a penalty of 20 to 25 years' imprisonment. The penalty for consensual sex with an adolescent 14 to 18 years old is two to six years' imprisonment. The Attorney General's Office reported 58 cases of infanticide between January and August 2018. The penal code defines infanticide as the killing of a child younger than 13.

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: 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 with 10- to 15-year sentences.

Displaced Children: UNICEF reported in 2015 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 was substantially expanded during the year and provided accommodations for persons with disabilities.

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

On February 19, Tatiana Moroco, director of the office of the ombudsman in Oruro, reported a three-year-old boy with Down syndrome was abandoned at the San Jose tin and silver mine. Moroco stated her office suspected attempted infanticide and believed the child was going to be sacrificed. On April 12, police apprehended the father of the child and was holding him in pretrial detention on infanticide charges.

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

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**

In the 2012 census, approximately 41 percent of the population older than 15 self-identified as indigenous, primarily from the Quechua and Aymara communities. The Morales government facilitated major advances in the inclusion of indigenous peoples in governmental posts and in society writ large.

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.

In July 2018 the indigenous people of Beni Department stated the government was unlawfully developing land they hold sacred. Persons from Trinidadcito, an indigenous community with 42 families in rural Beni, gave testimony regarding the negative effects of the construction of a road through Isiboro Secure Indigenous Territory and National Park. According to their complaint, the Morales government was promoting policies that would lead to the dispossession of their ancestral lands and failed to respect the constitution.

### **Acts of Violence, Discrimination, 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.

The human rights ombudsman reported in 2017 that the government registered 64 killings of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals in

the previous 10 years. Authorities investigated 14 cases, but the courts had not sentenced anyone for these crimes.

According to activists in the LGBTI community, violence against transgender persons decreased due in part to better community awareness of LGBTI issues. For example, the Santa Cruz police commander regularly received updates from LGBTI activists concerning the violence and social problems the community faced. Moreover, the commander allowed transgender individuals who were incarcerated to be held in areas in accordance with their gender identity.

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. The Bolivian Coalition of LGBT Collectives reported in 2016 that 72 percent of transgender individuals abandoned their secondary school studies due to intense discrimination. 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.

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.

According to human rights activists in Cochabamba, in March when a woman who was raped in a taxi reported the crime, police would not register her case and instead focused on the fact that she identified as a lesbian. According to the victim, she was repeatedly asked about her sexuality and forced to retell her traumatic assault to multiple officers. The victim and the human rights organization believed her case was not taken seriously because she self-identified as a lesbian.

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

Although the law prohibits discrimination against persons with HIV/AIDS, pervasive discrimination persisted. Ministry of Health authorities reported discrimination against persons with HIV/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. Supporters of mob violence claimed limited policing and a lack of faith in the justice system to punish criminals properly 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. On May 29, the Supreme Court ruled to protect the right to strike but caveated 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 this ruling, health-care workers may go on 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 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 government enforced applicable laws, but the enforcement process was often slow due to bureaucratic inefficiency.

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. Government remedies and penalties--including fines and threats of prosecutorial action for businesses that violate labor laws--were often ineffective and insufficient to deter violations for this reason.

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. Labor exploitation, forced labor, and other forms of servitude are punishable with penalties sufficient to deter violations.

The government did not effectively enforce the law in all sectors. Ministry of Labor officials were not effective in enforcement efforts or provision of services to victims of forced labor. 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. Penalties against employers found violating forced labor laws were insufficient to deter violations, in part because they were generally not enforced.

Some doctors participating in Cuba's overseas medical program reported evidence of forced labor, including the withholding of doctors' travel documents and pay, restricting their movement, using "minders" to conduct surveillance of them outside of work, threatening to revoke medical licenses, and retaliating against their family members by imposing criminal penalties, exile, and family separation if they left the program or did not return to Cuba as directed by government supervisors. Authorities did not investigate allegations of forced labor in the

program. In addition, doctors who quit the program reported that Cuban “minders” coerced them to indoctrinate the population into supporting the Morales administration and to falsify records to inflate the number of individuals assisted. On November 14, transitional president Anez announced the Cuban government had agreed to remove 725 official Cuban personnel, many of whom participated in Cuba’s overseas medical program.

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. In February 2018 the Plurinational Constitutional Tribunal declared unconstitutional provisions in the 2014 Child and Adolescent Code that allowed children as young as 10 to work. Then president Morales signed legislation in December 2018 to change the minimum age of work from 10 to 14, in line with international standards and with the 2017 Plurinational Constitutional Tribunal ruling.

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 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. 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 Inter-American Development Bank 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.

The Morales government did not consistently enforce the law in all areas, and child labor remained a serious problem. Government officials admitted instances of child labor violations occurred throughout the country, especially in the mining sector. Officials acknowledged adolescents ages 15-17 were working in the mining sector unregulated, because it was difficult for inspectors to detect these individuals in the mines since they conducted inspections only in the formal sector. In 2018 the government estimated 740,000 children were employed, with 60 percent engaged in "familial work," either in family businesses or alongside their parents, in often hazardous conditions.

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, agriculture, and vending at night. Children were also subjected to sex trafficking and other forms of commercial sexual exploitation. A 2013 study estimated 3,000 to 4,000 children and adolescents worked in the Brazil nut harvest in Beni Department; indigenous groups confirmed a majority of these children were indigenous. Researchers also

found that some children worked in Brazil nut processing factories, including at night.

There was little progress in removing children from mining activities. Media reported minors younger than 14 worked in brick manufacturing in the cities of El Alto and Oruro, and their parents sometimes contracted them to customers who needed help transporting the bricks.

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. The Morales government did not effectively enforce the law in all sectors, and discrimination with respect to employment and occupation occurred. Women in office 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.

UN Women reported in 2017 that women in the informal sector, on average, earned 19 percent less than their male counterparts. 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. According to UN Women, men in the formal sector earned between 1.5 and four times more than women for the same work. Critics contended these laws encouraged companies to give preference to men in hiring.

The former human rights ombudsman for Santa Cruz Department reported many women were fired due to their pregnancies in violation of labor law.

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

The monthly minimum was greater than the government's official poverty income. As of April the World Bank estimated that 36 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 also 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. The Ministry of Labor sets occupational health and safety standards and monitors compliance. The law mandates that the standards apply uniformly to all industries and sectors. The Morales 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 the relevant standards were poorly enforced. The number of inspectors was insufficient to provide effective workplace inspection. The law provides for penalties for noncompliance, but enforcement was not effective, and the fines were insufficient to deter violations. A national tripartite committee of business, labor, and government representatives is responsible for monitoring and improving occupational safety and health standards and enforcement. The Ministry of Labor maintained offices for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions, but it was unclear if the offices were effective in regulating working conditions.

The law prohibits firing 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.

While the Morales government did not keep official statistics, there were reports workers died due to unsafe conditions, particularly in the mining and construction sectors. Labor experts estimated an average of five individuals who worked in construction in La Paz died each year; most were employed by small businesses. There were no significant government efforts to improve occupational safety and health conditions. Working conditions in cooperative-operated mines remained poor. Miners worked with no scheduled rest for long periods in dangerous, unhealthy conditions.

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. On April 21, Yerko Nunez, then a senator of the Democratic Unity Party, reported that one year after the China Railway Construction Company committed to improving the labor conditions of the workers, nothing had changed. He stated workers continued to work in a dangerous environment, were transported in dump trucks, and were often not given food or water.

NGOs documented the growing role of Chinese companies, which expanded their presence in the mining, hydrocarbon, and infrastructure sectors during the prior 10 years. In 2017 the director of CooperAccion, Julia Cuadros, stated a lack of respect for labor laws accompanied this expansion. NGOs noted Chinese companies imported their own workers and typically followed Chinese labor laws, which are less stringent than Bolivian labor laws; the government reportedly permitted flexibility in complying with the national law.